



Progress on the Implementation Framework of the National Anti-Corruption Strategy 2020-2025

PILLAR 3 - Public Procurement System Less Vulnerable to Corruption

May 2020 - October 2021

The below matrix shows the progress so far achieved on Public Procurement Reform in Lebanon, lead and coordinated by the Ministry of Finance – Institut des Finances Basil Fuleihan, as a key pillar of the National Anti-Corruption Strategy that was approved by the Council of Ministers (Decision no. 7, dated May 12, 2020).

Outputs	Areas of Work	Timeline	Progress	Key responsible parties
1. Centralized and decentralized public procurement more transparent and competitive	Establishing an optional standard e-platform (pending a mandatory platform) for the announcement of public procurement tenders, and publishing the bidding documents and contract awards to enable stakeholders to obtain information on all types of public procurement	Short	<p>50%</p> <p>A mandatory to use by all procuring entities central electronic platform was established by the Public Procurement Law no. 244/2021, dated July 19, 2021.</p> <p>A status assessment and implementation strategy were done in 2021.</p> <p><i>Platform operationalization planned for the first half of 2022.</i></p>	Parliament/ Council of Ministers/ Ministry of Finance – Institut des Finances Basil Fuleihan / Ministry of State for Administrative Reform/ Tenders Administration at the Central Inspection



	Establishing a public database on the unified e-platform, including information on the suppliers and awarded contracts as per the applicable laws	Medium	<p>50%</p> <p>A central database for procurement data consolidation as part of the central electronic platform is indicated in Article 109 of the Chapter 8 of the Public Procurement Law no. 244/2021, dated July 19, 2021.</p> <p><i>Platform development and operationalization, including the database, planned for the first half of 2022.</i></p>
	Supporting the adoption and effective implementation of e-procurement mechanisms	Medium	<p