



**MAPS**

Methodology for Assessing  
Procurement Systems

## **Lebanon**

---

# **Assessment of the public procurement system Volume II - Appendices**

Final revised report, December 2020, ver. 8

The World Bank Group



Agence Française de Développement



Government of Lebanon



# Table of Contents

---

Appendix 1 - Letter from World Bank to Minister of Finance, November 1, 2018 .....	1
Appendix 2 - Letter from Minister of Finance to World Bank, November 13, 2018.....	2
Appendix 3 - Letter from World Bank granting support to MAPSII, December 6, 2018 .....	3
Appendix 4 - Nomination of National Focal Point by the Minister of Finance, February 6, 2019.....	5
Appendix 5 - Composition of Assessment Steering Committee and Assessment Team.....	6
Appendix 6 - List of stakeholders consulted .....	8
Appendix 7 - Enterprise Survey Report .....	12
Appendix 8 - Implementation Timetable.....	26
Appendix 9 - Concept Note .....	30
Appendix 10 - Primary and secondary legislation and related documents .....	63
Appendix 11 - Reference documents and useful links.....	75
Appendix 12 - Conformity with assessment criteria, by pillar .....	78
Appendix 13 - Analysis of procurement stakeholders .....	99

## Appendix 1 - Letter from World Bank to Minister of Finance, November 1, 2018



### The World Bank

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

Saroj Kumar Jha  
Regional Director, Middle East Department  
Middle East & North Africa Region

Bourie House 119, 5<sup>th</sup> Floor  
Abdallah Beyhum Street  
Marjfaa, Solidere  
P.O. Box 11-8577  
Beirut, Lebanon

Tel: (961-1) 962900  
Fax: (961-1) 962966  
Email: [sjha1@worldbank.org](mailto:sjha1@worldbank.org)

November 1, 2018

H.E. Ali Hasan El Khalil  
Minister of Finance  
Ministry of Finance  
Beirut, Lebanon  
(Transmission by fax no. 961-1-982189)

#### ***Subject: Public Procurement for Resilience and Sustainable Growth***

Excellency,

I refer to your letter of October 1, 2018, regarding the follow up on the highly successful Forum on *Public Procurement for Resilience and Sustainable Growth*, held on June 26-27, 2018. Your leadership and the Government's commitment to public procurement reform is commendable. As you are aware, a transparent and efficient public procurement system is crucial to improve service delivery and gain citizens' trust in Government. We are pleased to learn that the Institute of Finance (IoF) has been given the mandate to form a multidisciplinary and interinstitutional Expert's Task Force in charge of reviewing the draft Procurement Law, and we welcome your request for the Bank's support on this important task. It is essential that the Task Force be comprised of all relevant stakeholders in the country, in order to ensure the draft Procurement Law is ratified in a timely manner. We stand ready to support the IoF in this task as needed.

While the Strengthening Fiscal Governance Project includes a procurement component to enhance the established public procurement portal to better manage the procurement processing at the Central Tender Board, as well as a review of the standard bidding documents to integrate modern procurement approaches, much needs to be done to modernize the public procurement system in Lebanon. In line with the recommendations included in the report you shared with us, I would like to suggest that a full assessment of Lebanon's procurement system be carried out under your leadership, as a first step. The Bank can support you in applying the Methodology for Assessing Procurement Systems (MAPS II), which is an internationally recognized tool. The MAPS assessment is essential to identify strengths and weaknesses of the system, their relative importance, as well as the major risks and their likely consequences for the efficiency of the system. The assessment can also identify any substantial gaps that negatively impact the quality and performance of the country's procurement system, and prioritize concrete actions to be taken. The MAPS exercise could start with the review of the draft Procurement Law, as this pertains to the first pillar of the assessment, namely the Legal and Regulatory Framework. This would help provide a solid base of support by all stakeholders for the proposed revisions to the draft Law – a necessary ingredient for prompt adoption of the draft Law. Upon a formal request from you, we would be able to confirm Bank funding of the assessment through a Multi Donor Trust Fund.

We look forward to hearing from you on the above and to our continued cooperation in such an important area.

Sincerely yours,

Saroj Kumar Jha  
Regional Director, Middle East Department  
Middle East and North Africa Region

cc. Mr. Merza Hussain Hasan, Executive Director, the World Bank Group  
Ms. Nada Mufarrij, Senior Advisor to the Executive Director, the World Bank Group

Appendix 2 - Letter from Minister of Finance to World Bank, November 13, 2018

---



**REPUBLIC OF LEBANON**  
MINISTRY OF FINANCE

THE MINISTER

3924/51  
13-11-2018

**Mr. Saroj Khumar JHA**  
**Regional Director of the Mashreq Department**  
**The World Bank**

"Dear Mr. Jha,

With reference to your letter of November 1, 2018, this is to request the World Bank's support to the Government of Lebanon in applying the Methodology for Assessing Procurement Systems (MAPS II). Considering the nature of assessment, the government will take ownership in leading the process, including the responsibility of forming an interdisciplinary and inclusive task force with the involvement of all relevant stakeholders. We are proposing mid-November 2018 tentatively for a kick-off meeting with the experts task force and your kind selves subject to your confirmation of Bank's support. I will confirm the venue and timing in due course.

I trust that you will support this important initiative and help us move forward Lebanon's ambitious public procurement reform agenda.

Ali Hassan Khalil  
Minister of Finance



## Appendix 3 - Letter from World Bank granting support to MAPSII, December 6, 2018



**The World Bank**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION  
Saroj Kumar Jha  
Regional Director, Middle East Department  
Middle East & North Africa Region

Bourie House 119, 5<sup>th</sup> Floor  
Abdallah Bayhum Street  
Marfaa, Solidere  
P.O. Box 11-8577  
Beirut, Lebanon

Tel: (961-1) 962900  
Fax: (961-1) 962966  
Email: [sjha1@worldbank.org](mailto:sjha1@worldbank.org)

December 6, 2018

H.E. Ali Hasan El Khalil  
Minister of Finance  
Ministry of Finance  
Beirut, Lebanon  
(Transmission by email: [minister@finance.gov.lb](mailto:minister@finance.gov.lb))

***Subject: Methodology for Assessing Procurement Systems (MAPS II)***

Excellency,

I refer to your letter of November 13, 2018, requesting the World Bank's support to the Government of Lebanon in applying the Methodology for Assessing Procurement Systems (MAPS II). I am pleased to inform you that we have secured funding from a Multi Donor Trust Fund (MDTF) created to support these initiatives. I am also glad to hear that you will be forming an interdisciplinary and inclusive "stakeholders' team" with the involvement of all relevant stakeholders, since this is essential for the success of the assessment.

Once you have determined its composition, I propose that a team of World Bank specialists and expert consultants support and facilitate the work of the "stakeholders' team". As recommended by MAPS, the following categories of stakeholders should be engaged: The Ministry of Finance, including authorities responsible for budgeting/payment/internal controls, the Central Tender Board, Office of the Minister of State for Administrative Reform (OMSAR), the Ministry of Public Health, Ministry of Education and Higher Education, Ministry of Energy and Water, Ministry of Public Works and Transport, Council for Development and Reconstruction, Council of South Lebanon, the Control agencies (Consultative Council of State (Majless El Shora), the Central Inspection Board, Court of Audit, the General Disciplinary Council (Majlis Ta'dibi), the Ministry of State for Anti-Corruption and representatives of the private sector, including the associations of contractors, professional bodies such as the association of engineers, the chamber of industries, civil society and training institutions such as Institute of Finance, and any other relevant stakeholders that you consider pertinent.

We propose the week of January 28, 2019, as a tentative date for the kick-off meeting with the experts' "stakeholders' team" to discuss the objective, scope, team composition, team members' roles, timing, outputs and outcomes of the assessment. We suggest holding the said meeting at the facilities of Ecole Supérieure des Affaires (ESA), with which the Bank has a cooperation agreement.



We would appreciate your kind advice on the composition of the “stakeholders’ team” and on the person (Focal Point) who will take the lead in coordinating and managing the process from the government side and with whom the Bank team will be liaising with.

We look forward to a successful outcome of the MAPS assessment and to our continued cooperation in such an important area.

*Repanda,*

Sincerely yours,

*Saroj Kumar Jha*

Saroj Kumar Jha  
Regional Director, Middle East Department  
Middle East and North Africa Region

cc. Mr. Merza Hussain Hasan, Executive Director, the World Bank Group  
Ms. Nada Mufarrij, Senior Advisor to the Executive Director, the World Bank Group

## Appendix 4 - Nomination of National Focal Point by the Minister of Finance, February 6, 2019



**REPUBLIC OF LEBANON**  
MINISTRY OF FINANCE

THE MINISTER

298/5,  
6-2-2019

Beirut, 2019

**Mr. Saroj Kumar Jha**  
**Regional Director Middle East Department**  
**MENA Region**  
**World Bank**  
**Beirut, Lebanon**

Dear Mr. JHA,

Reference your letter dated December 6, 2018, I would like to express my most sincere appreciation for your high interest to support Lebanon in moving forward into public procurement modernization, through the application of the Methodology for Assessing Procurement Systems (MAPS II), and for securing the necessary funding for this process.

In this regard, I am pleased to designate Ms. Lamia Moubayed Bisat, President of the "Institut des Finances Basil Fuleihan" – Ministry of Finance, as focal point to lead in coordinating and managing the process.

Kindly liaise with Ms. Moubayed directly to follow-up on setting a convenient date for the kick-off meeting, knowing that all meetings concerning this issue shall be held at the premises of the Institute of Finance or the Ministry.

Thanking you for your continued collaboration.

Sincerely,

Minister of Finance

Ali Hassan Khalil



## Appendix 5 - Composition of Assessment Steering Committee and Assessment Team

### Members of Assessment Steering Committee:

Function	Institution	Name	Designation
<b>National Focal Point</b>	Institut des Finances Basil Fuleihan	Lamia MOUBAYED BISSAT	President
<b>Partner organization</b>	World Bank	Luis PRADA	Lead Procurement Specialist
		Sepeher FOTOVAT	Senior Procurement Specialist
		Lina FARES	Senior Procurement Specialist
		Jocelyne JABBOUR	Procurement Analyst
<b>Partner organization</b>	Agence Française de Développement	Michel SAMAHA	Economist & Project Officer- Governance
<b>Representative</b>	Central Inspection Board	Georges ATTIEH	President
<b>Representative</b>	Central Tender Board	Jean ELLIEH	Director General
<b>Representative</b>	Court of Accounts	Zeinab HAMMOUD	Judge
<b>Representative</b>	State Council	Samih MADDAAH	Judge
<b>Representative</b>	Ministry of Defense – Directorate General of Administration	Col. Adm. Fadi NAJM	
		Com. Rashad FAYYAD	
<b>Representative</b>	Lebanese Army	Col. Adm. Georges KHOURY	
		Col. Rami BECHARA	
<b>Representative</b>	Ministry of Public Health	Hussein MUHAIDLI	Legal Advisor
<b>Representative</b>	Ministry of Public Works	Rachid YOUSSEF	Head of Legal Affairs - Directorate general of Administrative Affairs
		Toufic RAHAL	Engineer
<b>Representative</b>	Directorate General of Internal Security Forces	Col. Mohamad SALEH	Head of Equipment Directorate
		Lt. Col. Shadi SERHAL	Head of Buildings Section



<b>Representative</b>	Directorate General of General Security	Lt. Col. Wassim MONZER	Head of Accounting Section
<b>Representative</b>	Directorate General of Local Authorities and Councils	Norma NSEIR	Head of Independent Municipal Fund Department
		Hadi EL DICK	General Controller
<b>Representative</b>	Ministry of Education and Higher Education	Bilal NASSER	Senior Financial Officer
<b>Representative</b>	Office of the Minister of State for Administrative Reform	Youssef SAAD	Head of Procurement Team
<b>Representative</b>	Council for Development and Reconstruction	Ghinwa HADDAD	Head of Procurement Department

**Members of Assessment Team:**

Function	Institution	Name	Designation
<b>Lead</b>	World Bank	Daniel IVARSSON	Lead Expert - Consultant
<b>National Expert</b>	World Bank	Elie NAIM	Local Expert - Consultant
<b>National Coordination Team</b>	Institut des Finances Basil Fuleihan	Rana RIZKALLAH FARES	Senior Procurement Specialist
		Basma ABDUL KHALEK	Economist
<b>National Review Team</b>		Abdel Majid NASSER	Procurement Expert
		Siren Associates Team	

## Appendix 6 - List of stakeholders consulted

### List of stakeholders consulted throughout the assessment:

Institution	Name	Designation
<b>Public administrations</b>		
<b>Presidency of the Republic</b>	Mariette MELHEM	Budget and Finance Department
<b>Presidency of Council of Ministers</b>	Nathalie ISSA EL KHOURY	Head of Joint Affairs with Parliament Dept. (par interim)
<b>Presidency of Council of Ministers - Civil Service Board</b>	Nisrine MACHMOUCHI	Senior Controller
<b>Presidency of Council of Ministers - Higher Council of Discipline</b>	Zana AYOUB	Administrative officer
<b>Ministry of Finance - Directorate General of Finance</b>	Mohamad NAGI	Responsible for payments
<b>Ministry of Finance - Directorate of Budget</b>	Ziad SHEIKH	Expenditure controller
<b>Ministry of Finance - Directorate General of Cadastre and Land Registry</b>	Mona SARIEDDINE	IT Engineer and Management
<b>Ministry of Finance- Directorate General of Customs</b>	Helene AL MAALOUF	Assistant controller
	Rima JOUMAA	Assistant controller
<b>Ministry of Finance - Higher Council of Customs</b>	Basma YAHFOFI	Assistant controller
<b>Ministry of Energy and Water - Directorate General of Oil</b>	Joumana KHAWAND	Acting Chief of Bureau
<b>Ministry of Energy and Water - Directorate General of Oil</b>	Khadije NOUREDDINE	Acting Chief of Service of Economic and Financial Affairs
<b>Ministry of Energy and Water - Directorate of Hydraulic and Electric resources</b>	Mona MANANA	
<b>Ministry of Energy and Water - Directorate of Oil facilities</b>	Hadi AL HOSAMI	Head of commercial department
<b>Ministry of Energy and Water - Lebanese Center for Energy Conservation</b>	Rola TABBARA	Senior administrative coordinator
<b>Ministry of Telecommunications - Directorate of Building and Equipment</b>	Diana BOU GHANEM	Engineer

<b>Ministry of Telecommunications - Directorate of Exploitation &amp; Maintenance</b>	Marwan KRONFOL	General Director's Advisor
<b>Ministry of Telecommunications - Directorate of Post</b>	Jinane MOHASEB	In charge of Postal Zones Department
<b>Ministry of Economy and Trade - Directorate General</b>	Farah AL TAWIL	Inspector- Alternative Liquidator at the Department of Finance
<b>Ministry of Public Health - Secretariat of the Minister</b>	Fatmeh MORTADA	Administrative officer
<b>Ministry of Social Affairs - Directorate General</b>	Ragheda NEHME	Head of Administrative Unit
<b>Autonomous public institutions</b>		
<b>Lebanese University</b>	Mohammad WEHBE	Head of the central procurement committee
<b>Lebanese Petroleum Administration</b>	Gaby DAABOUL	Board member - Head of legal unit
<b>Litani River Authority</b>	Grace AL AMMOURI	Head of procurement department
<b>Regie libanaise des tabacs et tombacs</b>	Wael DERGHAM	Finance Director
	Rami MARHABA	Head of legal and control Department
	Barbara NEMER	Head of purchasing department
<b>Electricité du Liban</b>	Fida LABAKI	Head of procurement department
	Joelle EL FEGALY	Head of supply department
<b>OGERO</b>	Hassan SABBAGH	Head of Procurement and Contracts Department
<b>Lebanese Agricultural Research Institute</b>	Ibrahim ABOU ZEID	Administrative officer
	Georges ABDEL KARIM	Agricultural Technician Assistant
	Marie-Therese ZEIDAN	Responsible of Tenders Office
<b>Higher Council for Privatization and PPP</b>	Tarek DANDASHLI	Legal expert
<b>Council of South</b>	Ali TERHINI	Head of expenditures unit- Accounting department
<b>Economic and Social Council</b>	Elie SAGHBINI	Member of the Council - Representing the audit sector
<b>Green Plan</b>	Valia FARAJ	Civil Engineer
<b>Rafik Hariri Governmental University Hospital</b>	Raymonda MOUSSAED	Head of Procurement department

<b>Governmental Hospital of Beirut - Karantina</b>	Miladé RADY	Head of Financial Department
<b>Governmental Hospital of Ftouh Keserwan</b>	Reine HADDAD	Chief of Finance department
<b>Municipalities and Unions of Municipalities</b>		
<b>Municipality of Aley</b>	Elias BITAR	Council member - Member of acceptance committee
<b>Municipality of Beirut</b>	Yusra SIDANI	Council member
<b>Municipality of Borj Al Barajneh</b>	Mohamad KHALIL	Accountant
	Fatimah HARB	Head Section
<b>Municipality of Chiyah</b>	Mike MAKSOUD	Accountant
	Pamela CHAMOUN	Data entry officer
<b>Municipality of Choueifat</b>	Haitham ARBID	Council member - Head of Studies and planning committee- Member of acceptance committee
	Nasser ABOU NAIM	Council member - Head of procurement committee
	Riham JURDY	Administrative – Procurement office
<b>Municipality of Ghobeiry</b>	Ali Al KHANSA	Head of Financial unit
	Mohamad ASSAD	Head of purchasing committee
<b>Municipality of Jbeil</b>	Carine EL HUSSEINI SAAD	Head of Administrative unit
	Dunia ABOU ANTOUN KHALIFE	Head of Financial unit
<b>Municipality of Jezzine</b>	Salim KARAM	Head of technical bureau
<b>Municipality of Nabatiyeh</b>	Hassan YASSIN	Auditor
	Tarek GEARA	Head of General Department
<b>Municipality of Qaraoun</b>	Omar JBARA	Treasurer
<b>Union of Municipality of Dannieh</b>	Houda ABDEL SALAM	Treasurer
	Manar JABER	General coordinator
<b>Union of Municipality of Bouhaira</b>	Rasha AL GHARIB	Administrative officer
<b>Business community</b>		
<b>Abboud &amp; Associates</b>	Nadim ABOUD	Managing Partner
	Tatiana ITANI	Partner & Head of the Corporate Department

<b>Association of Lebanese Industrialists</b>	Daniel ABBOUD	Board member
	Talal HIJAZI	General Manager
	Ali MAJED	Head of Quality Department
<b>Bar Association in North Lebanon (Tripoli)</b>	Carole AL RASSI	Lawyer
<b>Diab Law Firm</b>	Lina DIAB	Lawyer
<b>Image Lifting</b>	Rula AL HALABI	Chair
<b>Rafik El-Khoury &amp; Partners Consulting Engineers Sal</b>	Dory AZAR	Contracts Manager
<b>Syndicate of Lebanese Contractors</b>	Abdo SUKKARIEH	Engineer and Board Member
<b>Civil society</b>		
<b>ALDIC</b>	Karim DAHER	President
	Carine TOHME	Board Member
	Rony KADDOUM	Board Member
<b>Civic Influence Hub</b>	Nizar ALAWAR	Project Manager
<b>Gherbal Initiative</b>	Celine MERHEJ	Project Manager
	Hussein MEHDY	Project Manager and Researcher
<b>Kulluna Irada</b>	Sibylle RIZK	Director of Public Policies
	Diana KALLAS	Public Policy & Governance
<b>Lebanese Oil and Gas Initiative</b>	Christelle EL HAYEK	Project Manager
	Mira OSMAN	Communication Officer
<b>Lebanese Transparency Association</b>	Fida JADAYEL	Board Member
<b>Lebanese Foundation for Permanent Civil Peace</b>	Rabih KAIS	Programs Director
	Marie-Belle TORBEY	Project Coordinator

#### **Stakeholders from the business community that participated to the enterprise survey:**

Enterprise survey was anonymous.

Respondents varied between presidents of business associations, general managers, chief executive officers, managing partners, engineers, procurement managers, and tender specialists.

### Methodology for Assessing Procurement Systems in Lebanon

#### Report on Enterprise Survey (February – March 2020)

##### Note on methodology and challenges

1. Survey designed based on **MAPS guidance provided by the international methodology**, and based on a benchmark of survey used in Moldova, according to MAPS International Consultant (IC) advice. Some questions were customized to the Lebanese context, and the survey draft was reviewed by IC before launching.
2. **Target population segments:** Business associations, syndicates, Small and Medium Enterprises (SMEs), suppliers/contractors/service providers to public sector in Lebanon.
3. This **online survey** was launched by direct emails on **February 25** and was closed on **March 26, 2020**.
4. It was also posted on the Institute's website and social media channels.
5. Some phone calls were also done for some entry points to highlight the importance of this survey and ask to circulating it within business associations and syndicates' members.
6. A reminder email was sent on March 11, 2020 to the same targeted audience.
7. Total **number of respondents: 23 (out of 500 targeted enterprises)**
8. **Main challenges** faced during survey implementation:
  - a. The deteriorating **economic, financial and monetary situation in Lebanon**, that is has been deteriorating since several months, hindered private sector's responsiveness on subjects other than the current situation and liquidity pressure faced because of the crisis.
  - b. The **COVID-19 outbreak** in Lebanon since February 21, 2020, that lead to national mobilization and urgency measures announced by the Government as of March 15, 2020 and that are ongoing until April 12, 2020.

##### GENERAL INFORMATION

##### 1. Position/function of the person filling in the questionnaire

- 1) General Manager
- 2) CEO
- 3) Civil Engineer
- 4) general manager
- 5) Tender and Public Sector Specialist
- 6) GENERAL MANAGER
- 7) GM
- 8) Procurement manager
- 9) asmahan zein/president of LLWB
- 10) Managing Partner

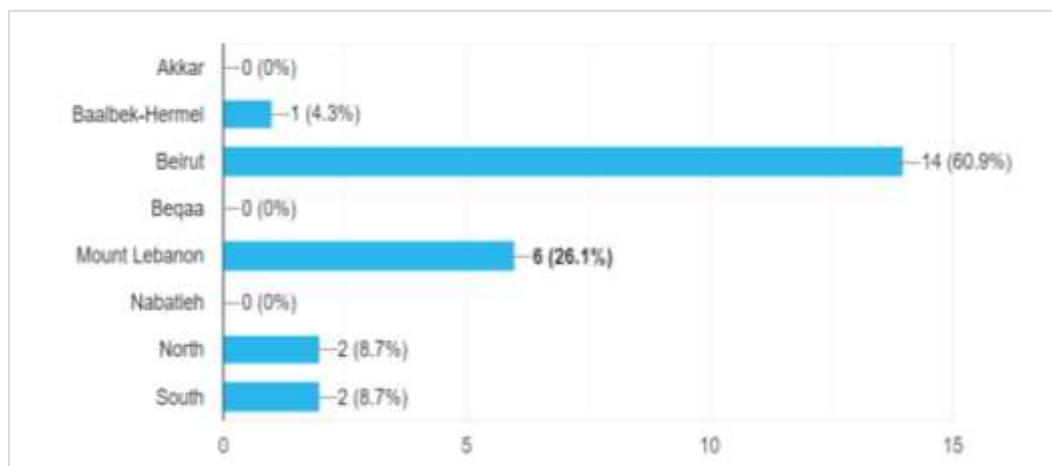


- 11) Regional Event coordinator, also prepare governmental and private tenders
- 12) Partner - Business Development
- 13) DG Healthcare facility
- 14) General Manager
- 15) Engineer
- 16) General manager
- 17) Partner, Manager

Other respondents didn't mention their position / function

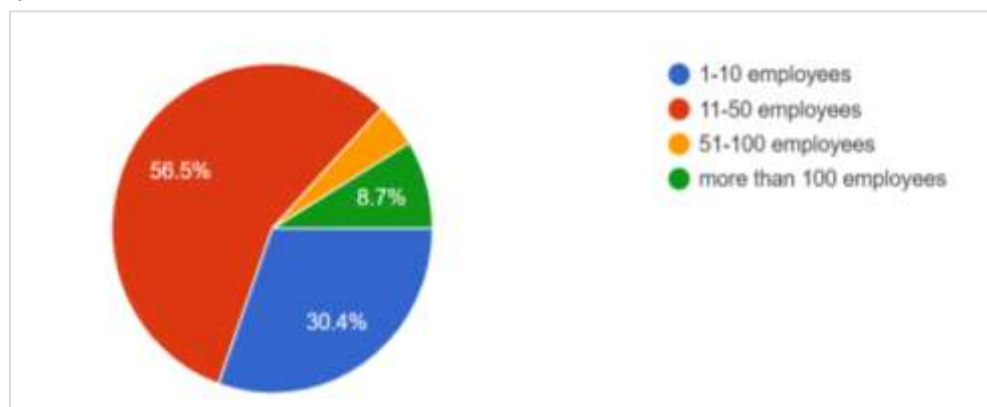
## 2. Location of your enterprise [by Governorate; in Lebanon there are 8 governorates]

23 responses



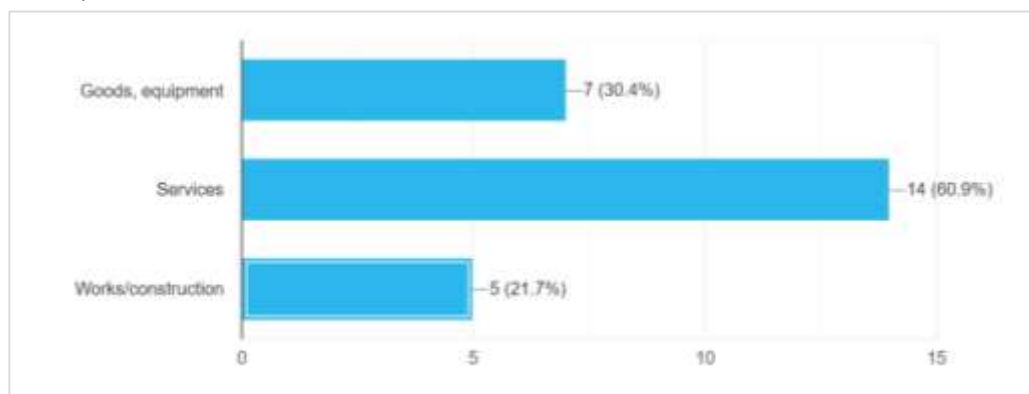
## 3. Number of employees in your company [the categories were identified based on the national categorization of enterprises in Lebanon]

23 responses



#### 4. Main sector of activity of your enterprise?

23 responses

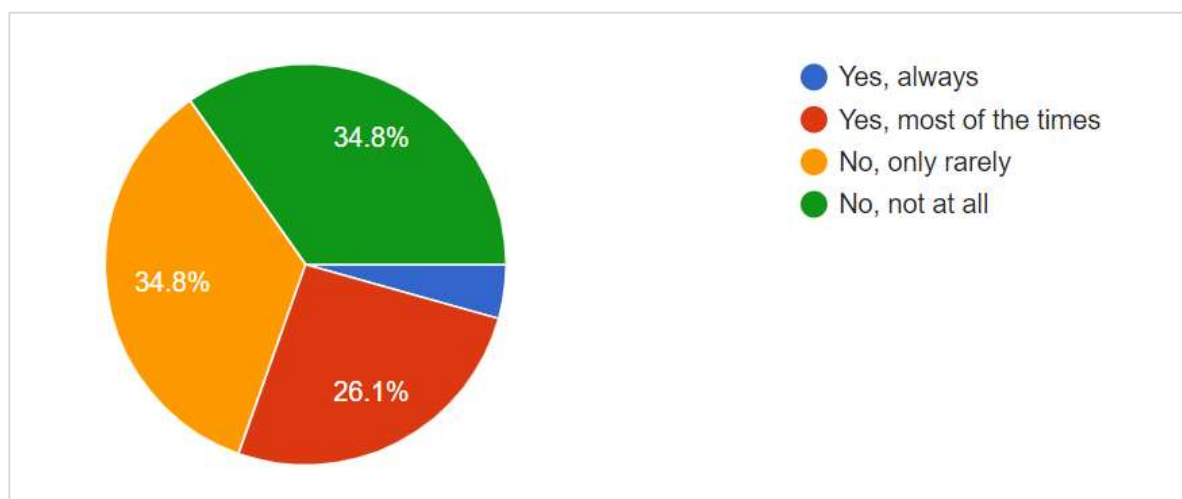


#### SUB-INDICATORS EVALUATED

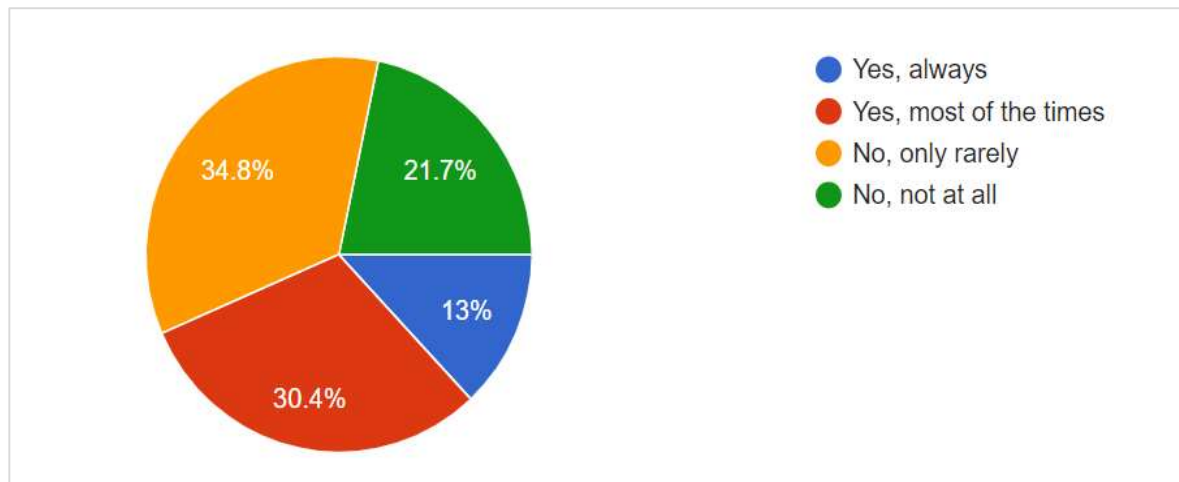
**Sub-indicator 10 (a) - evaluation criterion (a): The government encourages open dialogue with the private sector.**

- Perception of openness and effectiveness in engaging with the private sector (in % of responses).

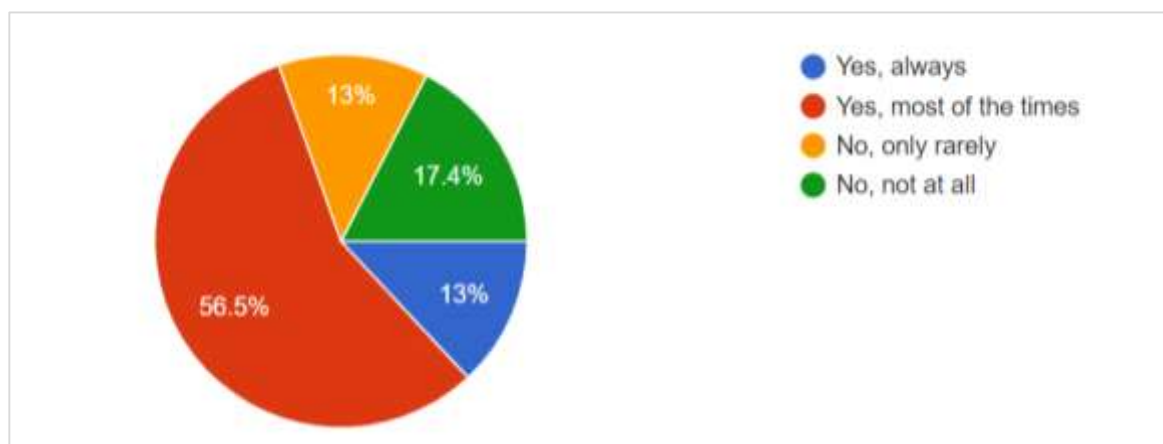
1. Does the government communicate with the business community in order to inform them each time there is a change in the legal or institutional framework for public procurement? (23 responses)



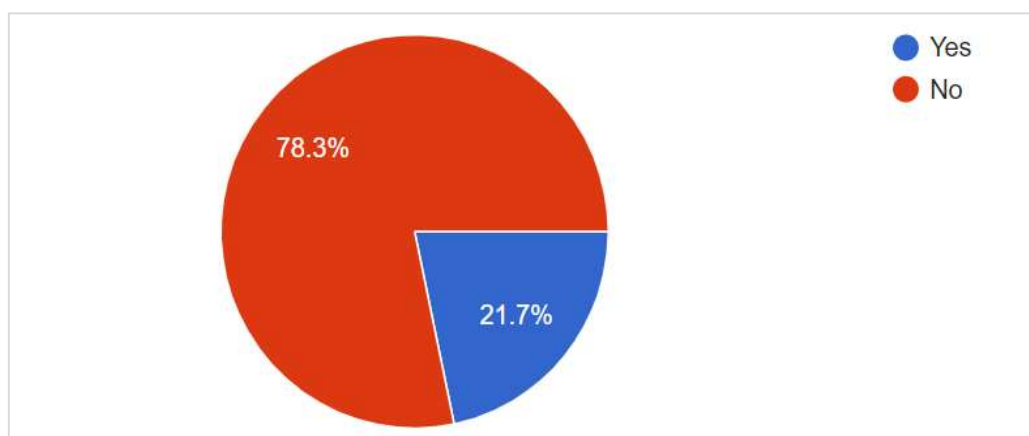
2. Do you find that the changes in the legal or institutional framework for public procurement are easy to follow? (23 responses)



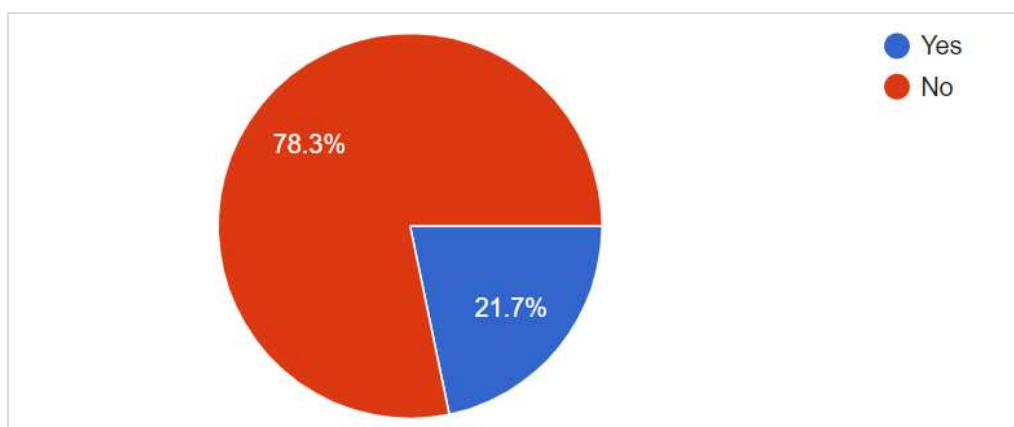
3. Do you have the necessary resources to follow the changes in the legal or institutional framework for public procurement? (23 responses)



4. Are you aware of any training programmes or information sessions on public procurement organised by the government for the benefit of the private sector? (23 responses)



**5. Have you participated in any capacity building programmes or information sessions on public procurement organised for the benefit of the private sector? (23 responses)**



**6. If yes, who organised it, and was it useful? If not, why?**

- 1) Institut des Finances Basil Fuleihan
- 2) Institut des Finances Basil Fuleihan. It was useful.
- 3) Institut des Finances ;)
- 4) ESA Business School - Institut Finance Bassel Fuleihan
- 5) Institute of Finance, and yes it was a useful in helping us understand the procurement procedure within the government

**Sub-indicator 10 (b) - evaluation criterion (b): There are no major systemic constraints inhibiting private sector access to the public procurement market.**

- Perception of companies on the appropriateness of conditions in the public procurement market (in % of responses).

**1. In the case of Lebanon, do you think that the following conditions are met in the field of public procurement?**

1.1. Would you have adequate access to finance as needed in order to meet your delivery obligations under a public procurement contract?

Yes 47.8% No 52.2% (23 responses)

**1.1.a If "Yes", please indicate the means by which you would secure such financing?**

- 1) Banks
- 2) SELF FINANCING
- 3) Shareholders' Equity, Banks
- 4) Bank loans
- 5) Online transfer, wire transfer, cash - - depends on the request
- 6) self-funding
- 7) Local Bank Commercial Credit

- 8) Personal financing
- 9) Bank Facilities and Loans

1.1.b If "No", what financing facilities would you suggest to put in place, to better be able to participate in public procurement?

- 1) payment on time
- 2) Reduce the amount of participation
- 3) Financing against Letter of Award or Guaranteed contract s
- 4) Credit lines with banks, with a low interest rate charge
- 5) partial advance payment from tendering agency
- 6) online platform or application and access
- 7) first we need to apply transparency, sharing calls on time. totally neutral team to manage it
- 8) Insure payment after delivery within 30 days
- 9) Decrease the cost of bid bond to be 5% instead of 10%.

1.2. Do the procurement procedures and the conditions for participation make it easy enough to participate in public procurement (this would include low value procurements)?

Yes 26.1% No 73.9% (23 responses)

1.3. Do the conditions of contract contribute to a fair distribution of risks between the parties, especially the risks linked to contract implementation?

Yes 43.5% No 56.5% (23 responses)

1.4. Are the payment conditions fair and reasonable?

Yes 30.4% No 69.6% (23 responses)

1.5. Are the invoices paid on time as required by the contract?

Yes 21.7% No 78.3% (23 responses)

1.6. Is there any effective mechanism for resolving contractual disputes between the parties (after the contract is signed)?

Yes 34.8% No 65.2% (23 responses)

1.7 Is there usually a reasonable division of contract into lots?

Yes 43.5% No 56.5% (23 responses)

**2. Which aspects of public procurement should be improved in order to facilitate the access of private companies to the public procurement market? (23 responses)**

- 1) Transparency
- 2) SPECIFICATIONS
- 3) Reduce paper work
- 4) The duration given to make the 4/1000 payment and issuing a bank guarantee
- 5) Easy information - website
- 6) Decentralization of procurement, the specs should be clear and confirmed by experts who are not subject to future bids
- 7) Announcements on the Client's website, sending invitation emails to companies,
- 8) Clear tender document, clear specifications, pay the Invoices on time, reasonable delivery time schedule....
- 9) Everything, from transparency to integrity
- 10) Security bond
- 11) Transparency, unification between all Government institutions
- 12) Publication of procurement
- 13) All elements are deficient
- 14) Trust, honest evaluation of offers, no interference from political powers
- 15) reduce administrative conditions and increase transparency
- 16) online information & access is needed
- 17) on time access to information. neutral team to do the follow up. easy access to data
- 18) List tenders on line and reduce paper work
- 19) Reduce the need for direct financial support and improve delivery of governmental services
- 20) PPP
- 21) company assessment
- 22) Contractual basis, fair competition, and payment process including risk
- 23) Decrease cost of tender document and bid bond

**Sub-indicator 13 (c) - evaluation criterion (b): The procedures governing the decision making process of the appeals body provide that decisions are balanced and unbiased in consideration of the relevant information**

- share of suppliers that perceive the appeals system as trustworthy (in % of responses).

- share of suppliers that perceive appeals decisions as consistent (in % of responses).

**1. Have you already participated in a tender organised by a contracting authority?**

Yes **60.9%** No **39.1%** (23 responses)

*If yes, please answer questions 2-3, then 5; if no, please go directly to questions 4 and 5*



## 2. Have you made a complaint against a contracting authority decision or action?

Yes 26.3% No 73.7% (19 responses)

*If yes, go to questions 2a and 2b, if not, go to question 3*

**2a)** Do you have the impression that the system is reliable and fair? Yes 13.3% No 86.7% (15 responses)

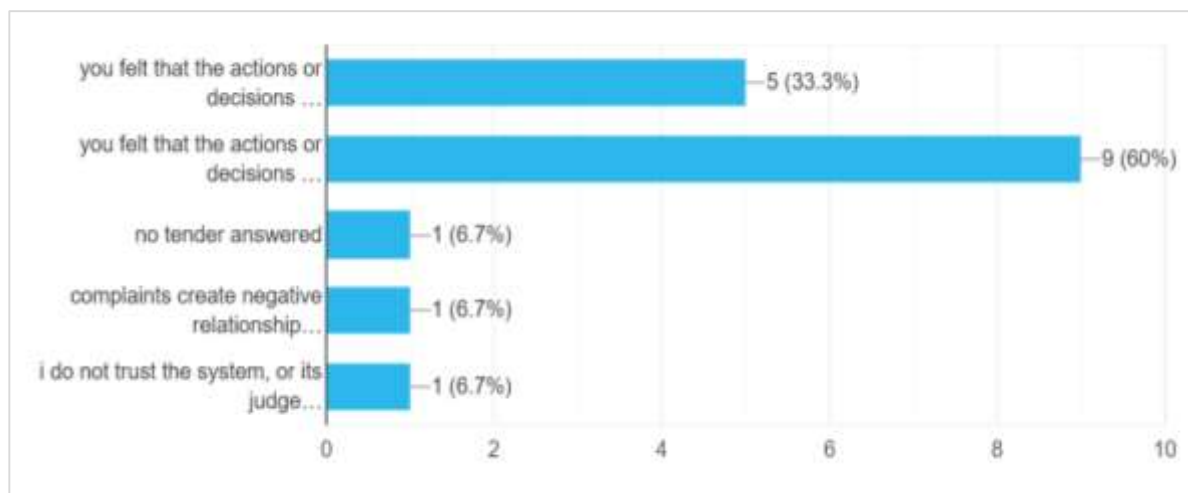
**2b)** Did you find that the decision that was issued in your case was clear and coherent with other decisions in similar cases? Yes 25% No 75% (12 responses)

**2c)** *If you answered no to any of questions 2a et 2b above, please explain why!*

- 1) *Wasta ("Wasta" is an Arabic word that loosely translates into nepotism, 'clout' or 'who you know')*
- 2) *The decision was unfair and not subject to revision*
- 3) *Because the tendering system is tailored for specific supplying companies, involving politics and personal relations. No when we complained, our complaints were always disregarded*
- 4) *I never received an answer*
- 5) *our offer was only needed as a counter-proposal, decision was obviously made before bids opening*
- 6) *Persons in charge are not competent administratively and technically to solve complaints and there is always a place in the hierarchy where decisions are made arbitrarily and complaint hits a wall*
- 7) *Application of penalties on delivery due to "force majeure" not taken into consideration*

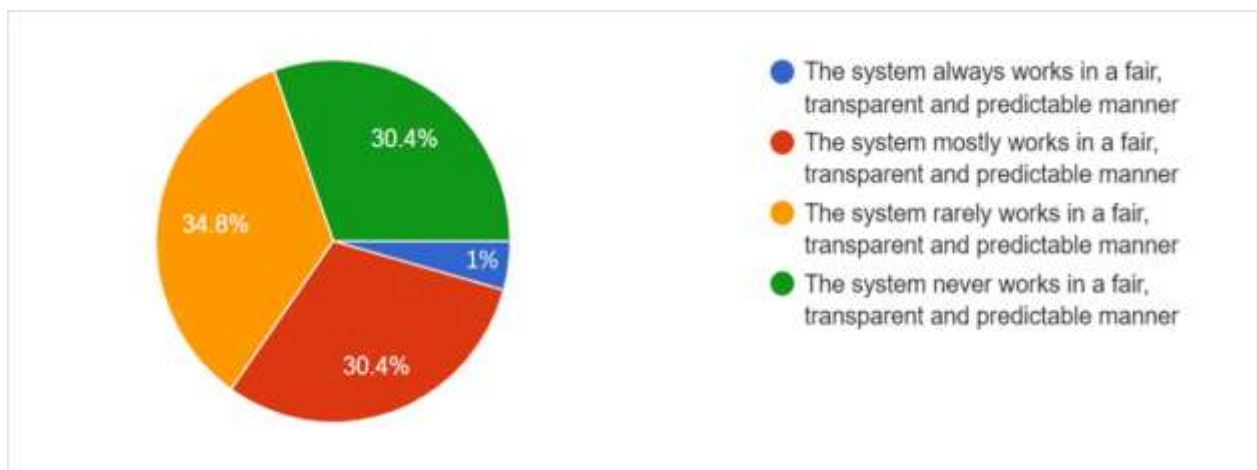
*If you answered yes to both questions, please go directly to question 3.*

**3. If you have never made a complaint about the actions or decisions of a contracting authority, would it be because (please tick all the applicable responses):** (15 responses)



- **First answer** in the above graph is: you felt that the actions or decisions of the contracting authorities were fair and reasonable and that there was no reason to make a complaint (**33.3%**)
- **Second answer** in the above graph is: you felt that the actions or decisions of the contracting authorities were wrong, but you did not believe that the system for reviewing complaints was fair and reliable enough to make it worthwhile making a complaint (**60%**)

**4. In general, how would you evaluate the complaints system in public procurement? (23 responses)**



**5. In your opinion, what could be improved regarding the system for review of public procurement complaints in Lebanon?**

- 1) N/A
- 2) Stop "Wasta" ("Wasta" is an Arabic word that loosely translates into nepotism, 'clout' or 'who you know')
- 3) CHANGE PROCUREMENT PROCEDURES AND PEOPLE IN CONTROL OF IT
- 4) x
- 5) Transparency
- 6) By appointing transparent committees in which they are not subject to bribery
- 7) Powers should be given to independent bodies (administrative or courts) to review complaints. These bodies should have specific professional knowledge in dealing with complaints and should provide quick action.
- 8) No idea.
- 9) Install an independent and fair audit
- 10) Electronic system
- 11) Automate, EGov, open to the public all information related to procurement
- 12) A supervising crew from outside the public sector
- 13) There must be a formal and independent process
- 14) Instilling trust (but this calls for a general change of culture in public affairs)
- 15) include clear info on process to submit and responsibilities of complaints in tender books

- 16) there should be a total transparency
- 17) we need professional entities to put the KPIs and do the needed monitoring
- 18) No suggestions
- 19) Develop Procurement procedures with professional expertise in this domain
- 20) E procurement
- 21) implementing law and accountability
- 22) Making it more streamlined and easy to lodge a complaint online

**Sub-indicator 14 (c) - evaluation criterion (d):**

**There is evidence that the laws on fraud, corruption and other prohibited practices are being enforced in the country by application of stated penalties.**

- Gifts to secure public contracts: number of firms admitting to unethical practices, including making gifts in (in %).

1. Have you offered bribe to an official in charge of procurement or to anyone else in order to get a public contract?

Yes 4.3% No 95.7% (only one response was yes)

2. If yes, how many such cases did you have in the last year three years (2017-2019): 20 cases

**• Sub-indicator 14 (d) - evaluation criterion (a):**

**The country has in place a comprehensive anti-corruption framework to prevent, detect and penalise corruption in government that involves the appropriate agencies of government with a level of responsibility and capacity to enable its responsibilities to be carried out.**

- percentage of favourable opinions by the public on the effectiveness of anti-corruption measures (in % of responses)

1. Here below you will find a list of some possible measures for reducing corruption in public procurement. In your opinion, what is the level of effectiveness of these measures (if they are taken) in the Lebanese context? Please give a score to each measure:

*[4 - very effective, 3 - quite effective, 2 - not really effective, 1 - not at all effective]*

<b>Measure to reduce corruption</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Level of effectiveness</b>	<b>Very effective</b>	<b>quite effective</b>	<b>Not really effective</b>	<b>Not at all effective</b>
provide information and/or training on what corruption is and means for reducing it	4	8	6	5
special procedures for reporting irregularities or improper actions or behaviours	12	7	2	2
a code of conduct (ex. ethical principles) for public and private sector entities	5	10	5	3
declarations of confidentiality and impartiality sign by each member of the procurement working group	6	6	9	2
presence of supervisory entities when public procurement decisions are taken	10	10	3	0
use of e-procurement system	14	8	1	0
use of other systems for enforcing proper application of regulations, including those aimed at combatting corruption	8	11	3	1
increased transparency in the overall procurement system	14	7	2	0
compulsory publication of all awards, contracts and contract amendments	13	8	2	0

The numbers in the table are the number of responses for the level of effectiveness for each criteria

## **2. Which three measures would you propose to take in order to combat corruption in procurement?** Responses are grouped by respondent's answer(s)

Compulsory publication of all contracts & awards, increased transparency, presence of a supervisory entity

1-E PROCUREMENT

2-PUBLICATION OF ALL AWARDS, CONTRACTS AND AMENDMENTS

3- PRESENCE OF ACREDITED SUPERVISORY ENTITIES

Open bids, avoid specifications based on a particular brand, pricing offered is not negotiable in a second round after disclosure of prices

e system

Increase transparency

1- Swift implementation of legal and juridical action against corrupt people, without referring to higher authorities, such as general managers and ministers.

2-publication of the details of the awarded bidder

3- e procurement will stop biased decisions, the standards apply to all

1- Special procedures for reporting irregularities or improper actions or behaviors.

2- Presence of supervisory entities when public procurement decisions are taken.

3- Increased transparency in the overall procurement system.

Procurement by the tender management in Lebanon (Central Inspection), e-procurement, publish the opening session and the results of each tender online.

1. e-procurement - 2. Whistleblowing protection - 3. Enforced sanctions at the very top of the chain against the corrupt and the corrupter

1,5,6,9

Implement FCPA or UK anti bribery laws, audit private companies and certify them by a certified forensic and compliance auditor, create an independent body that qualifies and certified companies to be able to bid for public procurement

Public procurement should be recorded by video, by the presence of a jury and a crew of specialists who are outside the public sector

Privatization, independent whistleblowing process, independent administrative and judicial body punish corruption publicly, independence from political influence, constant promotion of the change in culture

quality of public staff + reduction of administrative entry barriers + unified terms and conditions all over

Transparency, accountability, and results publication

bids to be done through independent reliable entities. results to be opened by specialists. open discussions, with access to data

Transparency, open call for tenders not on invitation only, announce online call for tenders

Increase transparency - use of e Procurement system-code of conduct

Systematic order

2-enforcement of any law - declaring confidentiality

Stricter enforced regulations on procurement committee members including jail time if caught on matters of corruption. Implementation of E-procurement system to limit fraud and bribery.

E-tendering

Publication of all awards

Presence of supervisory administration

• **Sub-indicator 14 (e) - evaluation criterion (c):** There is evidence that civil society contributes to shape and improve integrity of public procurement

- number of domestic civil service organisations (CSOs), including national offices of international CSOs) actively providing oversight and social control in public procurement.

**1. Are you or your company aware of any CSO actively ensuring monitoring and control in public procurement?**

Yes 21.7% No 78.3%

**1a) If yes, which one(s) (provide some examples)**

5 responses

- 1) Transparency international
- 2) Trace International
- 3) Lebanese Transparency International (LTA), Sakker el Dekkeneh - but they cannot cope with the flow ;)



- 4) Bassel Fuleihan Institute
- 5) UNDP

**1b) If no: Do you think that participation by CSOs in monitoring public procurement could be useful?**

Yes 78.3% No 21.7%

**1c) Please explain why?**

- 1) THIRD PARTY PRESENCE REDUCES THE RISK OF CORRUPTION
- 2) restrict corruption
- 3) Insight
- 4) We don't have a full confidence in CSO, they might be affiliated to political parties
- 5) The participation of CSOs in monitoring public procurement will promote transparency, reduce collusion and corruption, ensure accountability and control.
- 6) Maybe because it will be a kind of monitoring.
- 7) The more monitoring and control the better
- 8) People need to feel they are followed, controlled and monitored
- 9) Because civil society has enough integrity and experience and honesty to monitor public procurement
- 10) The more the witnesses, the less one can get away with it
- 11) CSO just adds another layer of bureaucracy
- 12) more monitoring and more control would help fight corruption if available.
- 13) because they know the value of governance transparency. learnt it and trained it
- 14) Transparency
- 15) It allows to secure objectives and legality of monitoring reports. Ensure transparency and adapt their strategies to the contexts and circumstances of Lebanon
- 16) we need more than info to change system actions even small are needed
- 17) CSOs can provide outside oversight that can be an extra layer to prevent bribery and corruption of the procurement committee members. Additionally, CSO can provide legal experience that may not be available to small private firms bidding on government contracts.
- 18) Third party who can be neutral

## Appendix 8 - Implementation Timetable

Output	Responsible	In collaboration with	Date
<b><i>Phase 0: Official Country Request of MAPSII</i></b>			
MAPS Request Letter from the Minister of Finance	Ministry of Finance		11 November 2018
Letter of approval received from donor organizations	World Bank (WB) Agence Française de Développement (AFD)		6 December 2018
Nomination of the MAPS National Focal Point by the Minister of Finance	Minister of Finance		6 February 2019
<b><i>Phase 1: Planning and Preparation (November 2018 - July 2019)</i></b>			
First introductory meeting	National Focal Point (NFP)	WB, AFD	19 February 2019
Drafting the Concept Note and preparing the Budget estimation	NFP	WB, AFD	March / April 2019
Establishing the national Assessment Steering Committee (ASC)	NFP		March / April 2019
First Steering Committee meeting	NFP	WB, AFD	18 April 2019
Recruiting the Assessment Team (International Expert and National Consultant)	WB, AFD	NFP	May – June 2019
Gathering templates and forms used for the Assessment, and identify surveying tools, and making them available in the Arabic language	Assessment Team (IC, NC)	NFP	June – September 2019
<ul style="list-style-type: none"> <li>• Kick-off meeting in presence of the recruited consultants</li> <li>• Training on the MAPS Methodology for the ASC members</li> <li>• Comments on the draft concept note (to include updates of the methodology to be applied and the work plan)</li> </ul>	NFP Assessment Team (IC, NC)	WB, AFD	June 2019
Review of the Country concept note	NFP	WB, AFD	July 2019
External review of Full MAPS Concept Note	Technical Advisory Group (TAG)	WB	October – November 2019

Output	Responsible	In collaboration with	Date
<b><i>Phase 2: Conducting the Assessment (July 2019 - January 2020)</i></b>			
<b><i>Data collection and analysis / Application of the 3-step approach / Validation of preliminary findings</i></b>			
<ul style="list-style-type: none"> <li>• Identification of reference documents and data sources by sub-indicator and evaluation criterion</li> <li>• Identification of other stakeholders (business community, civil society) for the assessment</li> <li>• Determination of special data collection needs and approaches (surveys etc.)</li> <li>• Structure of Country Context</li> </ul>	Assessment Team (IC, NC)	WB, AFD	July – September 2019
<ul style="list-style-type: none"> <li>• Second introductory workshop: initial training on MAPS methodology for other stakeholders</li> <li>• Constitution of working groups (one per pillar)</li> <li>• Review of documents and data sources identified by SC members</li> <li>• Guidance for qualitative analysis and data collection</li> </ul>	Assessment Team (IC, NC, NFP)	WB, AFD	1-2 October 2019
Meetings with Stakeholders working groups (3 groups) for the qualitative indicators (by pillar)	Stakeholder working groups; Assessment Team (IC, NC, NFP)	Ministry of Finance (NFP) WB	14-17 October 2019
<ul style="list-style-type: none"> <li>• Qualitative analysis by working groups</li> <li>• Surveys and data extraction as necessary for collecting quantitative data</li> </ul>	Stakeholder working groups  Assessment Team (IC, NC)	NFP  WB, AFD	Starting the week of October 14 <sup>th</sup> until December 2019
<ul style="list-style-type: none"> <li>• First assessment workshop: review of situation and gaps by pillar (based on qualitative analysis)</li> <li>• Identification of remaining data gaps guidance for quantitative analysis</li> </ul>	Stakeholder working groups  Assessment Team (IC, NC)	NFP  WB, AFD	December 4-5, 2019
<ul style="list-style-type: none"> <li>• Completion of qualitative and quantitative data</li> <li>• Chasing survey outputs</li> <li>• Analysis of quantitative data</li> <li>• First compilation of inputs into report draft</li> <li>• Suggestions for recommendations, identification of corresponding conditions/red flags</li> </ul>	Assessment Team (IC, NC)	NFP	December – January 2020

Output	Responsible	In collaboration with	Date
Second assessment workshop: review of first report draft and agreement on analysis, preliminary recommendations	ASC NFP	Assessment Team (IC, NC)	28-30 January 2020
<b><i>Phase 3: Reporting (February - June 2020)</i></b> <b><i>COVID-19 outbreak in Lebanon lead to government measures limiting travel and face-to-face meetings as of March 16, 2020</i></b>			
Compilation of qualitative analysis (after second assessment workshop)	NC		1 February – 18 March 2020
First Draft of the Assessment Report, based on input collected	IC		Mid- April 2020
First revision of the drafted analysis and provision of substantive inputs	NFP	IC	Mid- March – Beginning May 2020
First Draft of country context chapter	NC	IC	Mid-April 2020
Review of the draft assessment report	NFP	NC	Mid-May – Mid-July 2020
Translation into Arabic of drafts for ASC consultations (Pillars I-IV); to be successively complemented and updated	NFP	WB	Mid-May – Mid-July 2020
Technical review and validation of draft assessment report	ASC	NFP	Mid May – Mid July 2020
External review of report	WB country team		First half of July 2020
Integration of comments and production of enhanced draft version of assessment report	IC	NFP	June – Mid-July 2020
Submission of draft Assessment Report	WB country team		Mid-July 2020
<b>Complementary actions</b>			
External Review of draft Assessment Report for quality control and quality assurance	Technical Advisory Group (TAG)		July – August 2020
Revision of the draft final Assessment Report based on the inputs from the external reviewers	Assessment Team (IC, NC)		September 2020
Adaptation of Arabic version according to English	NFP	WB	August-September 2020
Submission of Final Report	NFP	WB, AFD	September 2020

Output	Responsible	In collaboration with	Date
Dissemination of Assessment findings and recommendations, in preparation for the preparation on a national strategic action plan for reforming public procurement	NFP	WB, AFD	October 2020

# **Methodology for Assessing Procurement Systems (MAPS II)**

## **Lebanon**

### **Concept Note**

**Version 6**

[Cleared by TAG]

**October 2019**



## Table of Content

---

List of Acronyms	32
I. Context and background	33
II. Objectives	36
III. Tasks	38
IV. Areas of Focus	42
V. Information sources	43
VI. Leadership and Assessment Teams	45
VII. Stakeholders	47
VIII. Quality Control and Validation of Assessment Results	47
IX. Communication	48
X. Post Assessment Support	49
XI. Outputs and Timetable	49
XII. Budget	53
Annex 1 - Set of public procurement regulations in Lebanon	54
Annex 2 - Public procurement key institutional players in Lebanon	55
Annex 3 - Composition of the MAPS Assessment Steering Committee in Lebanon	58
Annex 4 - MAPS Governance Structure	59
Annex 5 - Tentative List of Key Stakeholders	60

## List of Acronyms

<b>AFD</b>	Agence Française de Développement
<b>ASC</b>	Assessment Steering Committee
<b>CDR</b>	Council for Development and Reconstruction
<b>CEDRE</b>	Conférence Economique pour le Développement, par les Réformes et avec les Entreprises
<b>CIP</b>	Capital Investment Plan
<b>CPI</b>	Corruption Perception Index
<b>DAR</b>	Draft Assessment Report
<b>EBRD</b>	European Bank for Reconstruction and Development
<b>ECA</b>	Europe and Central Asia
<b>GCI</b>	Global Competitiveness Index
<b>GDP</b>	Gross Domestic Product
<b>GoL</b>	Government of Lebanon
<b>GPA</b>	Agreement of Government Procurement
<b>GPP</b>	Global Procurement Partnership
<b>IOF</b>	Institut des Finances Basil Fuleihan
<b>MAPS</b>	Methodology for Assessing Procurement Systems
<b>MDB</b>	Multilateral Development Bank
<b>MOF</b>	Ministry of Finance
<b>NFP</b>	National Focal Point
<b>NGO</b>	Non-Governmental Organization
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OMSAR</b>	Office of the Minister of State for Administrative Reform
<b>OPR</b>	Operational Procurement Review
<b>PAL</b>	Public Accounting Law
<b>PEFA</b>	Public Expenditure and Financial Accountability
<b>PIMA</b>	Public Investment Management Assessment
<b>PPR</b>	Public Procurement Reform
<b>SBD</b>	Standard Bidding Document
<b>SIGMA-OECD</b>	Support for Improvement in Governance and Management of the Organization for Economic Cooperation and Development
<b>SME</b>	Small and Medium Enterprises
<b>SOE</b>	State-Owned Enterprises
<b>TAG</b>	Technical Advisory Group
<b>UNCITRAL</b>	United Nations Commission on International Trade Law
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>WB</b>	World Bank

# 1 Context and background

1. Public procurement is a crucial component of good governance, economic growth, poverty reduction, and sustainable development. Governments around the world spend approximately US Dollars 9.5 trillion in public contracts every year. This fact means that on average, public procurement constitutes around 12%-20% of a country's Gross National Product (GDP). Therefore, the strengthening of public procurement systems is central to achieve concrete and sustainable results and to build effective institutions.
2. Lebanon is classified by the World Bank as an upper-middle income country, but faces a confluence of challenges, including an influx of refugees, an outflow of high-skilled workers, increasing internal and external debt, and a lack of capacity within public institutions.
3. Lebanon's economy, although long thought resilient, is in crisis since 2011; a crisis characterized by deep and long growth stagnation, with a growth rate estimated at around 2% (World Bank Data, 2017) and a debt burden surpassing 152% of GDP (Ministry of Finance, 2018). Existing pressures on public finances were further exacerbated in 2018 by the continuous repercussions of the Syrian refugee crisis, the protracted domestic political crisis and the adoption of a new salary scale bill for the public sector in 2017, as well as by heightened geopolitical tensions. This convergence of factors, local and global, has weighed down on already fragile macro-financial conditions.
4. Lebanon regularly scores low in ranking on competitiveness; it ranked 105 out of 137 countries in the World Economic Forum's 2017-2018 Global Competitiveness Index (GCI). In the World Bank's 2019 Doing Business indicator, Lebanon ranked 142 out of 190 countries, scoring among the lowest country rankings in the Middle East and North African region. Corruption and inadequate supply of infrastructure are among the top problematic factors of doing business.
5. Lebanon regularly scores low in rankings on transparency, accountability, and efficiency. For example, Lebanon ranked 137 out of 180 countries in Transparency International's 2018 Corruption Perception Index (CPI). On the Open Budget Survey, Lebanon scored 3/100 on transparency, 0/100 on participation, and 11/100 on budget oversight.
6. In 2018, three international conferences were organized that sought to rally international support for Lebanon's institutions and attract foreign investments to shore up a sluggish economy and deteriorating public services. On the occasion of the "Conférence économique pour le développement, par les réformes et avec les entreprises" (CEDRE) held in Paris in April 2018, the Government of Lebanon presented its Vision for Stabilization and Development in Lebanon, based on four pillars: (1) increasing the level of public and private investment; (2) ensuring economic

and financial stability through fiscal adjustment; (3) undertaking essential sectoral reforms and cross-sectoral reforms, including fighting corruption, modernization of the public sector and public finance management; (4) developing a strategy for the reinforcement and diversification of Lebanon's productive sectors and the realization of its export potential.

7. Public procurement was one of the main cross-sectoral reforms the Government of Lebanon has committed to at the CEDRE, to improve fiscal governance and the quality of public services, encourage investment inflows, and strengthen accountability and transparency. The international community welcomed with great interest this commitment. As the World Bank had outlined in its report "Strategic Assessment: A Capital Investment Plan (CIP) for Lebanon - Investment Opportunities and Reforms", public investment management and the strengthening of the procurement process are critical to the successful delivery of the CIP, to Lebanon's fiscal consolidation efforts and to improving the confidence of international investors, both private and public. It pointed to the considerable attention given to public procurement in *"generating controversies related to transparency"* and to the *"weak or lack of public procurement oversight that contributes to distorting fairness and competition, resulting in favoring the elite in capturing the major market opportunities."* The report also advised for Parliament to ratify a new public procurement law.
8. In June 2018, the Minister of Finance committed to procurement modernization following the first national Forum on "Public Procurement for Resilience and Sustainable Growth". He appointed an Experts' Task Force, composed of subject-matter experts from the public and private sectors, to work on a new and modern draft law and towards the official adoption of standard bidding documents (SBDs). The Experts Task Force started working on the new draft law, based on international standards, namely the *UNCITRAL Model Law on Public Procurement* (2011) and the *OECD Recommendation of the Council on Public Procurement* (2016).
9. Finally, Lebanon's official commitment to reform public procurement was reiterated in Article 4, entitled "Structural Reforms", of the Ministerial Declaration of the Lebanese Government formed on January 30, 2019. It mentioned *"the modernization of the public procurement legal framework and the preparation of Standard Bidding Documents to enhance transparency in public procurement"*.
10. It is to note that public procurement in Lebanon accounts for 13% of budget expenditures on average at the central level only, i.e. ministries (excluding debt service and reserves)<sup>1</sup>. Hindered by the unavailability of data on public procurement, the estimation of its size was done based on available data in the State budget (figures of capital expenditures, as well as current expenditures that exclude personnel costs and subventions). 13% is a relatively low percentage due to the low fiscal space for public investment and initially limited resources for capital expenditures. In addition,

---

<sup>1</sup> Institut des Finances Basil Fuleihan, Professionalizing Public procurement in Lebanon: Diagnostic Review and the Way Forward, 2014. In this report, the estimation of public procurement size was based on Lebanese budget figures (2001-2011), as public expenditures data were only available until 2006 in the absence of a voted budget since then. The State budget has been considered as an annual procurement plan for the indicated period. The expenditures done by the Council for Development and Reconstruction were also considered for the period (data was available until 2009).

the current public procurement framework is undermined by several structural challenges that are hindering its contribution to sound fiscal governance, proper public money management, accountability and the efficient delivery of services to citizens (see Section IV).

11. Public procurement is governed by a set of regulations found in various antiquated laws and decrees, mainly in the Public Accounting Law (1963) and the Tender Regulations (1959), in addition to a number of special provisions targeted at municipalities, public institutions, and military and security entities (see Annex 1). The fragmentation of the legislative framework has created loopholes that have given a number of public entities, especially public institutions, the opportunity to develop and follow their own set of procurement rules<sup>2</sup>. In practice, modern public procurement practices are not systematically applied, even if the current legislation includes related provisions. For example, the process to identify, assess, and classify needs as well as the links with the budget preparation and execution processes is not applied by all public entities. Linking public procurement to the budget exercise is not systematic, which creates difficulties for reporting, data gathering and medium-term planning. As such, there is a necessity for a stand-alone public procurement law, modern and aligned with international standards. In 2011/2012, with World Bank support, the Government of Lebanon (GoL) sent to Parliament a public procurement draft law (decree no. 9506, dated 12/12/2012). Since then, the joint parliamentary committee in charge of reviewing it discussed only some clauses of the draft law but didn't pursue its mandate. More recently, in March 2018, the Prime Minister withdrew this draft law from Parliament to the Council of Ministers, but no action was done since then due to governmental instability in the country throughout the year 2018<sup>3</sup>.
12. The institutional framework of public procurement in Lebanon is composed of various stakeholders / players, namely the Tender Board, the Office of the Minister of State for Administrative Reform (OMSAR), the Ministry of Finance, the Council for Development and Reconstruction (CDR), and the Court of Audit, among others (See Annex 2).
13. In 2008, and in the aim to standardize procedures, the World Bank (WB) supported the Ministry of Finance to develop and disseminate standard bidding documents (SBDs) for goods, works and services, in line with the current legal framework and with international good practices, in an effort to standardize procedures across public sector, but the use of the SBDs was not made mandatory to date. The World Bank also supported efforts to enhancing the mandate of the Tender Board and by continuous training in procurement procedures through investment operations. However, there are remaining significant areas in the public procurement ecosystem in need of reform. In addition to an outdated public procurement law, other procurement challenges include: (i) a weak public procurement institutional framework in Lebanon, suffering from overlapping mandates, (ii) considerable capacity gaps and lack of

---

<sup>2</sup> The PAL allows municipalities, public enterprises and autonomous agencies to follow their own regulations in a number of cases. Moreover, the Army has the right to follow a set of special rules for procurement in the case of Arm Secrecy that applies under necessary and exceptional reasons.

<sup>3</sup> Parliamentary elections took place in May 2018, followed by a 9-month caretaker Government until end of January 2019.

professionalization resulting in inefficiencies and high risks of corruption, (iii) a weak control environment that does not enforce the implementation of rules and procedures; (ii) lack of institutional and independent procurement reviews and complaints handling mechanisms; (iv) lack of procurement performance information/data; and (v) lack of private sector competitiveness.

14. In order to meet the Government of Lebanon's commitments at the CEDRE Conference to achieve structural cross-sectoral reforms, among which public procurement is a key component, there is a clear need for an evidence-based comprehensive assessment of the current public procurement system. Only five assessments have been carried out since 1994 when the World Bank conducted a Country Procurement Assessment of Lebanon's public procurement system. To date, no comprehensive assessment of Lebanon's public procurement system has been conducted. Thus, there is a knowledge gap regarding the strengths and weaknesses of the system, and there is clearly not a culture of conducting assessments in the public procurement sphere in Lebanon, thus suggesting the need for support.
15. In addition, Lebanon is not a party of any international agreement related to public procurement; i.e. the Agreement on Government Procurement (GPA) of the World Trade Organization.
16. In November 2018, the Ministry of Finance officially solicited the support of the World Bank and the Agence Française de Développement to apply and benefit from the upcoming round of assessments based on the Methodology for Assessing Procurement Systems. In December 2018, the World Bank informed the Minister of Finance that Lebanon will benefit from the MAPS II in 2019. In February 2019, the Minister of Finance appointed Ms. Lamia Moubayed Bissat, President of the Institut des Finances Basil Fuleihan – Ministry of Finance, as National Focal Point (NFP), to take the lead in coordinating and managing the process.
17. The implementation of MAPS II in Lebanon is supported through the Global Procurement Partnership (GPP), via which both the World Bank and the Agence Française de Développement (AFD) are contributing. Other key development partners concerned with public procurement modernization in Lebanon may also be solicited by the NFP to support its implementation.

## 2 Objectives

18. MAPS II will help the GoL obtaining a clear and comprehensive overview of the public procurement system in Lebanon, based on evidence and using a participatory approach engaging all concerned stakeholders (public administrations and institutions in their capacities as procuring entities, public hospitals, local authorities, oversight agencies, business community and civil society). It covers four pillars of the public procurement system:
  - i. Legal, Regulatory and Policy framework,

- ii. Institutional Framework and management Capacity,
- iii. Procurement Operations and Market Practices and
- iv. Accountability, Integrity and Transparency.

MAPS II will assess the quality and effectiveness of procurement system in Lebanon, and provide a solid foundation towards the implementation of modern, efficient, sustainable and more inclusive public procurement.

19. The main objective of MAPS II is to support the Government of Lebanon in its efforts to improve the quality and performance of the public procurement system towards enhancing the effectiveness of public expenditure, ensuring timely and quality delivery of public services, encouraging the participation of the private sector to public bids, and enhancing trust of investors and the international community. In order to achieve this objective, the assessment will: (i) identify strengths and weaknesses, (ii) identify substantial gaps that negatively impact the quality and performance of the system; (iii) provide a comparative analysis against MAPS II standards, and (iv) suggest recommendations for reform.
20. The assessment will be anchored in the specific needs of Lebanon through the application of different elements of the new MAPS analytical framework and will allow the GoL to develop the strategic thinking approach to clarify the vision, goals and timeframe for improving the country's public procurement system. In the framework of the GoL commitment to public procurement reform (PPR), the Ministry of Finance is currently working on three other parallel reform tracks: (i) drafting a new modern public procurement law, based on international standards inspired from the UNCITRAL Model Law on Public Procurement (2011) and the OECD Recommendation of the Council on Public Procurement (2016), and other international regulations and guidelines, such as the European Union, the World Bank and the European Bank for Reconstruction and Development; a first draft law was submitted by the Ministry of Finance to the Council of ministers on September 6, 2019; (ii) reviewing and upgrading the five Standard Bidding Documents (Goods, Works and Consultancy Services) developed by the Ministry of Finance with the support of the World Bank; and (iii) conducting an institutional mapping to clarify roles and responsibilities of public procurement stakeholders, at the central and local levels, in an effort to address existing overlapping mandates and capacity gaps.
21. MAPS II will lay the foundation for a national strategy for procurement modernization and action plan, for the GoL to be able to better meet policy objectives, improving efficiency in public services delivery, increasing public trust, and enhancing the standard of living of the people in Lebanon while achieving value for money with transparency, fairness and good governance.
22. MAPS II implementation in Lebanon will be based on the core assessment methodology without supplementary modules.

### 3 Tasks

23. In order to meet the set objectives and to ensure compliance with the MAPS methodology, the assessment will take place in three phases:

- i. Phase 1: Planning and Preparing the Assessment
- ii. Phase 2: Conducting the Assessment
- iii. Phase 3: Reporting

24. **Phase 1 - The planning and preparation phase:** The planning and preparation phase is key to appropriately scope and time a demand-driven MAPS assessment, define management arrangements, set up the assessment team, arrange for the collection of the information required and identify stakeholders to be interviewed and/or surveyed. Proper planning enables better co-ordination among the various stakeholders involved at the leadership and participation levels, and helps reach agreement on critical aspects of the assessment. This phase entails the following activities:

- Forming the MAPS Assessment Steering Committee (ASC) while making sure that it is representative of the national entities involved in public procurement reform;
- Drafting the MAPS Concept note, including the estimated timeframe and budget;
- Identifying (i) the international expert who will be informing concerned stakeholders of the MAPS methodology, reviewing the national context based on available and accessible information, facilitating the assessment workshops according to the four pillars of MAPS, and drafting and finalizing the final assessment report and (ii) the national consultant who will be conducting the country analysis, facilitating data gathering from concerned stakeholders, working on data analysis, conducting the interviews, facilitating public consultations and risk mitigation sessions, consolidation of preliminary findings for each pillar, preparing the detailed structure of the assessment report, contributing to the assessment report production, and ensuring consistency in the overall assessment process. Terms of Reference for both consultants are prepared to specify assignment details, deliverables and qualifications required.
- Identifying a project team to assist the NFP in the proper implementation of MAPS II in Lebanon.. A technical coordinator will be recruited to follow-up on the deliverables according to the methodology requirements and to coordinate with partners' organizations. A communication consultant will ensure the development of buy-in strategy and tools. Terms of Reference will be prepared to specify assignment details, deliverables and qualifications required.



- Briefing and training the ASC as well as the group of national stakeholders and the project team on the MAPS II process and methodology, working tools and relationship with donors and reporting mechanisms, as well as on the expected roles and responsibilities of the various parties involved in the Assessment, i.e. the ASC, the participating national stakeholders, the project team, the assessors (international expert and national consultant), the quality assurance and control external experts (TAG), and others if any.
- Kicking off MAPS II implementation with the participation of the various parties involved from the public sector, the private sector and civil society, subject-matter experts, and donor organizations. Validation of the draft concept note will take place on this occasion.
- Conducting the country analysis, which is the first component of the assessment, and findings of which will be integrated in the first chapter of the MAPS Final Assessment Report. The country analysis aims at identifying the overall context in which public procurement in Lebanon is planned and conducted. It includes capturing information and evidence on: 1) the political, socio-economic and geostrategic situation of the country, 2) the current status of the public procurement system anchored within the public financial management system and the linkages with the budgetary exercise, with highlights on its legal and institutional framework, main practices and shortcomings, and 3) the linkages between a sound public procurement system and achievement of the primary and secondary policy objectives of the Government of Lebanon. The analysis of the country context shall also map stakeholders who have formal and informal links to the country's public procurement system, and should be involved in the assessment.

25. **Phase 2 - Conducting the Assessment:** The assessment will be carried out using the MAPS II core tool which comprises four pillars, 14 indicators and 55 sub-indicators which together present the criteria for a “snapshot” of the actual system against internationally accepted procurement principles and practices. The assessment will be both qualitative and quantitative.

26. The assessment will be carried out based on a 3-step approach to assess each sub-indicator, as follows:

- **Step 1:** Review of the system applying the MAPS indicator system (Annex 1 of the MAPS User Guide)

This first step is based on a qualitative review of the existing regulatory and policy framework, as well as institutional and operational arrangements, to determine whether or not the prescribed standard has been attained. In cases of indicators that do not lend themselves to assessment through hard evidence (i.e. facts and figures), surveys and/or interviews will be carried out with public procurement stakeholders. A narrative report / description will provide detailed information on this comparison (that is, on the actual situation in relation to the assessment criteria) and on changes that may be under way. It will enable the assessors to analyze the strengths and weaknesses of the system.

- **Step 2:** Review of the system applying a defined set of assessment criteria expressed in quantitative terms (Annex 2 of the MAPS User Guide)

Step 2 focuses on the application of a (minimum) set of 15 quantitative indicators. These are closely related to the prevailing procurement practices in Lebanon and are therefore often referred to as performance indicators. The narrative report will provide the detailed findings of this analysis. As appropriate, quantitative indicators will be used to define a baseline and measure progress over time. Additional quantitative indicators will be added as appropriate and necessary.

- **Step 3:** Analysis and determination of substantive or material gaps (gap analysis)

In Step 3, the assessment findings will be further analyzed and interpreted to identify the areas that show material or substantial gaps and require action to improve the quality and performance of the system.

27. To substantiate the gaps identified in Steps 1 and 2 of the assessment, an analysis in greater depth will be conducted. This will be achieved by a more comprehensive qualitative review of existing arrangements and/or through an expanded analysis of public procurement practices (e.g. by increasing the sample size of procurement cases analyzed).
28. If differences between the actual situation and the requirements in the evaluation criteria are substantiated, the sub-indicator shall be clearly marked as exhibiting a “substantive gap”, to demonstrate the need to develop adequate actions to improve the quality and performance of the system. Any deeper analysis that is conducted shall be fully explained in the detailed assessment report, to ensure consistency and comparability of assessments.
29. If the assessment team identifies factors likely to prevent appropriate action to improve the public procurement system, “red flags” shall be assigned. These are used to highlight any element that could significantly impede the main goals of public procurement and that cannot be mitigated directly or indirectly. Such factors could also lie outside the sphere of public procurement.
30. In order to complete the assessment steps discussed above, the following methodology will be used:
  - i. **Consultations with the Counterpart Team:** The assessment will be launched with kick-off meetings with the ASC and the participating stakeholders, which will be fully involved in the phases of the exercise. The kick-off meetings will present the objectives, scope, timing and intended outputs and outcomes of the assessment based on the concept note. The World Bank and AFD, as well as other partner organizations such as OECD-SIGMA, will be providing input, advice, methodological support and quality control throughout the assessment process.

- ii. **Workshops and interviews** with key public procurement stakeholders to assess the pillars of the public procurement system, and ask them to provide evidence on assessment indicators and sub-indicators when applicable and possible. The participating stakeholders will also be working with the assessment team to validate the preliminary findings prior to the reporting phase. A list of stakeholders will be included as Annex to this document.
  - iii. **Data collection:** The data collection will be based on several steps and sources:
    - Desk review of available and accessible documents, including laws and regulations, guidance notes, standard bidding documents, recent assessments reports and analysis prepared by the country, the World Bank and other development partners;
    - Interviews with key stakeholders involved in the system, such as budgeting and payments units at the Ministry of Finance, Tender Board, oversight bodies, key procuring entities, SOEs, representatives of private sector, civil society organizations, interested international organizations, etc.;
    - For quantitative analysis, a sample of procurement transactions from a select group of public entities will be taken;
    - Surveys targeting small and medium enterprises, operating in various sectors that have previously participated to public procurement, will be conducted;
    - A comparative analysis of the country's procurement system against MAPS II standards;
  - iv. **Analysis of findings** (identifying strengths and weaknesses);
  - v. **Development of recommendations** towards a national public procurement reform strategy;
  - vi. **Validation of findings and recommendations** will be carried out through consultation sessions engaging national stakeholders.
31. **Phase 3 – Reporting:** After conducting the assessment and validating the results, a detailed MAPS II Draft Assessment Report (DAR) will be completed by the international expert and submitted to the ASC and the NFP for review.
- i. The report will include a detailed analysis of MAPS II findings in addition to recommendations, and will lay the foundation for a targeted medium-term PPR strategy and action plan that addresses the identified key gaps, institutional and regulatory shortcomings, and sets concrete steps to improve the quality, efficiency and performance of the country procurement system. A template of report is available on MAPS website<sup>4</sup>.

---

<sup>4</sup> [www.mapsinitiative.org](http://www.mapsinitiative.org)

- ii. The DAR would provide a useful tool for Lebanon to formulate a national reform strategy of the procurement system to align it with internationally standards and good practices. The DAR would also be an informative tool for external partners to support public procurement modernization in Lebanon based on recommendations and proposed strategic actions to be undertaken.
- iii. The DAR will be reviewed by the Technical Advisory Group (TAG), composed of representatives of Multinational Development Banks (MDBs) and development partners. Other international reviews may take place upon special request by the NFP.
- iv. The feedback received from reviewers will be gathered by the International Expert, who will be submitting to the ASC the Final Assessment Report for final validation.

## 4 Areas of Focus

32. The following structural deficiencies in the public procurement system in Lebanon have been identified as the areas of focus of the MAPS II assessment:

- i. Public procurement is regarded as an administrative rather than strategic function of the State, able to achieve inclusive economic growth and sustainable development and to efficiently combat corruption.
- ii. The current fragmented legislative framework governing procurement is not founded on strong policy principles (See Annex 1), and does not support modern practices resulting often in infringing and discriminatory practices leading to inefficiencies and corruption and to an abuse of non-competitive procedures on the basis of legal exceptions.
- iii. Complementarity and compatibility with other laws (Public Private Partnerships law, competition law, labor law, conflict of interest, etc.) is limited.
- iv. Mandates of public procurement stakeholders are overlapping. More than one entity within government contribute to the formulation, implementation and regulation of procurement policy and system, leading to diverse interpretations and implementation of existing rules and creating gaps in the enforcement of rules as well as opportunities for abuse of the system.
- v. Corruption risks are exacerbated by the complexity of the process, the close interaction between public officials and businesses, and the multitude of stakeholders.
- vi. The oversight environment is weak, therefore hindering procurement governance, efficiency, transparency and accountability.

- vii. Anti-monopoly policies and policies against elite capture and conflict of interest are inefficient.
  - viii. Consultations on policy reform with stakeholders outside of government institutions are limited.
  - ix. The absence of standards (standard bidding documents or model contracts as well as guidance notes on good practice) is paving the way for arbitrary and inconsistent practices, including the excessive use of mutual agreements or bid rigging by suppliers.
  - x. Capture of public procurement data and use of information management systems are quasi-inexistent, making it difficult to streamline procurement operations and provide a dynamic framework for data access and analysis.
  - xi. Participation of small and medium enterprises (SMEs) in public procurement markets remains limited, mainly due to insufficient and scattered information about procurement opportunities and procedures and to the use of restrictive technical terms of reference.
  - xii. The multi-level capacity gap existing among the various stakeholders is further emphasized by the absence of procurement as a stand-alone profession in government, of the related job descriptions and of a comprehensive competencies framework.
33. The MAPS II assessment will cover public procurement at the central (line ministries and public institutions, SOEs, utilities) and local (municipalities and federation of municipalities) levels. It will also address procurement in key priority sectors for the economic development of Lebanon; referring to sectors mentioned in the country's Capital Investment Plan (CIP)<sup>5</sup>, namely transport, water and irrigation, waste water, electricity, telecom, solid waste, infrastructure for tourism and industry. The Assessment team will be identifying which sectors will be analyzed to ensure that this exercise is feasible and reflect the various sectors of the Lebanese economy.

## 5 Information sources

34. In Lebanon, there is lack of national statistics and official data pertaining to public procurement. There is neither a central entity responsible for collecting public procurement data, nor an electronic procurement system or database in place.
35. As public procurement data is scattered across procuring entities, it is recommended to design templates needed for collecting public procurement data from selected entities and for carrying out its analysis, including the application of indicators for measuring the performance of the country procurement system. As needed, the

---

<sup>5</sup> The CIP is a key pillar of the Government's vision for stabilization and development:  
<http://www.pcm.gov.lb/Admin/DynamicFile.aspx?PHName=Document&PageID=11231&published=1>

participating stakeholders will be requested to provide data and information needed for the assessment.

36. The following is a preliminary list of sources that will be consulted, depending on their availability:

- National statistics
- National ministerial and inter-ministerial strategies and plans
- National budget data
- Public expenditures data
- Public procurement data
- Indices (Doing Business project (World Bank); Worldwide Governance Indicators (World Bank), Government at a Glance (OECD), Country Classifications (World Bank and others); GDP growth rates, Corruption Perception Index, Global Competitiveness Report (World Economic Forum), Human Development Index (UN) etc.
- Databases on international memberships and treaties (regional organizations and trade agreements; signatories to the United Nations conventions, etc.)
- Previous national and international studies and surveys on public procurement.
- Past assessments and analytical work, in case results are published and available: Five assessments have been carried out since 1994, when the World Bank conducted a Country Procurement Assessment of Lebanon's public procurement system:
  - **June 2006, an Operational Procurement Review:** The OPR identified fiduciary risks to Bank funds in Lebanon and recommended several reforms to the public procurement system: a National procurement reform, a Task Force with executive leadership widely respected for achieving results, and training would require a revamped strategy in order to promote the professionalization of the procurement function and introduce the "culture" of initial training and continuous capacity building.
  - **2011, PEFA Assessment for Lebanon:** The 31 performance indicator scores were good only in areas such as the budget process, classification and comprehensiveness of information included in budget documentation, the instruments used, and procedures established. The assessment recommended the Lebanese authorities to focus on the following critical dimensions: **(i)** Credibility of the budget to keep actual expenditure within the limit set in the proposed budget, **(ii)** Comprehensiveness and transparency of the budget to comply with acceptable standards, **(iii)** Policy-based budgeting to translate national and sector policies, **(iv)** Predictability and control in budget execution by proper cash planning and introducing internal controls, **(v)** Accounting, recording and reporting through an integrated information system, **(vi)** External scrutiny and audit to clear up the institutional environment of the Court of Accounts and to build

its internal capacities, and **(vii)** Donor funding to be included in the central government budget.

- **2011, Review of the Public Procurement Legal Framework:** UNDP Lebanon and UN Environment supported Lebanon's Institut des Finances Basil Fuleihan (IOF) to conduct a Review of the public procurement legal framework in Lebanon.
- **2012, Country Diagnostic Review<sup>6</sup>:** The Government of Italy supported Lebanon's Institut des Finances Basil Fuleihan (IOF) to conduct a country diagnostic review supplemented by field survey to establish the weight of public procurement in Lebanon, identify legal and institutional frameworks and to map its characteristics and practices. Conclusions aligned with other assessment that public procurement reform is expected to go hand in hand with budget reform and modernizing the oversight and institutional framework.
- **2018, International Monetary Fund's Public Investment Management Assessment (PIMA):** The results of the PIMA include recommendations for the fiscal consolidation to integrate Public Cooperation/SOE within the budget, the oversight function, ex-post audits, strengthening the legal framework, with a stress on public procurement.
- Interviews with relevant decision makers, professionals, practitioners, as well as key stakeholders from the private sector (among which business associations, syndicates, SMEs), civil society organizations working on transparency and good governance in Lebanon, and economic media. Customized questionnaires would be prepared by the Assessment Team to ensure efficient data collection.
- Assessment of the contract management operational performance, data on time and cost overruns, quality control measures and final acceptance will be collected on a sample basis from different sources that are more representative in terms of contract management complexity, volume, and economic impact, etc. The selection of these sources is also driven by the likelihood of the availability and easy access of data on contract administration for both Government and donor funded projects in Lebanon.

## 6 Leadership and Assessment Teams

**37. The leadership on MAPS II in Lebanon** is ensured, on behalf of the Government of Lebanon, by the Ministry of Finance.

---

<sup>6</sup> Institut des Finances Basil Fuleihan, Professionalizing Public Procurement in Lebanon: Diagnostic Review and A Vision Forward, 2014

38. The **Minister of Finance** appointed Ms. Lamia Moubayed Bissat, Head of the Institut des Finances Basil Fuleihan<sup>7</sup>, as National Focal Point (NFP). The NFP acts as “team leader” of the MAPS II Assessment in Lebanon. It coordinates the process and reports directly to the Minister of Finance.

Upon request of the Minister of Finance, the Institut des Finances Basil Fuleihan will be hosting all MAPS meetings and related activities at its premises in Beirut. As such, it will provide needed logistical support to ensure adequate implementation of the assessment.

39. For an efficient and high-standard implementation of MAPS II, while ensuring a participatory approach at the national level, a **multidisciplinary Assessment Steering Committee (ASC)** is set. The ASC will facilitate access to information, ensure quality control, review and approve the deliverables. It has a composition of 18 representatives from 15 government entities (public administrations and oversight agencies). The ASC is chaired by the NFP. The composition of the ASC is available in Annex 3.

40. **The Assessment Team of MAPS II in Lebanon** is composed of:

- i. The international expert, to lead the MAPS II implementation in Lebanon through training of key stakeholders, facilitation of the assessment and production of final report.
- ii. The national consultant, to conduct the country analysis, gather and analyze collected data from concerned stakeholders, conduct interviews, facilitate public consultations, consolidating preliminary findings, contribute to the report production, and ensure consistency in the overall process.

Both consultants are commissioned under the “GPP Multi-Donor Trust Fund”.

41. **The Project team of MAPS II in Lebanon** will technically assist the NFP and the Assessment Team in implementing MAPS. It is composed of:

- A technical coordinator, to support the work of the Institute to ensure the smooth and efficient implementation of MAPS II phases according to the international methodology, and contribute to the organization of related activities (progress meetings, assessment workshops, surveys, validation workshops, consultation meetings, and other related events), coordinate organizational and logistical arrangements, and produce reports.
- A national communication consultant to develop a solid communication and outreach strategy to ensure engagement and buy-in of all national stakeholders and minimize resistance.

Terms of Reference will be developed to specify assignments’ details, deliverables and qualifications required.

42. The **World Bank and the AFD**, as partner organizations contributing to the financing of the MAPS II exercise in Lebanon, will bring support throughout the process.

---

<sup>7</sup> The Institute is an autonomous public institution working under the tutelage of the Minister of Finance.



43. The **Technical Advisory Group (TAG)**<sup>8</sup> will carry out the technical review of MAPS assessment. It will provide comments and guidance, review the quality of the concept note and the assessment report, and provide clearance of the report for further action (publication, dissemination, etc.). It will submit its review report to the Steering Committee of the Headquarters that will advise on the completion of the exercise.

44. In Annex 4, a chart explains the governance structure of MAPS II in Lebanon.

## 7 Stakeholders

45. In order for the MAPS II to reach its objective and build the foundation for informed and evidence-based reform priorities, the process takes place using a participatory approach. Participating stakeholders nominate representatives to take part in the assessment process, provide evidence and data, answer survey questionnaires and be interviewed by the Assessment Team. Data gathering and validation of findings will take place by pillar (stipulated by the MAPS methodology), and stakeholders will be approached accordingly by the Assessment Team.

46. The categories of stakeholders involved in the MAPS II Assessment are:

- National procuring entities (Public administrations and institutions)
- Local procuring entities (Municipalities and Unions of Municipalities)
- Oversight and regulatory bodies involved in public procurement
- Representatives of the private sector
- Representatives of the civil society

A tentative listing of these stakeholders, by category, is available in Annex 5.

A full list of stakeholders, with information on their respective role and positioning vis-à-vis public procurement and its modernization, will be prepared by the National Consultant, as part of the Analysis of Country Context (Phase 1), in consultation with the International Expert, the National Focal Point and partner organizations. It will help the Assessment Team to better engage the key deciders and influencers at the national level.

## 8 Quality Control and Validation of Assessment Results

---

<sup>8</sup> TAG is composed of representatives of MDBs and development partners that provide quality assurance review to the Assessment. The first control point is the draft concept note. The draft report is the second control point for quality assurance.

47. To ensure that the MAPS assessment process is valid and credible, a validation exercise involving key stakeholders (ASC members and participating stakeholders) will be conducted under Phase 2. It aims at agreeing on the findings of the assessment, the reforms recommended and the strategic options for addressing the gaps identified.
48. For this purpose, validation workshops will be held with participation of key stakeholders concerned with public procurement reform in Lebanon.
49. The Assessment Steering Committee and the National Focal Point will be responsible of reviewing the MAPS Final report and providing input. The National Focal Point will ensure final national validation and submission to the Minister of Finance.
50. Upon the request of the National Focal Point, and independently from the MAPS core requirements, the draft assessment report will be reviewed by external peer reviewers (such as the OECD, and others).
51. Upon request of the Government of Lebanon, and in order to be a fully certified process, measures for quality assurance and procedural compliance are foreseen. This step is pending the establishment of MAPS the Secretariat and the formalization of quality assurance and compliance requirements. The details of this process will later be communicated to the National Focal Point by the International Expert and lead institution supporting MAPS II.

## 9 Communication

52. Communication about MAPS II in Lebanon is strategic to informing, influencing and engaging stakeholders and interested parties concerning the efforts in place. A communication strategy and action plan is foreseen to define the appropriate approach and instruments to convey the right information about the importance of MAPS assessment, findings and recommendations, and lobby for support and endorsement at the national level.
53. The Assessment Steering Committee will communicate information on the MAPS exercise to other concerned parties with the aim to raise awareness, collect feedback, reduce resistance, and mitigate risks. Dialogue and consultation sessions may take place with policy and decision makers, senior officials, private sector representatives, donor organizations, civil society organizations, opinion leaders and influencers, and economic media.
54. Official dissemination of the MAPS findings and recommendations will take place. Upon agreement by the GoL, the findings and recommendations would also be disseminated by donor and partner organizations to key stakeholders and to

multilateral and bilateral development partners involved in accompanying / supporting PPR efforts.

## 10 Post Assessment Support

55. MAPS II will lay the foundation for a national vision and a medium to long term public procurement reform strategy in Lebanon, that will be informed by evidence and will define policy objectives, benchmarks, indicators, and advocacy to guide and evaluate the progress and ensure that this critical reform has enough elements of success.

56. In line with the Government's commitment to modernizing public procurement as key public financial management reform, the GoL will solicit the donor community and partner organizations to concretize the recommendations and action plan resulting from MAPS Assessment.

## 11 Outputs and Timetable

57. The following table summarizes the outputs and tentative dates, showing the succession of MAPS II activities. The dates are subject to change according to progress.

Output	Responsible	In collaboration with	Tentative date
<b><i>Phase 0: Official Country Request of MAPSII</i></b>			
MAPS Request Letter from the Minister of Finance	Ministry of Finance		11 November 2018
Letter of approval received from donor organizations	World Bank (WB) Agence Française de Développement (AFD)		6 December 2018
Nomination of the MAPS National Focal Point by the Minister of Finance	Minister of Finance		6 February 2019
<b><i>Phase 1: Planning and Preparation (November 2018- July 2019)</i></b>			
First introductory meeting	Ministry of Finance (National Focal Point -NFP)	WB, AFD	19 February 2019
Drafting the Concept Note and preparing the Budget estimation	Ministry of Finance (NFP)	WB, AFD	March / April 2019

Output	Responsible	In collaboration with	Tentative date
Establishing the national Assessment Steering Committee (ASC)	Ministry of Finance (NFP)		March / April 2019
First Steering Committee meeting	Ministry of Finance (NFP)	WB, AFD	18 April 2019
Recruiting the Assessment Team (International Expert and National Consultant)	WB, AFD	Ministry of Finance (NFP)	May – June 2019
Recruiting the Project team	WB, AFD or other donors	Ministry of Finance (NFP)	July 2019
Gathering templates and forms used for the Assessment, and identify surveying tools, and making them available in the Arabic language	Assessment Team	Ministry of Finance (NFP)	June – September 2019
<ul style="list-style-type: none"> <li>• Kick-off meeting in presence of the recruited consultants</li> <li>• Training on the MAPS Methodology for the ASC members</li> <li>• Comments on the draft concept note (to include updates of the methodology to be applied and the work plan)</li> </ul>	Ministry of Finance (NFP) Assessment Team	WB, AFD	June 2019
Review of the Country concept note	Ministry of Finance (NFP)	WB, AFD	July 2019
External review of Full MAPS Concept Note	Technical Advisory Group (TAG)	WB	September 2019 (2 weeks)
Analysis of Country Context	Assessment Team	Ministry of Finance (NFP)	July – September 2019
<b><i>Phase 2: Conducting the Assessment (July – December 2019)</i></b>			
<b><i>Data collection and analysis (quantitative and qualitative)</i></b>			
<b><i>Application of the 3-step approach</i></b>			
<b><i>Validation of findings</i></b>			
<ul style="list-style-type: none"> <li>• Identification of reference documents and data sources by sub-indicator and evaluation criterion</li> <li>• Identification of other stakeholders (business community, civil society) for the assessment</li> <li>• Determination of special data collection needs and approaches (surveys etc.)</li> </ul>	ASC; Assessment Team	Assessment Team	July – September 2019

Output	Responsible	In collaboration with	Tentative date
• First draft of Country Context			
<ul style="list-style-type: none"> <li>• Second introductory workshop: initial training on MAPS methodology for other stakeholders</li> <li>• Constitution of working groups (one per pillar)</li> <li>• Review of documents and data sources identified by SC members</li> <li>• Guidance for qualitative analysis and data collection</li> </ul>	Assessment Team	WB, AFD	1-2 October 2019
Meetings with Stakeholders working groups (3 groups) for the qualitative indicators (by pillar)	Stakeholder working groups; Assessment Team	Ministry of Finance (NFP), WB	14-17 October 2019
<ul style="list-style-type: none"> <li>• Qualitative analysis by working groups</li> <li>• Surveys and data extraction as necessary for collecting quantitative data</li> </ul>	Stakeholder working groups; Assessment Team	Assessment Team, WB, AFD	Starting the week of October 14 <sup>th</sup> until November 7 <sup>th</sup> , 2019
<ul style="list-style-type: none"> <li>• First assessment workshop: review of situation and gaps by pillar (based on qualitative analysis)</li> <li>• Identification of remaining data gaps guidance for quantitative analysis</li> </ul>	Assessment Team	WB, AFD	October – November 2019 (TBC)
<ul style="list-style-type: none"> <li>• Completion of qualitative and quantitative data</li> <li>• Chasing survey outputs</li> <li>• Analysis of quantitative data</li> <li>• First compilation of inputs into report draft</li> <li>• Suggestions for recommendations, identification of corresponding conditions/red flags</li> </ul>	Stakeholder working groups; Assessment Team	Assessment Team, WB	November 2019
Second assessment workshop: review of first report draft and agreement on analysis, preliminary recommendations	Assessment Team	WB, AFD	3-5 December 2019
<b><i>Phase 3: Reporting (January – June 2020)</i></b>			
First Draft of the Assessment Report	Assessment Team		First 2 weeks of January 2020
First revision of the draft assessment report and provision of inputs	NFP	WB, AFD	As of mid-January 2020
Workshop for initial validation of findings and recommendations	ASC; Stakeholders; Assessment Team	WB, AFD	3-7 February 2020 (TBC)

Output	Responsible	In collaboration with	Tentative date
Initial revision of the draft final Assessment Report based on the inputs from the validation workshop	Assessment Team		February 2020
Workshop for feedback on revised draft Assessment Report (tbc; unless coming after final revision)	ASC; Stakeholders; Assessment Team		2-6 March 2020 (TBC)
External Review of draft Assessment Report for quality control and quality assurance	Technical Advisory Group (TAG)		March 2020
Revision of the draft final Assessment Report based on the inputs from the external reviewers	Assessment Team		April 2020
Validation of Final Report	ASC; Minister of Finance	WB, AFD	May 2020
Dissemination of Assessment findings and recommendations	Ministry of Finance (NFP)	WB, AFD	May - June 2020

58. The following table provides a general overview of the succession of the different activities of MAPS II in Lebanon:

Task / Month (Apr 2019- June 2020)	04/ 19	05/ 19	06/ 19	07/ 19	08/ 19	09/ 19	10/ 19	11/ 19	12/ 19	01/ 20	02/ 20	03/ 20	04/ 20	05/ 20	06/ 20
1. Country concept note															
2. Recruitment of consultants															
3. Kick-off meetings & guidance on methodology															
4. Pre-assessment: NSC meetings to identify references & data sources															
5. Mobilization of needed resources															
6. Analysis of country context															
7. Assessment: Data Collection and Analysis															

<b>8. Assessment: Analysis (3-step)</b>															
<b>9. Findings &amp; recommendations</b>															
<b>10. Validation</b>															
<b>11. Report Writing</b>															
<b>12. Quality Control</b>															
<b>13. Final Report</b>															
<b>14. Report dissemination &amp; consultations</b>															

---

## Budget

59. USD 90,000 is the budget made available for MAPS by GPP-MDTF.

60. Due to budget constraints at the GoL level, other financing sources will be mobilized to support the full implementation of MAPS II in Lebanon.

61. A budget estimation is prepared as separate document by the National Focal Point.

## Annex 1 - Set of public procurement regulations in Lebanon

The Public Accounting Law (Decree 14969 of December 30, 1963), and the "Bidding System" (or Tendering System) (Decree 2866 of December 16, 1959) constitute the foundation of Lebanon's organizational and institutional framework for public procurement and provide for a system that is mostly centralized.

Other laws and decrees also regulate the various phases of the public procurement cycle, such as:

- The General Terms of Reference for Public Works Contractors (Decree of May 20, 1942)
- The Penal Code (Legislative Decree 340/NI of March 1, 1943)
- The Regulations of the Central Inspection Board (Decree 2460 of November 9, 1959)
- The publication of the Annual Procurement Plan (Decree 13221 of June 28, 1963)
- The Prequalification of Contractors (Decree 3688 of January 25, 1966)
- Stamp Duty (Legislative Decree 67 of August 5, 1967)
- The Disbarment from Participating in Public Bids (Decree 8117 of August 29, 1967)
- The Terms for Acceptance of Completed Public Works with Some Minor Flaws or Defects (Decree 14601 of May 30, 1970)
- The State Consultative Council (Decree 10434 of June 14, 1975)
- The financial guidelines for municipalities and public institutions (e.g. Decree 5595 of September 22, 1982)
- The Legislative Decree on the organization of the Court of Audit (Decree 82 of September 16, 1983)
- The General Budget and Annexed Budgets of 2001 (Article 73 of Law 326 of June 28, 2001)
- The Classification of Contractors and Consultants (Decree 9333 of December 26, 2002)
- The Identification of National Goods Benefiting from Preference in Public Tenders (Decree 10515 of July 23, 2003).

In addition, the Ministry of Defense, the Internal Security Forces and the General Security are expressly excluded from the procurement regulations of the Decree of 1959. Instead, they apply:

- Administrative Terms of Reference for Army Works (Decree 11573 of December 30, 1963)
- Administrative Terms of Reference for Army Supplies (Decree 11574 of December 30, 1968)
- Administrative Terms of Reference for Internal Security Forces Supplies (Decree 2868 of April 16, 1980).



## Annex 2 - Public procurement key institutional players in Lebanon

In the Lebanese context, six institutions are directly involved in advancing public procurement reform:

### **The Tender Board**

Created in 1959, the Tender Board, operating under the tutelage of the Central Inspection Board (CIB)<sup>9</sup>, is in charge of centralizing and carrying out the necessary procurement processes for goods and works on behalf of ministries, for amounts exceeding LBP 100,000,000 (equivalent to USD 66,666) and based on the General Schedule of Tenders approved annually with the budget. The Tender Board is also responsible for reviewing tender documents, bid openings and evaluations which values exceed 100,000,000 LL. However, over the years, the Tender Board has suffered from a lack of political support, funding and competent staffing, which has repeatedly held it up from undertaking even routine tasks, such as the review of TORs, in an efficient way, or to conduct market intelligence and publish official statistics. Since 2012, the Tender Board is working on rebuilding its capacities and regain its position at the core of the national procurement framework.

### **The Ministry of Finance (MoF)**

The Ministry regards public procurement as a core component of resource management reform and a priority area of action to lower the costs of public expenditure and ensure value for money, in a country facing a structural fiscal deficit and a debt/GDP ratio of approximately 150%. The MoF has backed up the reform of the legal framework by a series of initiatives aimed at improving procurement, such as publication of five SBDs and the development of high-quality specialized training modules for civil servants, including certified training in public procurement. After the consultative process on reforms that followed the CEDRE Conference (April 2018), the Ministry of Finance pushed public procurement modernization as one of the key structural reforms for sound public financial management in Lebanon, and included it in the Lebanese Government Statement (Article 4). A reform plan was set, aiming at 1) drafting a new public procurement law, 2) revising the five SBDs and issuing a decree that renders their use mandatory across the public sector, 3) implementing the MAPS Assessment, and 4) completing an institutional mapping that defines roles and responsibilities of key stakeholders.

### **The Office of the Minister of State for Administrative Reform (OMSAR)**

OMSAR was established in 1994 and is in charge of conducting administrative reform in the Lebanese public sector with a view to improve public sector management. As of 1998,

---

<sup>9</sup> The Central Inspection Board is an oversight body that is administratively connected to the Presidency of Council of Ministers, mainly in charge of monitoring public administrations to insure that they perform according to rules and regulations, monitoring the punctuality and discipline of civil servants, working on improving administrative processes, and providing consultation to public authorities spontaneously and upon demand (Source: [www.cib.gov.lb](http://www.cib.gov.lb))

OMSAR was given the responsibility to explore procurement reform. It has drafted a new public procurement law that was submitted to the review of EU-SIGMA experts and to consultations with some administrations. The draft law was transferred from the Council of Ministers to Parliament in December 2012, and then turned back to the Council of Ministers in March 2018. From 2013 till 2018, OMSAR implemented the “Technical support for the modernization of public procurement in Lebanon” – a project of 1.7 Million Euros, financed by the European Union. The project aimed to contribute to the development and implementation of a sound and efficient legal, institutional and operational foundation for the effective functioning of the public procurement system in Lebanon, in accordance with international legal and institutional models and practices. The project outcomes include “the provision of training to 900 civil servants, the use of a public procurement Code of Ethics, the introduction of standard procurement templates and the e-procurement system”<sup>10</sup>.

### **The Council for Development and Reconstruction (CDR)**

The CDR is a public establishment reporting to the Council of Ministers. It was designated since 1977 as the agency responsible for preparing a program for reconstruction and development and for implementing related economic, financial and social policies, in cooperation with various ministries, public interest institutions and concerned municipalities. In practice, since the end of the civil war in 1990, the CDR has been in charge of large infrastructure and reconstruction projects and has been managing a large share of international aid projects to Lebanon, and in particular their procurement components. The foreign-financed portion of the public investments executed by the CDR and ministries are included in the 19% of public spending that are outside the regular budget.

### **The Court of Audit**

The Court of Audit was established in 1951 to oversee the management of public funds. It is composed of judges (around 24), controllers (around 40) and account auditors (around 26). It includes administrative employees and an independent Public Prosecution. The Court of Audit performs several types of control:

- Administrative controls, mainly ex-ante control to ascertain the validity of transactions and their conformity with the budget, and with established laws and regulations; and a posteriori (ex-post) control to evaluate financial transactions and their overall results.
- Judicial controls that consist of control over the accounts and control of officials who manage or use public funds.

The Court of Audit also issues authoritative interpretations and advisory opinions. Institutions that are subject to the oversight of the Court of Audit are: Central government agencies, selected municipalities (usually large municipalities, 70 of a total of more than 1,000 municipalities across Lebanon), and selected public institutions/enterprises. Introducing changes in the Public Accounting Law would help reform the Court of Audit that is currently operating outside the scope of modern internal controls for Governments developed over the last 25 years.

---

<sup>10</sup> Source: [https://eeas.europa.eu/delegations/lebanon/54528/modernizing-public-procurement-achievements-and-perspectives\\_en](https://eeas.europa.eu/delegations/lebanon/54528/modernizing-public-procurement-achievements-and-perspectives_en)

**Institut des Finances Basil Fuleihan – Ministry of Finance**

The Institute is a center of excellence that contributes to national capacity development in public financial management and governance through training, research, publications, facilitation of access to information and cooperation with local, regional and international partners to exchange experiences and good practices.

Beyond its national mission, the Institute serves as a platform for regional cooperation as it hosts the Secretariat of the GIFT-MENA network of civil service training schools and is a regional training center for the World Customs Organization (WCO).

The Institute is an autonomous public institution operating under the tutelage of the Lebanese Minister of Finance, and contributes to advancing public financial management reforms through policy-oriented projects and initiatives.

## Annex 3 - Composition of the MAPS Assessment Steering Committee in Lebanon

### 1- Government of Lebanon Representatives

#### a- Oversight bodies

- Judge Georges Attieh, President, Central Inspection Board
- Judge Zeinab Hammoud, Court of Audit
- Judge Samih Maddah, State Council

#### b- Public administrations and institutions

- Dr. Jean Ellieh, Director General, Tender Board
- General Georges El Khoury, Lebanese Army, Ministry of Defense
- Commandant Rashad Fayad, Assistant to the Head of Expenditures Unit, General Directorate of Administration, Ministry of Defense
- Colonel Mohamad Saleh, Head of Equipment Directorate, Internal Security Forces, Ministry of Interior and Municipalities
- Lieutenant Colonel Shadi Serhal, Head of Buildings Section, Internal Security Forces, Ministry of Interior and Municipalities
- Lieutenant Colonel Wassim Monzer, General Security, Ministry of Interior and Municipalities
- Ms. Norma Nseir, Head of the Independent Municipal Fund, Directorate General of Local Authorities, Ministry of Interior and Municipalities
- Mr. Hadi El Dick, General Controller, Directorate General of Local Authorities, Ministry of Interior and Municipalities
- Dr. Hassan Mhaidly, Legal Advisor to the Minister, Ministry of Public Health
- Mr. Rashid Yousef, Head of Issues Department, Ministry of Public Works and Transport
- Mr. Bilal Nasser, Senior Financial Officer, Ministry of Education and Higher Education
- Mr. Youssef Saad, Head of Procurement Team, Office of the Minister of State for Administrative Reform
- Ms. Ghinwa Haddad, Head of Procurement Department, Council for Development and Reconstruction

#### c- National Focal Point – Chair of the Assessment Steering Committee

Ms. Lamia Moubayed Bissat, President, Institut des Finances Basil Fuleihan – Ministry of Finance

### 2- Donor Organizations Representatives

#### a- Representatives of the World Bank

- Mr. Luis Prada, Lead Procurement Specialist, Team Leader
- Mr. Lina Fares, Senior Procurement Specialist, co-Team Leader

#### b- Representative of the Agence Française de Développement

- Mr. Michel Samaha, Economist and Project Manager

## Annex 4 - MAPS Governance Structure



## Annex 5 - Tentative List of Key Stakeholders

---

This is a tentative list of stakeholders participating to the Assessment

### I- **Public spending agencies**

- General Secretariat of the Presidency of the Republic
- General Secretariat of the Council of Ministers
- General Secretariat of the Parliament
- **Ministries**
  - Ministry of Finance: directorates of Budget, Public accounting and Disbursements
  - Ministry of Defense
  - Ministry of Education and Higher Education
  - Ministry of Energy and Water
  - Ministry of Environment
  - Ministry of Economy and Trade
  - Ministry of Foreign Affairs and Emigrants
  - Ministry of Interior and Municipalities
  - Ministry of Public Health
  - Ministry of Public Works and Transport
  - Ministry of Social Affairs
  - Ministry of Telecommunications
  - Office of the Minister of State for Administration Reform
- **Public Institutions**
  - Council for Development and Reconstruction
  - Council for South
  - Casino du Liban / Middle East Airlines (one institution related to the BDL)
  - Electricité du Liban
  - Economic and Social Council
  - Establishment of the Water Authority of Beirut and Mount Lebanon
  - Establishment of the Water Authority of Bekaa
  - Green Plan
  - Higher Council for Privatization and Public Private Partnerships
  - High Relief Commission
  - Lebanese Petroleum Administration
  - Lebanese Agricultural Research Institute
  - Lebanese University
  - Litani River Authority
  - Ogero
  - Port of Beirut
  - Port of Tripoli

*N.B: Consider the selection of PI that receive budget transfers and apply the Public accounting Law*

- ***Governmental Hospitals***
  - Rafik Hariri University Governmental Hospital
  - Quarantina Governmental Hospital
  - Bouar Governmental Hospital
- ***Municipalities and Federations of municipalities***
  1. Large spending municipalities implementing PAL and subject to Court of Audit control and General Controller
    - Municipality of Beirut
    - Municipality of Zahle
    - Municipality of Tripoli
    - Municipality of Nabatiyeh
    - Municipality of Borj Hammoud
    - Municipality of Borj El Brajneh
    - Municipality of Hadath
    - Municipality of Chiyah
    - Municipality of Ghobeiri
    - Municipality of Jbeil
    - Municipality of Aley
  2. Large spending municipalities implementing the Decree 5595/82
    - Municipality of Jounieh
    - Municipality of Dbayeh
    - Municipality of Hazmieh
    - Municipality of Mansouriyeh
    - Municipality of Qaraoun
    - Municipality of Minieh
  3. Federations implementing PAL and subject to Court of Audit control and General Controller
    - Federation of Municipalities of Saida- Zahrani
    - Federation of Municipalities of Bouhaira
  4. Federations implementing the Decree 5595/82
    - Federation of Municipalities of Jezzine
    - Federation of Municipalities of Qaraoun Lake
    - Federation of Municipalities of Southern Beirut Suburbs
    - Federation of Municipalities of Metn El Aala
    - Federation of Municipalities of Dannieh

## **II- Oversight bodies**

- Central Inspection Board
- Tender Board
- Court of Audit
- State Council
- Civil Service Board
- Higher Council for Discipline

### **III- Private Sector Organizations, Business Associations and Small and Medium Enterprises**

- Order of Engineers and Architects in Beirut
- Order of Engineers and Architects in Tripoli
- Bar Association in Beirut
- Bar Association in Tripoli
- Banks and insurance syndicates
- Chamber of Commerce, Industry and Agriculture of Beirut and Mount-Lebanon
- Chamber of Commerce Industry and Agriculture of Tripoli and North Lebanon
- Chamber of Commerce Industry and Agriculture of Zahleh and Bekaa
- Association of Lebanese Industrialists
- Syndicates representatives of Lebanese industries suppliers to the public sector:
  - ✓ Lebanese Contractors Syndicate of Public Works and Buildings
  - ✓ Syndicate of Pharmaceutical Industries in Lebanon
  - ✓ Syndicate of Marble, Granite & Cement Products Industrialists
  - ✓ Syndicate of Paper and Packaging Industries in Lebanon
  - ✓ Syndicate of Lebanese Chemical Industries
  - ✓ Syndicate of Lebanese Food Industries
  - ✓ Syndicate of Electrical Fixtures
  - ✓ Syndicate of Textiles Industries
  - ✓ Syndicate of Insurance Brokers
  - ✓ Syndicate of Paint Manufacturers in Lebanon
  - ✓ Syndicate of Properties of Wooden Furniture Factories
  - ✓ Syndicate of Computer Sciences in Lebanon
- Small and Medium Enterprises representatives
- Digital Economy Representatives: Berytech / Smart ESA / UK Tech Hub

### **IV- Civil Society Organizations, Think Tanks, and Academics**

- Arab NGO Network for Development
- Beyond Reform and Development
- Bureau Technique des Villes Libanaises
- Civic Influence Hub
- Democracy Reporting International
- ESA Business School
- Gherbal Initiative
- Institut des Sciences Politiques – Université Saint-Joseph
- Kulluna Irada
- Lebanese Transparency Association
- Lebanese Center for Policy Studies
- Legal Agenda
- Lebanese Oil and Gas Initiative
- Lebanese Renaissance Foundation
- Lebanese Foundation for Permanent Civil Peace
- Lebanese Association for Taxpayers' Rights - ALDIC
- Nahnoo Association



## Appendix 10 - Primary and secondary legislation and related documents

### A. Primary Legislation

#### 1. Directly related to public procurement

Title <i>English</i>	Number and Date	Link to document	النص <i>العربية</i>
<b>Public Accounting Law</b>	Decree No 14969 December 30, 1963	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=243865">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=243865</a>	قانون المحاسبة العمومية
<b>Tender Regulation</b>	Decree No 2866 December 16, 1959	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=204478">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=204478</a>	نظام المناقصات

#### 2. Indirectly related to public procurement

Title <i>English</i>	Number and Date	Link to document	النص <i>العربية</i>
<b>Lebanese Constitution</b>	May 23, 1926	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244058">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244058</a>	الدستور اللبناني
<b>Penal Code</b> and its amendments to some provisions	Law No 340 March 1, 1943  <i>Amended by Leg. Decree No 112, September 16, 1983</i>	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244611">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244611</a>  <a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244683">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244683</a>	قانون العقوبات وتعديلاته
<b>Banning Israel Law</b>	Law No 0 June 23, 1955	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=257636">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=257636</a>	قانون مقاطعة إسرائيل
<b>Establishment of the Central Inspection Board</b>	Leg. Decree No 115 June 12, 1959	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244295">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244295</a>	إنشاء التفتيش المركزي
<b>Regulation of the Central Inspection Board</b>	Leg. Decree No 2460 November 9, 1959	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=202804">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=202804</a>	تنظيم التفتيش المركزي
<b>Regulation of the State Council</b>	Decree No 10434 June 14, 1975	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244736">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244736</a>	نظام مجلس شورى الدولة

<b>Title</b> <i>English</i>	<b>Number and Date</b>	<b>Link to document</b>	<b>النص</b> <i>العربية</i>
<b>Municipalities and its amendments</b>	Law No 118 June 30, 1977  <i>Amended by Law No 0, April 25, 1999, and by Law no 212, May 26, 2000</i>	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244078">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244078</a>  <a href="https://bit.ly/2WolmLD">https://bit.ly/2WolmLD</a>	قانون البلديات وتعديلاته
<b>Regulation of the Internal Security Forces</b>	Law No 17 September 6, 1990	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244510">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244510</a>	تنظيم قوى الأمن الداخلي
<b>Illicit Enrichment Law</b>	Law No 154 December 27, 1999	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=203188">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=203188</a>	الإثراء غير المشروع
<b>National Archives Law</b>	Law No 162 December 27, 2000	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=243820">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=243820</a>	المحفوظات الوطنية
<b>State Budget and Annexed Budgets Law of 2001</b>	Law No 326 June 28, 2001	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=183079">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=183079</a>	قانون الموازنة العامة والموازنات الملحقة لعام 2001
<b>Principles of Criminal Law</b>	Law No 328 August 2, 2001	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244483">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244483</a>	أصول المحاكمات الجزائية
<b>Amendments to the Civil law – Arbitration provisions</b>	Law No 440 July 29, 2002	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=192627">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=192627</a>	تعديل بعض احكام قانون اصول المحاكمات المدنية المتعلقة بالتحكيم
<b>Electricity Sector law</b>	Law No 462 September 2, 2002	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=197522">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=197522</a>	قانون تنظيم قطاع الكهرباء
<b>Access to Information Law</b>	Law No 28 February 10, 2017	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=269965">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=269965</a>	قانون الحق في الوصول الى المعلومات
<b>Public-Private Partnership Law</b>	Law No 48 September 7, 2017	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=273709">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=273709</a>	قانون تنظيم الشراكة بين القطاعين العام والخاص
<b>Electronic transactions and personal data Law</b>	Law No 81 October 10, 2018	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=278573">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=278573</a>	قانون المعاملات الإلكترونية والبيانات ذات الطابع الشخصي
<b>Whistleblowers' Protection Law</b>	Law No 83 October 10, 2018	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=278575">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=278575</a>	قانون حماية كاشفي الفساد
<b>Enhancing Transparency in the Petroleum Sector</b>	Law No 84 October 10, 2018	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=278576">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=278576</a>	دعم الشفافية في قطاع البترول

<b>Title</b> <i>English</i>	<b>Number and Date</b>	<b>Link to document</b>	<b>النص</b> <i>العربية</i>
<b>State Budget and Annexed Budgets of 2018</b>	Law No 79 April 18, 2018	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=275428">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=275428</a>	قانون الموازنة العامة والموازنات الملحقة لعام 2018
<b>State Budget and Annexed Budgets of 2019</b>	Law No 144 July 31, 2019	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=282709">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=282709</a>	قانون الموازنة العامة والموازنات الملحقة لعام 2019
<b>Law on Anti-Corruption in the Public Sector and the establishment of the National Commission for Anti-corruption</b>	Law No 175 May 8, 2020	<a href="https://www.lp.gov.lb/Resources/Files/67b41a38-8eea-4759-9489-fd83ddd829ce.pdf">https://www.lp.gov.lb/Resources/Files/67b41a38-8eea-4759-9489-fd83ddd829ce.pdf</a>	قانون مكافحة الفساد في القطاع العام وإنشاء الهيئة الوطنية لمكافحة الفساد
<b>Regulation of the Court of Accounts</b>	Leg. Decree No 82 September 16, 1983	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=246068">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=246068</a>	تنظيم ديوان المحاسبة
<b>Regulation of Public employment</b>	Leg. Decree No 149 September 16, 1983	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=179571">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=179571</a>	نظام الموظفين
<b>National Defense Law and its amendments to paragraph (8) of Article 94)</b>	Leg. Decree No 102 September 16, 1983  <i>Amendments by Law No 239, October 22, 1990</i>	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244656">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244656</a>  <a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=233420">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=233420</a>	قانون الدفاع الوطني وتعديلاته
<b>Financial system of the Council for Development and Reconstruction</b>	Decree No 2981 May 9, 1980	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244102">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244102</a>	النظام المالي لمجلس الانماء والاعمار
<b>Accounting principles for municipalities and Unions of municipalities</b>	Decree No 5595 September 22, 1982	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=183072">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=183072</a>	تحديد أصول المحاسبة في البلديات والإتحادات البلدية

## B. Secondary Legislation

### 1. Directly related to public procurement

Title (English)	Number and Date	Link to document	النص (بالعربية)
<b>Lebanese Standards and Specifications Law (LIBNOR)</b>	Law No 0 July 23, 1962	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=182697">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=182697</a>	قانون المقاييس والمواصفات اللبنانية (ليبنور)
<b>Special conditions for immediate supply conducted by the Office of Cereals and Sugar Beet</b>	Law No 11647 January 9, 1969	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244308">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244308</a>	قانون شروط خاصة لصفقات التموين الفورية التي يجريها مكتب الحبوب والشمندر السكري
<b>Excluding goods tender from the obligation of setting the minimum estimated price</b>	Law No 947 April 14, 1971	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244390">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244390</a>	قانون إستثناء صفقات اللوازم من موجب وضع السعر التقديري الأدنى
<b>Urban Planning Law</b>	Law No 69 September 9, 1983	<a href="http://legallaw.ul.edu.lb/Law.aspx?lawid=244511">http://legallaw.ul.edu.lb/Law.aspx?lawid=244511</a>	قانون التنظيم المدني
<b>Provisions for giving offers submitted for goods made in Lebanon a preference of 15% over offers of foreign goods</b>	Leg. Decree No 127 June 30, 1977	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=173858">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=173858</a>	مرسوم اشتراعي لأحكام خاصة بإعطاء العروض المقدمة لسلع مصنوعة في لبنان أفضلية بنسبة 15% (بالمنة) عن العروض المقدمة لسلع أجنبية
<b>Provisions related to common supplies and the assignment of tasks of the central tender board at the central the missions that were entrusted to the civil service board – amendments to Decree 56 of August 17, 1983</b>	Leg. Decree No 14 March 23, 1985	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=168724">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=168724</a>	مرسوم اشتراعي لأحكام تتعلق باللوازم المشتركة وتكليف إدارة المناقصات في التفتيش المركزي المهام التي كانت موكولة إلى مجلس الخدمة تعديل المرسوم الاشتراعي رقم 56 تاريخ 1983/8/17 -

<b>Title</b> (English)	<b>Number and Date</b>	<b>Link to document</b>	<b>النص</b> (بالعربية)
<b>Form of Guarantees to be provided by the Contractors</b>	Decree No 1245 December 07, 1932	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=179718">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=179718</a>	مرسوم كيفية تقديم الضمان التقدي الذي يجب ان يقدمه لمصالح الدولة متعهدو الاشغال والملتزمين
<b>Subjecting all public works contracts related to the general terms and conditions</b>	Decree No 405 March 21, 1942		إخضاع جميع المقاولات العائدة لتنفيذ أشغال عمومية لدفتر الأحكام والشروط العامة
<b>Publication of the Annual Procurement Plan</b>	Decree No 13221 June 28, 1963		مرسوم الاعلان عن البرنامج العام السنوي للمناقصات
<b>Prequalification of Contractors</b>	Decree No 3688 January 25, 1966	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=167655">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=167655</a>	مرسوم تحديد شروط الاشتراك في تنفيذ بعض الصفقات العامة
<b>Debarment from Participating in Public Bids</b>	Decree No 8117 August 29, 1967	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=204509">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=204509</a>	مرسوم تنظيم الإقصاء عن الاشتراك في تنفيذ الصفقات العامة
<b>Ratification of the Army general administrative bidding document for works</b>	Decree No 11573 December 30, 1968	<a href="http://www.legiliban.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=167084">http://www.legiliban.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=167084</a>	مرسوم تصديق دفتر الشروط الادارية العامة لتعهدات لواز الجيش
<b>Ratification of the Army general administrative bidding document for goods</b>	Decree No 11574 December 30, 1968	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=243870">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=243870</a>	مرسوم تصديق دفتر الشروط الادارية العامة لتعهدات لواز الجيش
<b>Exceptions to some Tenders belonging to the Electricité du Liban from the provisions of Decree No. 3688</b>	Decree No 13380 October 21, 1969	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=206769">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=206769</a>	مرسوم استثناء بعض الصفقات العائدة لمصلحة كهرباء لبنان من احكام المرسوم رقم ٣٦٨٨
<b>Defining the Terms for Acceptance with Some Minor Flaws or Defects</b>	Decree No 14601 May 30, 1970	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=198544">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=198544</a>	مرسوم تحديد شروط استلام الصفقات مع وجود بعض نواقص أو عيوب طفيفة

Title (English)	Number and Date	Link to document	النص (بالعربية)
Defining national goods and conditions to be met to benefit from 10% priority over foreign goods in public procurement	Decree No 4208 October 20, 1972	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=205862">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=205862</a>	مرسوم تحديد السلع الوطنية والشروط الواجب توفرها للاستفادة من افضلية 10 % عن السلع الاجنبية في المناقصات
Defining national goods and conditions to be met to benefit from 10% priority over foreign goods	Decree No 10352 May 23, 1975	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=198554">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=198554</a>	مرسوم تحديد السلع الوطنية والشروط الواجب توفرها للاستفادة من افضلية 10% عن السلع الأجنبية
Ratification of the General Administrative bidding document of goods for Internal Security Forces	Decree No 2868 April 16, 1980	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=171189">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=171189</a>	مرسوم تصديق دفتر الشروط الإدارية العام لتعهدات لواء قوى الأمن الداخلي
Classification of Contractors and Consultants for the participation in works	Decree No 9333 December 26, 2002	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=173386">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=173386</a>	مرسوم تصنيف المتعهدين ومكاتب الدروس للاشتراك بتنفيذ صفقات الاشغال العامة
Identification of National Goods Benefiting from Preference in Public Tenders	Decree No 10515 July 23, 2003	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=186941">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=186941</a>	مرسوم تحديد السلع الوطنية المستفيدة من الأفضلية في المناقصات العامة والشروط التي يجب ان تتوفر فيها
Standard bidding documents used by the Lebanese Petroleum Administration	Decree No 43 January 19, 2017	<a href="https://www.lpa.gov.lb/Library/Assets/Gallery/asdasdas/LicensingRoundsTenderProtocols/Decree%20%2043%20-%20TP%20-%20Rev%206%20-%2029-09-2015.pdf">https://www.lpa.gov.lb/Library/Assets/Gallery/asdasdas/LicensingRoundsTenderProtocols/Decree%20%2043%20-%20TP%20-%20Rev%206%20-%2029-09-2015.pdf</a>	مرسوم دفتر الشروط الخاصة بدورات التراخيص في المياه البحرية ونموذج اتفاقية الاستكشاف والانتاج
Setting criteria for direct contracting in public procurement	Council of Ministers Decision no. 9 May 17, 2017		قرار مجالس الوزراء لوضع معايير لعقد الصفقات العامة بطريقة التراضي
Jurisdiction of the urban planning directorate regarding the endorsement of bidding documents	Z 50/2018	Hard Copy	صلاحيّة التنظيم المدني بتصديق دفاتر الشروط

Title (English)	Number and Date	Link to document	النص (بالعربية)
Provisions related to Domestic Preference for offers containing domestic goods an advantage over offers of foreign goods	X 7/2019 March 20, 2019	Hard Copy	ضرورة إعطاء العروض المقدمة لسلع مصنوعة في لبنان أفضلية عن العروض المقدمة لسلع أجنبية
Principles of reception and opening of the bids/tenders at the internal security forces	Y644 ش 204/ March 9, 2007	Hard Copy	أصول إستلام وفرز عروض الاسعار في المناقصات في قوى الأمن الداخلي

## 2. Indirectly related to public procurement

Title (English)	Number and Date	Link to document	النص (بالعربية)
Permission for the government to join the United Nations Convention against Transnational Organized Crime	Law No 680 August 24, 2005	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=9046">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=9046</a>	قانون يجيز للحكومة الانضمام الى اتفاقية الامم المتحدة لمكافحة الجريمة المنظمة غير الوطنية
Permission for the Government to join the United Nations Convention against Corruption no. 4/58 dated October 31, 2003	Law No 33 October 16, 2008	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=9296">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=9296</a>	قانون يجيز للحكومة الانضمام الى اتفاقية الامم المتحدة لمكافحة الفساد المعتمدة من قبل الجمعية العمومية بقرارها رقم 58/4 بتاريخ 2003/10/31
Stamp Duty	Law No 67 August 5, 1967	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=203524">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=203524</a>	قانون رسم الطابع المالي
Organization of the privatization processes and specifying their conditions and areas for application	Law No 228 May 31, 2000	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=176980">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=176980</a>	قانون تنظيم عمليات الخصخصة وتحديد شروطها ومجالات تطبيقا

<b>Title</b> (English)	<b>Number and Date</b>	<b>Link to document</b>	<b>النص</b> (بالعربية)
<b>The regulations of the telecommunications services sector in Lebanon</b>	Law No 431 July 22, 2002	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=191857">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=191857</a>	قانون تنظيم قطاع خدمات الاتصالات على الأراضي اللبنانية
<b>Law on the Promotion of Investments in Lebanon</b>	Law No 9311 December 21, 2002	<a href="http://www.legiliban.ul.edu.lb/Law.aspx?lawId=181434">http://www.legiliban.ul.edu.lb/Law.aspx?lawId=181434</a>	قانون تشجيع الاستثمارات
<b>General Regulations for Public Institutions</b>	Decree No 4517 December 13, 1972		النظام العام للمؤسسات العامة
<b>Internal Structure of the Internal Security Forces</b>	Decree No 1157 May 2, 1991	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244036">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244036</a>	مرسوم تحديد التنظيم العضوي لقوى الأمن الداخلي
<b>Defining the departments' naming and Schedules of Employment at the Internal Security Forces</b>	Decree No 1460 July 15, 1991	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=182308">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=182308</a>	مرسوم تحديد تسمية القطاعات وجدول العديد العام في قوى الأمن الداخلي
<b>Definition of the administration system at the Internal Security Forces</b>	Decree No 1485 July 24, 1991	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244339">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=244339</a>	مرسوم تحديد نظام الإدارة في قوى الأمن الداخلي
<b>Definition of the disciplinary boards system in the Internal Security Forces</b>	Decree No 1694 September 13, 1991	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=189236">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=189236</a>	مرسوم تحديد نظام مجالس التأديب في قوى الأمن الداخلي
<b>Organizational structure of the Council for Development and Reconstruction</b>	Decree No 10941 September 13, 2003	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=192822">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=192822</a>	مرسوم الهيكلية التنظيمية لمجلس الإنماء والإعمار
<b>The working system of the Contractors &amp; Consultants classification committee and the compensation of its members</b>	Decree No 11845 February 11, 2004	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=207207">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=207207</a>	مرسوم نظام عمل هيئة تصنيف المتعهدين والاستشاريين وتحديد تعويضات أعضائها



<b>Title</b> (English)	<b>Number and Date</b>	<b>Link to document</b>	<b>النص</b> (بالعربية)
<b>Creation of the “Municipal Observatory” at Ministry of Interior and Municipalities</b>	Decree No 6481 October 8, 2011	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=229565">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=229565</a>	مرسوم استحداث دائرة باسم «المرصد البلدي» في ملاك المديرية العامة للإدارات والمجالس المحلية في وزارة الداخلية والبلديات
<b>Principles of Environmental impact assessment</b>	Decree No 8633 August 7, 2012	<a href="http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=232686">http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&amp;LawID=232686</a>	مرسوم أصول تقييم الأثر البيئي
<b>Behavioral inspection at the Internal Security Forces</b>	Instructions No 211 November 2, 1966	Hard Copy	تعليمات حول التفتيش المسلكي في قوى الأمن الداخلي
<b>Administrative and disciplinary penal code at the Internal Security Forces</b>	Instructions No 283 March 26, 1974	Hard Copy	تعليمات حول نظام العقوبات المسلكية والتأديبية في قوى الأمن الداخلي
<b>Structure and Jurisdiction of the equipment department at the Internal Security Forces</b>	Instruction no. 344 September 14, 1992	Hard Copy	تعليمات حول مهام مصلحة التجهيز ومكاتبها في قوى الأمن الداخلي
<b>Informing the general Financial attorney about crimes falling within his competence in the Internal Security Forces</b>	W / 122 ش 4 July 10, 1995	Hard Copy	اعلام النائب العام المالي عن الجرائم التي تدخل ضمن اختصاصه في قوى الأمن الداخلي
<b>Maintain records, portfolios and correspondence in the Internal Security Forces</b>	Instruction no. 359 September 6, 1995	Hard Copy	تعليمات حول مسك السجلات والمحافظ والمطابق في قوى الأمن الداخلي
<b>Authorizing the chiefs of staff and central administration to sign some transactions in the Internal Security Forces</b>	Y794 ش 204/ April 3, 2001	Hard Copy	تفويض رئيسي هيئة الأركان والإدارة المركزية بتوقيع بعض المعاملات في قوى الأمن الداخلي

Title (English)	Number and Date	Link to document	النص (بالعربية)
Delegating some prerogatives of the Minister of Interior and Municipalities to the Director General of the Internal Security Forces	Decision no. 2065 July 26, 2006	Hard Copy	قرار تفويض المدير العام لقوى الأمن الداخلي بعض صلاحيات وزير الداخلية والبلديات
System of complaints filed against the personnel of the Internal Security Forces and its employees, and related settlement	W 204/87 ش 4 March 27, 2014	Hard Copy	نظام للشكاوى المقدمة بحق عناصر قوى الأمن الداخلي والعاملين لديها ومعالجتها واستثمارها
Administrative instruction at the Internal Security forces	3/2 127/207 v July 11, 2019	Hard Copy	أمر إداري لدى قوى الأمن الداخلي

### C. Background documents

Title <i>English</i>	Number and Date	Link to document	النص <i>العربية</i>
<b>National</b>			
Loan Agreement (Education Development Project) between the Lebanese Republic and the International Bank for Reconstruction and Development	No 7966-LE October 12, 2011	<a href="http://www.legallaw.ul.edu.lb/AgreementView.aspx?ID=4449">http://www.legallaw.ul.edu.lb/AgreementView.aspx?ID=4449</a>	اتفاقية قرض (مشروع الانماء التربوي الثاني) بين الجمهورية اللبنانية والبنك الدولي للإنشاء والتعمير
Circulars and advisory opinions of the Court of Accounts and the Consultation and Legislation Authority			تعاميم وآراء استشارية عن ديوان المحاسبة وهيئة الاستشارات والتشريع
National Procurement Manual developed by the Institut des Finances Basil Fuleihan	2013	<a href="https://bit.ly/2WCQxmD">https://bit.ly/2WCQxmD</a>	الدليل الخاص بالصفقات العامة طوره معهد باسل فليحان المالي والاقتصادي

Title <i>English</i>	Number and Date	Link to document	النص <i>العربية</i>
Five Standard Bidding documents developed by the Institut des Finances Basil Fuleihan	2013	<a href="https://bit.ly/2Zt6BZG">https://bit.ly/2Zt6BZG</a>	خمس دفاتر شروط نموذجية طوّرها معهد باسل فليحان المالي والاقتصادي
Four Standard bidding documents developed by the Office of the Minister of State for Administrative Reform	2018	<a href="https://omsar.gov.lb/Procurement-Tenders/Standard-Bidding-Documents">https://omsar.gov.lb/Procurement-Tenders/Standard-Bidding-Documents</a>	أربعة دفاتر الشروط النموذجية طوّرها مكتب وزير الدولة لشؤون التنمية الإدارية
International			
United Nations Framework Convention on Climate Change and the Kyoto Protocol annexed to the convention	June 5, 1992 December 11, 1997	<a href="http://www.legallaw.ul.edu.lb/DownloadAgreementPage.aspx?Target=All&amp;type=2&amp;ID=3399&amp;language=ar">http://www.legallaw.ul.edu.lb/DownloadAgreementPage.aspx?Target=All&amp;type=2&amp;ID=3399&amp;language=ar</a>	اتفاقية الأمم المتحدة الإطارية بشأن تغير المناخ واتفاقية كيوتو الملحقّة
International Convention on Prohibition of labor discrimination based on race, color, sex, religion, political opinion, national origin or social origin	No 111 June 25, 1958	<a href="http://hrlibrary.umn.edu/ara/b/b013.html">http://hrlibrary.umn.edu/ara/b/b013.html</a>	الاتفاقية الدولية لمنع التمييز في استخدام على أساس العرق أو اللون أو الجنس أو الدين أو الرأي السياسي أو الأصل الوطني أو الأصل الاجتماعي
International Convention on Protection of the rights of the handicapped through the convention on the rights of disabled persons	No 1052 November 25, 2007	<a href="https://www.ohchr.org/AR/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx">https://www.ohchr.org/AR/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx</a>	الاتفاقية الدولية لحماية حقوق الأشخاص المعاقين عبر اتفاقية حقوق الأشخاص ذوي الإعاقة المجازة
International Convention on the Eradication of all Forms of Racial Discrimination	No 44 June 24, 1971		الاتفاقية الدولية للقضاء على التمييز العنصري بكافة أشكاله

<b>Title</b> <i>English</i>	<b>Number and Date</b>	<b>Link to document</b>	<b>النص</b> <i>العربية</i>
<b>World Bank New Procurement Framework and Regulations for Projects after July 1, 2016</b>	2016	<a href="https://www.worldbank.org/en/projects-operations/products-and-services/brief/procurement-new-framework">https://www.worldbank.org/en/projects-operations/products-and-services/brief/procurement-new-framework</a>	إطار المشتريات الجديد ولوائح المشاريع الصادرة عن البنك الدولي

## Appendix 11 - Reference documents and useful links

---

### A. National References

1. Central Administration of Statistics (CAS), Lebanon in Figures, 2008, URL: <http://www.cas.gov.lb/images/PDFs/Lebanon-Figures-2008.pdf>
2. Court of Audit Annual Reports, URL: <http://www.coa.gov.lb/subjectsearch.aspx?type=14>
3. Institut des Finances Basil Fuleihan, *Economic estimates of the size of public procurement in Lebanon*, 2020, URL: <http://www.institutdesfinances.gov.lb/publication/economic-estimates-of-the-size-of-public-procurement-in-lebanon/>
4. Institut des Finances Basil Fuleihan, *Recommendations of the Forum on Public Procurement*, June 2018, URL: <http://www.institutdesfinances.gov.lb/wp-content/uploads/2018/09/Forum-recommendations-ENG-FINAL.pdf>
5. Institut des Finances Basil Fuleihan, *Public procurement guide for Small and Medium Enterprises (Arabic)*, 2016, URL: <https://bit.ly/3fzB3GN>
6. Institut des Finances Basil Fuleihan, *How can Sustainable Public Procurement pave the way to Sustainable Development?*, 2015: <http://www.institutdesfinances.gov.lb/wp-content/uploads/2018/08/File-8.pdf>
7. Institut des Finances Basil Fuleihan, *Professionalizing Public Procurement in Lebanon: Diagnostic Review and a Vision Forward*, 2014, URL: <http://www.institutdesfinances.gov.lb/wp-content/uploads/2018/08/Procurement-Leb-for-web.pdf>
8. Institut des Finances Basil Fuleihan, *Better Value for Taxpayers' Money*, 2014, URL: <http://www.institutdesfinances.gov.lb/wp-content/uploads/2018/08/File-1-2.pdf>
9. Institut des Finances Basil Fuleihan, *Review of the Public Procurement Legal Framework in Lebanon: Possibilities for Incorporating Environmental and Social Sustainability Criteria*, 2011, URL: <http://www.institutdesfinances.gov.lb/wp-content/uploads/2012/08/Review-of-the-Public-Procurement-Legal-Framework-in-Lebanon-english.pdf>
10. Internal Security Forces, *Strategic Plan for the Internal Security Forces (2018-2022)*, URL: <http://www.isf.gov.lb/files/ISF%20SP%20Booklet%20Arabic.pdf>
11. Investment Development Authority of Lebanon (IDAL), *Lebanon's Trade Performance*, URL: [https://investinlebanon.gov.lb/en/lebanon\\_at\\_a\\_glance/lebanon\\_in\\_figures/trade\\_performance](https://investinlebanon.gov.lb/en/lebanon_at_a_glance/lebanon_in_figures/trade_performance)
12. *Lebanon's Anti-Corruption Strategy (2020-2015)*, May 2020
13. *Lebanon's Capital Investment Plan (CIP)*, April 2018, URL: <http://www.pcm.gov.lb/Admin/DynamicFile.aspx?PHName=Document&PageID=11231&published=1>
14. *Lebanon's Vision for Stabilization, Growth and Employment*, April 2018, URL: <http://www.pcm.gov.lb/Admin/DynamicFile.aspx?PHName=Document&PageID=11260&published=1>
15. *Lebanon's Voluntary National Review (VNR) on Sustainable Development Goals*, 2018, URL: <http://www.arabdevelopmentportal.com/sites/default/files/publication/942.lebanonvnr2018.pdf>
16. *Lebanese Government's Ministerial Declaration*, January 2019
17. *Lebanese Government's Ministerial Declaration*, February 2020
18. *Lebanese Government's Financial Recovery Plan*, April 2020, URL: <http://finance.gov.lb/en-us/EventPdfs/English/The%20Lebanese%20Government's%20Financial%20Recovery%20Plan.pdf>
19. Ministry of Economy and Trade, *Lebanon Economic Vision*, 2018, URL: <https://www.economy.gov.lb/media/11893/20181022-1228full-report-en.pdf>
20. Ministry of Economy and Trade, *Lebanon SMEs Strategy: A Roadmap to 2020*, 2014, URL: [https://www.economy.gov.lb/public/uploads/files/6833\\_5879\\_4642.pdf](https://www.economy.gov.lb/public/uploads/files/6833_5879_4642.pdf)
21. Ministry of Finance, *Economic and Finance Reports*, <http://www.finance.gov.lb/en-us/Finance>

22. Switch MED, *Sustainable Consumption and Production National Action Plan in the Industrial Sector in Lebanon*, 2015, URL: <https://www.oneplanetnetwork.org/resource/lebanon-scp-action-plan-industrial-sector-national-action-plan>

## B. International References

1. CEDRE (Conférence économique pour le développement, par les réformes et avec les entreprises) Conference Joint Statement, April 2018, URL: [https://www.diplomatie.gouv.fr/IMG/pdf/cedre\\_statement-en-final\\_ang\\_cle8179fb.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/cedre_statement-en-final_ang_cle8179fb.pdf)
2. European Commission, *Can Lebanon Defy Gravity Forever?*, Economic Brief 046, June 2019, URL: [https://ec.europa.eu/info/publications/economic-and-financial-affairs-publications\\_en](https://ec.europa.eu/info/publications/economic-and-financial-affairs-publications_en)
3. International Budget Partnership, *Open Budget Survey Lebanon*, 2019, URL: <https://www.internationalbudget.org/open-budget-survey/country-results/2019/lebanon>
4. International Monetary Fund, *Lebanon: Staff Concluding Statement of the 2019 Article IV Mission*, July 2019, URL: <https://www.imf.org/en/News/Articles/2019/07/02/mcs070219-lebanon-staff-concluding-statement-of-the-2019-article-iv-mission>
5. *Methodology for Assessing Procurement System (MAPS)*, 2018, URL: <http://www.mapsinitiative.org/methodology/MAPS-methodology-for-assessing-procurement-systems.pdf>
6. Office of The United Nations Special Coordinator for Lebanon, *Statements of the International Support Group for Lebanon [ENG]* (December 2019, January 2020, February 2020, April 2020, May 2020), URL: <https://unscol.unmissions.org/documents-international-support-group-lebanon-0>
7. Transparency International, *Corruption Perception Index*, 2019, URL: <https://www.transparency.org/en/countries/lebanon>
8. United Nations High Commissioner for Refugees (UNHCR), *2020 Update of the Lebanon Crisis Response Plan (LCRP 2017-2020)*, URL: <https://data2.unhcr.org/en/documents/download/74641>
9. World Bank, *Doing Business Report: Economy profile for Lebanon*, 2020, URL: <https://www.doingbusiness.org/content/dam/doingBusiness/country/l/lebanon/LBN.pdf>
10. World Bank, *Lebanon Economic Monitor - So When Gravity Beckons, the Poor Don't Fall*, Fall 2019, URL: <https://documents.worldbank.org/curated/en/349901579899850508/pdf/Lebanon-Economic-Monitor-Fall-2019-So-When-Gravity-Beckons-the-Poor-Dont-Fall.pdf>
11. World Bank, *Lebanon is in the Midst of Economic, Financial and Social Hardship, Situation Could Get worse*, November 2019, URL: <https://www.worldbank.org/en/news/press-release/2019/11/06/world-bank-lebanon-is-in-the-midst-of-economic-financial-and-social-hardship-situation-could-get-worse>
12. World Bank, *Lebanon's Economic Update*, April 2019, URL: <http://pubdocs.worldbank.org/en/757651553672394797/Lebanon-MEU-April-2019-Eng.pdf>
13. World Bank, *Benchmarking Public Procurement*, 2017, URL: <http://documents1.worldbank.org/curated/en/121001523554026106/Benchmarking-Public-Procurement-2017-Assessing-Public-Procurement-Regulatory-Systems-in-180-Economies.pdf>
14. World Bank, *Economic and Social Impact Assessment of the Syrian Conflict on Lebanon*, 2017, URL: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/925271468089385165/lebanon-economic-and-social-impact-assessment-of-the-syrian-conflict>
15. World Bank, *Lebanon: Promoting poverty reduction and shared prosperity*, Systematic Country Diagnostic 103201, 2015, <http://documents.worldbank.org/curated/en/951911467995104328/pdf/103201-REPLACEMNT-PUBLIC-Lebanon-SCD-Le-Borgne-and-Jacobs-2016.pdf>

16. World Economic Forum, *Global Competitiveness Report*, 2019, URL: [http://www3.weforum.org/docs/WEF\\_TheGlobalCompetitivenessReport2019.pdf](http://www3.weforum.org/docs/WEF_TheGlobalCompetitivenessReport2019.pdf)

**C. Useful links**

1. Presidency of the Council of Ministers: [www.pcm.gov.lb](http://www.pcm.gov.lb)
2. Lebanese Parliament: [www.lp.gov.lb](http://www.lp.gov.lb)
3. Ministry of Finance: [www.finance.gov.lb](http://www.finance.gov.lb)
4. Institut des Finances Basil Fuleihan: [www.institutdesfinances.gov.lb](http://www.institutdesfinances.gov.lb)
5. Court of Accounts: [www.coa.gov.lb](http://www.coa.gov.lb)
6. Central Inspection Board: [www.cib.gov.lb](http://www.cib.gov.lb)
7. Central Tender Board: [www.ppma.gov.lb](http://www.ppma.gov.lb)
8. Office of the Minister of State for Administrative Reform: [www.omsar.gov.lb](http://www.omsar.gov.lb)
9. Council for Development and Reconstruction: [www.cdr.gov.lb](http://www.cdr.gov.lb)
10. Official Gazette: [jo.pcm.gov.lb](http://jo.pcm.gov.lb)
11. General Security- Tender Announcements: <https://www.general-security.gov.lb/ar/tenders>
12. Internal Security Forces- Tender Announcements: <http://www.isf.gov.lb/ar/auctions>

## Appendix 12 - Conformity with assessment criteria, by pillar

### Assessment Result Summary

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

#### Color Code:

- i. Criterion Substantially Met – Green
- ii. Criterion Partially Met – Yellow
- iii. Criterion Substantially Not Met – Red
- iv. Criterion Not Applicable - Grey



## Pillar I. Legal, Regulatory, and Policy Framework

Indicator 1. The public procurement legal framework achieves the agreed principles and complies with applicable obligations.

### 1(a) Scope of application and coverage of the legal and regulatory framework

Assessment criteria
(a) Is adequately recorded and organized hierarchically (laws, decrees, regulations, procedures), and precedence is clearly established.
(b) It covers goods, works and services, including consulting services for all procurement using public funds.
(c) PPPs, including concessions, are regulated.
(d) Current laws, regulations and policies are published and easily accessible to the public at no cost

### 1(b) Procurement methods

Assessment criteria
(a) Procurement methods are established unambiguously at an appropriate hierarchical level, along with the associated conditions under which each method may be used.
(b) The procurement methods prescribed include competitive and less competitive procurement procedures and provide an appropriate range of options that ensure value for money, fairness, transparency, proportionality and integrity.
(c) Fractioning of contracts to limit competition is prohibited.
(d) Appropriate standards for competitive procedures are specified.

### 1(c) Advertising rules and time limits

Assessment criteria
(a) The legal framework requires that procurement opportunities are publicly advertised, unless the restriction of procurement opportunities is explicitly justified (refer to indicator 1(b)).
(b) Publication of opportunities provides sufficient time, consistent with the method, nature and complexity of procurement, for potential bidders to obtain documents and respond to the advertisement. The minimum time frames for submission of bids/proposals are defined for each procurement method, and these time frames are extended when international competition is solicited.
(c) Publication of open tenders is mandated in at least a newspaper of wide national circulation or on a unique Internet official site where all public procurement opportunities are posted. This should be easily accessible at no cost and should not involve other barriers (e.g. technological barriers).
(d) The content published includes enough information to allow potential bidders to determine whether they are able to submit a bid and are interested in submitting one.

#### 1(d) Rules on participation

Assessment criteria
(a) It establishes that participation of interested parties is fair and based on qualification and in accordance with rules on eligibility and exclusions.
(b) It ensures that there are no barriers to participation in the public procurement market.
(c) It details the eligibility requirements and provides for exclusions for criminal or corrupt activities, and for administrative debarment under the law, subject to due process or prohibition of commercial relations.
(d) It establishes rules for the participation of state-owned enterprises that promote fair competition.
(e) It details the procedures that can be used to determine a bidder's eligibility and ability to perform a specific contract.

#### 1(e) Procurement documentation and specifications

Assessment criteria
(a) It establishes the minimum content of the procurement documents and requires that content is relevant and sufficient for suppliers to respond to the requirement.
(b) It requires the use of neutral specifications, citing international norms when possible, and provides for the use of functional specifications where appropriate.
(c) It requires recognition of standards that are equivalent, when neutral specifications are not available.
(d) Potential bidders are allowed to request a clarification of the procurement document, and the procuring entity is required to respond in a timely fashion and communicate the clarification to all potential bidders (in writing)

#### 1(f) Evaluation and award criteria

Assessment criteria
(a) The evaluation criteria are objective, relevant to the subject matter of the contract, and precisely specified in advance in the procurement documents, so that the award decision is made solely based on the criteria stipulated in the documents.
(b) The use of price and non-price attributes and/or the consideration of life cycle cost is permitted as appropriate to ensure objective and value-for-money decisions.
(c) Quality is a major consideration in evaluating proposals for consulting services, and clear procedures and methodologies for assessment of technical capacity are defined.
(d) The way evaluation criteria are combined, and their relative weight determined should be clearly defined in the procurement documents.

(e) During the period of the evaluation, information on the examination, clarification and evaluation of bids/proposals is not disclosed to participants or to others not officially involved in the evaluation process.

#### 1(g) Submission, receipt, and opening of tenders

Assessment criteria
(a) Opening of tenders in a defined and regulated proceeding, immediately following the closing date for bid submission.
(b) Records of proceedings for bid openings are retained and available for review.
(c) Security and confidentiality of bids is maintained prior to bid opening and until after the award of contracts.
(d) The disclosure of specific sensitive information is prohibited, as regulated in the legal framework.
(e) The modality of submitting tenders and receipt by the government is well defined, to avoid unnecessary rejection of tenders.

#### 1(h) Right to challenge and appeal

Assessment criteria
(a) Participants in procurement proceedings have the right to challenge decisions or actions taken by the procuring entity.
(b) Provisions make it possible to respond to a challenge with administrative review by another body, independent of the procuring entity that has the authority to suspend the award decision and grant remedies and establish the right for judicial review.
(c) Rules establish the matters that are subject to review.
(d) Rules establish time frames for the submission of challenges and appeals and for issuance of decisions by the institution in charge of the review and the independent appeals body.
(e) Applications for appeal and decisions are published in easily accessible places and within specified time frames, in line with legislation protecting sensitive information.
(f) Decisions by the independent appeals body can be subject to higher-level review (judicial review).

#### 1(i) Contract management

Assessment criteria
(a) Functions for undertaking contract management are defined and responsibilities are clearly assigned.
(b) Conditions for contract amendments are defined, ensure economy and do not arbitrarily limit competition.

(c) There are efficient and fair processes to resolve disputes promptly during the performance of the contract.

(d) The final outcome of a dispute resolution process is enforceable.

#### 1(j) Electronic Procurement (e-Procurement)

##### **Assessment criteria**

(a) The legal framework allows or mandates e-Procurement solutions covering the public procurement cycle, whether entirely or partially.

(b) The legal framework ensures the use of tools and standards that provide unrestricted and full access to the system, taking into consideration privacy, security of data and authentication.

(c) The legal framework requires that interested parties be informed which parts of the processes will be managed electronically.

#### 1(k) Norms for safekeeping of records, documents and electronic data

##### **Assessment criteria**

(a) A comprehensive list is established of the procurement records and documents related to transactions including contract management. This should be kept at the operational level. It should outline what is available for public inspection including conditions for access.

(b) There is a document retention policy that is both compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption and compatible with the audit cycles.

(c) There are established security protocols to protect records (physical and/or electronic).

#### 1(l) Public procurement principles in specialized legislation

##### **Assessment criteria**

(a) Public procurement principles and/or the legal framework apply in any specialised legislation that governs procurement by entities operating in specific sectors, as appropriate.

(b) Public procurement principles and/or laws apply to the selection and contracting of public private partnerships (PPP), including concessions as appropriate.

(c) Responsibilities for developing policies and supporting the implementation of PPPs, including concessions, are clearly assigned.

## Indicator 2. Implementing regulations and tools support the legal framework.

### 2(a) Implementing regulations to define processes and procedures

Assessment criteria
(a) There are regulations that supplement and detail the provisions of the procurement law, and do not contradict the law.
(b) The regulations are clear, comprehensive and consolidated as a set of regulations readily available in a single accessible place.
(c) Responsibility for maintenance of the regulations is clearly established, and the regulations are updated regularly.

### 2(b) Model procurement documents for goods, works, and services

Assessment criteria
(a) There are model procurement documents provided for use for a wide range of goods, works and services, including consulting services procured by public entities.
(b) At a minimum, there is a standard and mandatory set of clauses or templates that reflect the legal framework. These clauses can be used in documents prepared for competitive tendering/bidding.
(c) The documents are kept up to date, with responsibility for preparation and updating clearly assigned.

### 2 (c) Standard contract conditions

Assessment criteria
(a) There are standard contract conditions for the most common types of contracts, and their use is mandatory.
(b) The content of the standard contract conditions is generally consistent with internationally accepted practice.
(c) Standard contract conditions are an integral part of the procurement documents and made available to participants in procurement proceedings.

### 2(d) User's guide or manual for procuring entities

Assessment criteria
(a) There is (a) comprehensive procurement manual(s) detailing all procedures for the correct implementation of procurement regulations and laws.
(b) Responsibility for maintenance of the manual is clearly established, and the manual is updated regularly.

Indicator 3. The legal and policy frameworks support the sustainable development of the country and the implementation of international obligations.

3(a) Sustainable Public Procurement (SPP)

Assessment criteria
(a) The country has a policy/strategy in place to implement SPP in support of broader national policy objectives.
(b) The SPP implementation plan is based on an in-depth assessment; systems and tools are in place to operationalize, facilitate and monitor the application of SPP.
(c) The legal and regulatory frameworks allow for sustainability (i.e. economic, environmental and social criteria) to be incorporated at all stages of the procurement cycle.
(d) The legal provisions require a well-balanced application of sustainability criteria to ensure value for money.

3(b) Obligations deriving from international agreements

Assessment criteria
(a) clearly established
(b) consistently adopted in laws and regulations and reflected in procurement policies.

## Pillar II. Institutional Framework and Management Capacity

Indicator 4. The public procurement system is mainstreamed and well- integrated into the public financial management system

4(a) Procurement planning and the budget cycle

Assessment criteria
(a) Annual or multi-annual procurement plans are prepared, to facilitate the budget planning and formulation process and to contribute to multi-year planning.
(b) Budget funds are committed or appropriated in a timely manner and cover the full amount of the contract (or at least the amount necessary to cover the portion of the contract performed within the budget period).
(c) A feedback mechanism reporting on budget execution is in place, in particular regarding the completion of major contracts.

4(b) Financial procedures and the procurement cycle

Assessment criteria
(a) No solicitation of tenders/proposals takes place without certification of the availability of funds.
(b) The national regulations/procedures for processing of invoices and authorization of payments are followed, publicly available and clear to potential bidders.

Indicator 5. The country has an institution in charge of the normative/regulatory function

5(a) Status and legal basis of the normative/regulatory institution function

Assessment criteria
(a) The legal and regulatory framework specifies the normative/regulatory function and assigns appropriate authorities' formal powers to enable the institution to function effectively, or the normative/regulatory functions are clearly assigned to various units within the government.

5(b) Responsibilities of the normative/regulatory function

Assessment criteria
(a) providing advice to procuring entities
(b) drafting procurement policies
(c) proposing changes/drafting amendments to the legal and regulatory framework

(d) monitoring public procurement
(e) providing procurement information
(f) managing statistical databases
(g) preparing reports on procurement to other parts of government
(h) developing and supporting implementation of initiatives for improvements of the public procurement system
(i) providing tools and documents, including integrity training programmes, to support training and capacity development of the staff responsible for implementing procurement
(j) supporting the professionalization of the procurement function (e.g. development of role descriptions, competency profiles and accreditation and certification schemes for the profession)
(k) designing and managing centralised online platforms and other e-Procurement systems, as appropriate

#### 5(c) Organization, funding, staffing, and level of independence and authority

Assessment criteria
(a) The normative/regulatory function (or the institutions entrusted with responsibilities for the regulatory function if there is not a single institution) and the head of the institution have a high-level and authoritative standing in government.
(b) Financing is secured by the legal/regulatory framework, to ensure the function's independence and proper staffing.
(c) The institution's internal organisation, authority and staffing are sufficient and consistent with its responsibilities.

#### 5(d) Avoiding conflict of interest

Assessment criteria
(a) The normative/regulatory institution has a system in place to avoid conflicts of interest.

### Indicator 6. Procuring entities and their mandates are clearly defined

#### 6(a) Definition, responsibilities and formal powers of procuring entities

Assessment criteria
(a) Procuring entities are clearly defined.
(b) Responsibilities and competencies of procuring entities are clearly defined.



(c) Procuring entities are required to establish a designated, specialised procurement function with the necessary management structure, capacity and capability.
(d) Decision-making authority is delegated to the lowest competent levels consistent with the risks associated and the monetary sums involved.
(e) Accountability for decisions is precisely defined.

#### 6(b) Centralized procurement body

Assessment criteria
(a) The country has considered the benefits of establishing a centralised procurement function in charge of consolidated procurement, framework agreements or specialised procurement.
(b) In case a centralised procurement body exists, the legal and regulatory framework provides for the following: <ul style="list-style-type: none"> <li>• Legal status, funding, responsibilities and decision-making powers are clearly defined.</li> <li>• Accountability for decisions is precisely defined.</li> <li>• The body and the head of the body have a high-level and authoritative standing in government.</li> </ul>
(c) The centralised procurement body's internal organisation and staffing are sufficient and consistent with its responsibilities.

### Indicator 7. Public procurement is embedded in an effective information system

#### 7(a) Publication of public procurement information supported by information technology

Assessment criteria
(a) Information on procurement is easily accessible in media of wide circulation and availability. Information is relevant, timely and complete and helpful to interested parties to understand the procurement processes and requirements and to monitor outcomes, results and performance.
(b) There is an integrated information system (centralised online portal) that provides up-to-date information and is easily accessible to all interested parties at no cost.
(c) The information system provides for the publication of: <ul style="list-style-type: none"> <li>• procurement plans</li> <li>• information related to specific procurements, at a minimum, advertisements /notices of procurement opportunities, procurement method, contract awards and contract implementation, including amendments, payments and appeals decisions</li> <li>• linkages to rules and regulations and other information relevant for promoting competition and transparency.</li> </ul>
(d) In support of the concept of open contracting, more comprehensive information is published on the online portal in each phase of the procurement process, including the full set of bidding

documents, evaluation reports, full contract documents including technical specification and implementation details (in accordance with legal and regulatory framework).
(e) Information is published in an open and structured machine-readable format, using identifiers and classifications (open data format)
(f) Responsibility for the management and operation of the system is clearly defined.

#### 7(b) Use of e-Procurement

Assessment criteria
(a) E-procurement is widely used or progressively implemented in the country at all levels of government.
(b) Government officials have the capacity to plan, develop and manage e-Procurement systems.
(c) Procurement staff is adequately skilled to reliably and efficiently use e-Procurement systems.
(d) Suppliers (including micro, small and medium-sized enterprises) participate in a public procurement market increasingly dominated by digital technology.
(e) If e-Procurement has not yet been introduced, the government has adopted an e-Procurement roadmap based on an e-Procurement readiness assessment.

#### 7(c) Strategies to manage procurement data

Assessment criteria
(a) A system is in operation for collecting data on the procurement of goods, works and services, including consulting services, supported by e-Procurement or other information technology.
(b) The system manages data for the entire procurement process and allows for analysis of trends, levels of participation, efficiency and economy of procurement and compliance with requirements.
(c) The reliability of the information is high (verified by audits).
(d) Analysis of information is routinely carried out, published and fed back into the system.

Indicator 8. The public procurement system has a strong capacity to develop and improve

8(a) Training, advice and assistance

Assessment criteria
(a) substantive permanent training programmes of suitable quality and content for the needs of the system.
(b) routine evaluation and periodic adjustment of training programmes based on feedback and need.
(c) advisory service or help desk function to resolve questions by procuring entities, suppliers and the public.
(d) a strategy well-integrated with other measures for developing the capacity of key actors involved in public procurement.

8(b) Recognition of procurement as a profession

Assessment criteria
(a) Procurement is recognised as a specific function, with procurement positions defined at different professional levels, and job descriptions and the requisite qualifications and competencies specified.
(b) Appointments and promotion are competitive and based on qualifications and professional certification.
(c) Staff performance is evaluated on a regular and consistent basis, and staff development and adequate training is provided.

8(c) Monitoring performance to improve the system

Assessment criteria
(a) The country has established and consistently applies a performance measurement system that focuses on both quantitative and qualitative aspects.
(b) The information is used to support strategic policy making on procurement.
(c) Strategic plans, including results frameworks, are in place and used to improve the system.
(d) Responsibilities are clearly defined.

## Pillar III. Public Procurement Operations and Market Practices

### Indicator 9. Public procurement practices achieve stated objectives

#### 9(a) Planning

Assessment criteria
(a) Needs analysis and market research guide a proactive identification of optimal procurement strategies.
(b) The requirements and desired outcomes of contracts are clearly defined.
(c) Sustainability criteria, if any, are used in a balanced manner and in accordance with national priorities, to ensure value for money.

#### 9(b) Selection and contracting

Assessment criteria
(a) Multi-stage procedures are used in complex procurements to ensure that only qualified and eligible participants are included in the competitive process.
(b) Clear and integrated procurement documents, standardised where possible and proportionate to the need, are used to encourage broad participation from potential competitors.
(c) Procurement methods are chosen, documented and justified in accordance with the purpose and in compliance with the legal framework.
(d) Procedures for bid submission, receipt and opening are clearly described in the procurement documents and complied with. This means, for instance, allowing bidders or their representatives to attend bid openings, and allowing civil society to monitor bid submission, receipt and opening, as prescribed.
(e) Throughout the bid evaluation and award process, confidentiality is ensured.
(f) Appropriate techniques are applied, to determine best value for money based on the criteria stated in the procurement documents and to award the contract.
(g) Contract awards are announced as prescribed.
(h) Contract clauses include sustainability considerations, where appropriate.
(i) Contract clauses provide incentives for exceeding defined performance levels and disincentives for poor performance.
(j) The selection and award process is carried out effectively, efficiently and in a transparent way.

### 9(c) Contract management

Assessment criteria
(a) Contracts are implemented in a timely manner.
(b) Inspection, quality control, supervision of work and final acceptance of products is carried out.
(c) Invoices are examined, time limits for payments comply with good international practices, and payments are processed as stipulated in the contract.
(d) Contract amendments are reviewed, issued and published in a timely manner.
(e) Procurement statistics are available and a system is in place to measure and improve procurement practices.
(f) Opportunities for direct involvement of relevant external stakeholders in public procurement are utilised.
(g) The records are complete and accurate, and easily accessible in a single file.

## Indicator 10. The public procurement market is fully functional

### 10(a) Dialogue and partnerships between public and private sector

Assessment criteria
(a) The government encourages open dialogue with the private sector. Several established and formal mechanisms are available for open dialogue through associations or other means, including a transparent and consultative process when formulating changes to the public procurement system. The dialogue follows the applicable ethics and integrity rules of the government.
(b) The government has programmes to help build capacity among private companies, including for small businesses and training to help new entries into the public procurement marketplace.

### 10(b) Private sector's organisation and access to the public procurement market

Assessment criteria
(a) The private sector is competitive, well-organised, willing and able to participate in the competition for public procurement contracts.
(b) There are no major systemic constraints inhibiting private sector access to the public procurement market.

### 10(c) Key sectors and sector strategies

Assessment criteria
(a) Key sectors associated with the public procurement market are identified by the government.

(b) Risks associated with certain sectors and opportunities to influence sector markets are assessed by the government, and sector market participants are engaged in support of procurement policy objectives.

## Pillar IV. Accountability, Integrity and Transparency of the Public Procurement System

### Indicator 11. Transparency and civil society engagement foster integrity in public procurement

#### 11(a) Enabling environment for public consultation and monitoring

Assessment criteria
(a) A transparent and consultative process is followed when formulating changes to the public procurement system.
(b) Programmes are in place to build the capacity of relevant stakeholders to understand, monitor and improve public procurement.
(c) There is ample evidence that the government takes into account the input, comments and feedback received from civil society.

#### 11(b) Adequate and timely access to information by the public

Assessment criteria
(a) Requirements in combination with actual practices ensure that all stakeholders have adequate and timely access to information as a precondition for effective participation.

#### 11(c) Direct engagement of civil society

Assessment criteria
(a) The legal/regulatory and policy framework allows citizens to participate in the following phases of a procurement process, as appropriate: <ul style="list-style-type: none"><li>• the planning phase (consultation)</li><li>• bid/proposal opening (observation)</li><li>• evaluation and contract award (observation), when appropriate, according to local law</li><li>• contract management and completion (monitoring).</li></ul>
(b) There is ample evidence for direct participation of citizens in procurement processes through consultation, observation and monitoring.

### Indicator 12. The country has effective control audit systems

#### 12(a) Legal framework, organization and procedures of the control system

Assessment criteria
(a) laws and regulations that establish a comprehensive control framework, including internal controls, internal audits, external audits and oversight by legal bodies

(b) internal control/audit mechanisms and functions that ensure appropriate oversight of procurement, including reporting to management on compliance, effectiveness and efficiency of procurement operations
(c) internal control mechanisms that ensure a proper balance between timely and efficient decision-making and adequate risk mitigation
(d) independent external audits provided by the country's Supreme Audit Institution (SAI) that ensure appropriate oversight of the procurement function based on periodic risk assessments and controls tailored to risk management
(e) review of audit reports provided by the SAI and determination of appropriate actions by the legislature (or other body responsible for public finance governance)
(f) clear mechanisms to ensure that there is follow-up on the respective findings.

#### 12(b) Coordination of controls and audits of public procurement

Assessment criteria
(a) There are written procedures that state requirements for internal controls, ideally in an internal control manual.
(b) There are written standards and procedures (e.g. a manual) for conducting procurement audits (both on compliance and performance) to facilitate coordinated and mutually reinforcing auditing.
(c) There is evidence that internal or external audits are carried out at least annually and that other established written standards are complied with.
(d) Clear and reliable reporting lines to relevant oversight bodies exist.

#### 12(c) Enforcement and follow-up on findings and recommendations

Assessment criteria
(a) Recommendations are responded to and implemented within the time frames established in the law.
(b) There are systems in place to follow up on the implementation/enforcement of the audit recommendations.

#### 12(d) Qualification and training to conduct procurement audits

Assessment criteria
(a) There is an established programme to train internal and external auditors to ensure that they are qualified to conduct high-quality procurement audits, including performance audits.
(b) The selection of auditors requires that they have adequate knowledge of the subject as a condition for carrying out procurement audits; if auditors lack procurement knowledge, they are routinely supported by procurement specialists or consultants.



(c) Auditors are selected in a fair and transparent way and are fully independent.

### Indicator 13. Procurement appeals mechanisms are effective and efficient

#### 13(a) Process for challenges and appeals

Assessment criteria
(a) Decisions are rendered on the basis of available evidence submitted by the parties.
(b) The first review of the evidence is carried out by the entity specified in the law.
(c) The body or authority (appeals body) in charge of reviewing decisions of the specified first review body issues final, enforceable decisions.
(d) The time frames specified for the submission and review of challenges and for appeals and issuing of decisions do not unduly delay the procurement process or make an appeal unrealistic.

#### 13(b) Independence and capacity of the appeals body

Assessment criteria
(a) is not involved in any capacity in procurement transactions or in the process leading to contract award decisions
(b) does not charge fees that inhibit access by concerned parties
(c) follows procedures for submission and resolution of complaints that are clearly defined and publicly available
(d) exercises its legal authority to suspend procurement proceedings and impose remedies
(e) issues decisions within the time frame specified in the law/regulations*
(f) issues decisions that are binding on all parties
(g) is adequately resourced and staffed to fulfil its functions.

#### 13(c) Decisions of the appeals body

Assessment criteria
(a) based on information relevant to the case.
(b) balanced and unbiased in consideration of the relevant information.
(c) result in remedies, if required, that are necessary to correcting the implementation of the process or procedures.
(d) decisions are published on the centralised government online portal within specified timelines and as stipulated in the law.

## Indicator 14. The country has ethics and anticorruption measures in place

### 14(a) Legal definition of prohibited practices, conflict of interest, and associated responsibilities, accountabilities, and penalties:

Assessment criteria
(a) definitions of fraud, corruption and other prohibited practices in procurement, consistent with obligations deriving from legally binding international anti-corruption agreements.
(b) definitions of the individual responsibilities, accountability and penalties for government employees and private firms or individuals found guilty of fraud, corruption or other prohibited practices in procurement, without prejudice of other provisions in the criminal law.
(c) definitions and provisions concerning conflict of interest, including a cooling-off period for former public officials.

### 14(b) Provisions on prohibited practices in procurement documents

Assessment criteria
(a) The legal/regulatory framework specifies this mandatory requirement and gives precise instructions on how to incorporate the matter in procurement and contract documents.
(b) Procurement and contract documents include provisions on fraud, corruption and other prohibited practices, as specified in the legal/regulatory framework.

### 14(c) Effective sanctions and enforcement systems

Assessment criteria
(a) Procuring entities are required to report allegations of fraud, corruption and other prohibited practices to law enforcement authorities, and there is a clear procedure in place for doing this.
(b) There is evidence that this system is systematically applied and reports are consistently followed up by law enforcement authorities.
(c) There is a system for suspension/debarment that ensures due process and is consistently applied.
(d) There is evidence that the laws on fraud, corruption and other prohibited practices are being enforced in the country by application of stated penalties.

### 14(d) Anti-corruption framework and integrity training

Assessment criteria
(a) The country has in place a comprehensive anti-corruption framework to prevent, detect and penalise corruption in government that involves the appropriate agencies of government with a level of responsibility and capacity to enable its responsibilities to be carried out.

(b) As part of the anti-corruption framework, a mechanism is in place and is used for systematically identifying corruption risks and for mitigating these risks in the public procurement cycle.
(c) As part of the anti-corruption framework, statistics on corruption-related legal proceedings and convictions are compiled and reports are published annually.
(d) Special measures are in place for the detection and prevention of corruption associated with procurement.
(e) Special integrity training programmes are offered and the procurement workforce regularly participates in this training.

14(e) Stakeholder support to strengthen integrity in procurement

Assessment criteria
(a) There are strong and credible civil society organisations that exercise social audit and control.
(b) There is an enabling environment for civil society organisations to have a meaningful role as third-party monitors, including clear channels for engagement and feedback that are promoted by the government.
(c) There is evidence that civil society contributes to shape and improve integrity of public procurement.
(d) Suppliers and business associations actively support integrity and ethical behaviour in public procurement, e.g. through internal compliance measures.

14(f) Secure mechanism for reporting prohibited practices or unethical behaviour

Assessment criteria
(a) There are secure, accessible and confidential channels for reporting cases of fraud, corruption or other prohibited practices or unethical behaviour.
(b) There are legal provisions to protect whistle-blowers, and these are considered effective.
(c) There is a functioning system that serves to follow up on disclosures.

14(g) Codes of conduct/codes of ethics and financial disclosure rules

Assessment criteria
(a) There is a code of conduct or ethics for government officials, with particular provisions for those involved in public financial management, including procurement.
(b) The code defines accountability for decision making, and subjects decision makers to specific financial disclosure requirements.
(c) The code is of mandatory, and the consequences of any failure to comply are administrative or criminal.

(d) Regular training programmes are offered to ensure sustained awareness and implementation of measures.

(e) Conflict of interest statements, financial disclosure forms and information on beneficial ownership are systematically filed, accessible and utilised by decision makers to prevent corruption risks throughout the public procurement cycle.

## Appendix 13 - Analysis of procurement stakeholders

A thorough mapping of key stakeholders formally and informally linked to public procurement structures is found here below. Prepared at an early stage of the assessment, it has helped identify and engage stakeholders as part of the assessment and as part of future reform processes. The understanding of how interests, incentives, values and ideas are shaped by formal and informal rules has allowed to secure stakeholder engagement in the assessment which will then support the development and prioritisation of reform actions that are feasible and realistic to implement.

### PUBLIC PROCUREMENT STAKEHOLDERS IN LEBANON

Stakeholder	Leadership	Current role and responsibilities	Gaps and risks	Positioning vis-à-vis procurement reform
<b>Central Tender Board</b> <b>CTB</b>	<ul style="list-style-type: none"> <li>Administratively attached to the Central Inspection.</li> <li>Independent in his decisions regarding Public Procurement.</li> <li>The CTB Director General is appointed by the Council of Ministers.</li> <li>The CTB's Director General has the authority to form tender committees.</li> </ul>	<ul style="list-style-type: none"> <li>Consolidates yearly plans received from different procuring entities into one general yearly procurement plan, and publishes it in 5 local newspapers and in the Official Gazette.</li> <li>Carries out procurement on behalf of ministries (except Ministry of Defense, Internal Security Forces and General Security) and public institutions (if not contradictory with their own regulations) when the contract value exceeds 100 million LBP.</li> <li>CTB role in the procurement process includes the following steps: revision of tender documents and providing non-binding feedback to the contracting authority, announcement of tenders in three local newspapers well as in the Official Gazette, receipt of proposals, opening and evaluation of proposals by a special tender committee formed by the Head of the CTB.</li> <li>After identifying the winning proposal, the whole file and results are communicated to the contracting authority for approvals and contract signature.</li> </ul>	<ul style="list-style-type: none"> <li>Hybrid status: it doesn't perform centralized procurement, nor joint procurement, but carries out procurement on behalf of certain procuring entities (ministries (except Ministry of Defense, Internal Security Forces and General Security) and public institutions (if not contradictory with their own regulations), only over a certain threshold (100 million LBP).</li> <li>Non-binding recommendations.</li> <li>Work hindered by lack of preparation of annual plan by procuring entities.</li> <li>Absence of standard bidding documents.</li> <li>Lack of resources.</li> <li>Conflicting roles and responsibilities with the Central Inspection.</li> <li>Executive power interference</li> </ul>	In favor of decentralized model of procurement, with Central Tender Board new role fulfilling the control function across the board.

Stakeholder	Leadership	Current role and responsibilities	Gaps and risks	Positioning vis-à-vis procurement reform
<b>Court of Accounts CoA</b>	<ul style="list-style-type: none"> <li>Operates under tutelage of Presidency of Council of Ministers.</li> <li>The President of the Court of Accounts is appointed by the Council of Ministers</li> </ul>	<ul style="list-style-type: none"> <li>As the Supreme Audit Institution of Lebanon, the CoA performs a compliance audit on public spending prior to contract signature and post contract execution.</li> <li>The CoA audit depends on the nature of the procuring entity, as well as on the contracts amount.</li> <li>Are subject to its audit: ministries and some municipalities, for procurement exceeding certain thresholds.</li> </ul>	<ul style="list-style-type: none"> <li>Ex-ante audit overlaps with the role of the Ministry of Finance in controlling expenditures.</li> <li>Ex-post audit is limited due to lack of resources</li> <li>Lack of human resources.</li> <li>Weak disciplinary power in case of misconduct detection.</li> <li>Performance audit not applied.</li> <li>Executive power interference</li> </ul>	In favor of decentralized model of procurement, while maintaining the ex-ante audit of the CoA.
<b>State Council SC</b>	<ul style="list-style-type: none"> <li>Linked to the Minister of Justice.</li> <li>The President of the State Council is appointed by the Council of Ministers.</li> </ul>	Handles complaints related to public procurement before and after contract signature.	<ul style="list-style-type: none"> <li>Lack of suspensive effect of summary measures on procurement procedures.</li> <li>Executive power interference (determines number of trainees judges, nominates judges, illicit enrichment cases, etc.)</li> <li>Long delays in the court procedures (often it takes years to take a decision)</li> </ul>	In favor of a well-functioning and efficient complaints system dealing with procurement cases.

Stakeholder	Leadership	Current role and responsibilities	Gaps and risks	Positioning vis-à-vis procurement reform
<b>Ministry of Finance MOF</b>	<ul style="list-style-type: none"> <li>▪ The General Directorate of Finance plays a key role in Public Procurement. It has an "Expenditure Controller" assigned in each ministry.</li> <li>▪ The MOF includes, in addition to the General Directorate of Finance, other general directorates and institutions.</li> </ul>	Controls and approves public expenditures done by all ministries. Expenditures may not be engaged without the prior approval of the Expenditure Controller of the MOF. This doesn't apply to all public institutions which expenditures control is done either internally or through a Government commissioner, especially for big spenders like the Council for Development and Reconstruction (CDR).	<ul style="list-style-type: none"> <li>▪ Lack of procurement integration in the state budget.</li> <li>▪ Expenditure control overlaps with ex-ante audit performed by Court of Accounts.</li> <li>▪ Not all procuring entities are covered by the ministry's expenditures control.</li> <li>▪ Processes are not automated, lack of transparency.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Committed to public procurement reform since 2018</li> <li>▪ Leading MAPS assessment to better inform the reform process.</li> <li>▪ In favor of procurement's integration into budget and value for money.</li> </ul>
<b>Central Inspection CI</b>	<ul style="list-style-type: none"> <li>• Operates under tutelage of Presidency of Council of Ministers.</li> <li>• The President of the Central Inspection is appointed by the Council of Ministers.</li> </ul>	Within its mandate, the CI undertakes financial and other types of inspection on ministries, public institutions and municipalities, with some exceptions.	<ul style="list-style-type: none"> <li>▪ Scope is not comprehensive (excluding municipalities), especially in financial inspection</li> <li>▪ Lack of human resources</li> <li>▪ Insufficient working tools</li> <li>▪ Executive power interference</li> </ul>	In favor of a decentralized model of procurement governance with the CI having a key role in procurement oversight.
<b>Council of Ministers COM</b>	Prime Minister (Head of the Executive)	<ul style="list-style-type: none"> <li>▪ The approval of the COM is mandatory for exceptions in public procurement procedures.</li> <li>▪ The COM also appoints director generals and heads of the independent control agencies, most of which are within its structure.</li> </ul>	Political interference in the procurement processes.	<ul style="list-style-type: none"> <li>▪ National momentum for reforming public procurement in the country.</li> <li>▪ But politicians' interests are at stake: not in favor of a reform that decreases their political power over procurement.</li> </ul>

Stakeholder	Leadership	Current role and responsibilities	Gaps and risks	Positioning vis-à-vis procurement reform
<b>Ministry of Interior and Municipalities</b>  <b>MoIM</b>	<ul style="list-style-type: none"> <li>▪ DGLAC has a key role in the PP processes of the municipalities and Union of Municipalities</li> <li>▪ In addition to DGLAC, the MoIM includes other general directorates.</li> </ul>	Has the role of approving and monitoring public expenditures done by municipalities and unions of municipalities.	<ul style="list-style-type: none"> <li>▪ Lack of uniformity: not all municipalities are subject to same legal text.</li> <li>▪ Discrepancy in legal texts as for municipalities subject to Court of Accounts' oversight.</li> <li>▪ Expenditure control overlap with ex-ante audit performed by Court of Accounts for municipalities subject to its oversight.</li> </ul>	
<b>Private sector: Business associations and syndicates</b>		<p>Represent large economic operators providing goods, services and works to Government (at both central and local levels)</p> <p>Have their own interests in guaranteeing shares of the public procurement market</p>	<ul style="list-style-type: none"> <li>▪ Represent interests of politicians, shareholders in companies and contracting groups.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Some sub-groups of the private sector have limited interest in establishing an efficient, competitive and transparent procurement framework.</li> <li>▪ Most of them are in favor of keeping pre-classification of contractors.</li> <li>▪ In favor of giving preferences to national goods and services in public procurement.</li> </ul>
<b>Private sector: Small and medium enterprises</b>		Represent more than 93% of the Lebanese economy and employ 51% of the working population.	<ul style="list-style-type: none"> <li>▪ Several barriers to accessing procurement market.</li> <li>▪ Lack of transparency limit their access to information on new opportunities.</li> <li>▪ Lost potential due to limited competition.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Have large interest in establishing an efficient, competitive and transparent procurement framework.</li> <li>▪ In favor of access to data and of efficient complaint system.</li> <li>▪ In favor of giving preferences to national goods and services in public procurement.</li> </ul>



Stakeholder	Leadership	Current role and responsibilities	Gaps and risks	Positioning vis-à-vis procurement reform
<b>Civil society</b>		<p>Watches the government performance and raise voice against corrupted practices</p> <p>Asks for more transparency in public procurement</p>	<ul style="list-style-type: none"> <li>▪ Lack of knowledge of the current performance of public procurement system.</li> <li>▪ Lack of knowledge of stakeholders' roles and responsibilities.</li> <li>▪ Insufficient monitoring mechanisms on procurement procedures.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Support procurement reform for more transparency and sound delivery of public services to citizens (open data).</li> <li>▪ Are indifferent vis-a-vis the nature of the new governance model of public procurement (centralized or decentralized).</li> </ul>
<b>International community</b>		<p>Represents donor organizations (regional and international) supporting reforms and economic development in Lebanon.</p> <p>The international community reiterates, at several occasions, the urgency of public procurement reform as one of the main structural reforms the Lebanese government has to demonstrate to regain trust and unlock foreign aid.</p>		<p>In favor and pushing towards a modern public procurement system, in line with international standards and guidelines, that is able to ensure value for money, foster competition, regain trust, limit corruption, attract foreign investments and ensure efficient public services.</p>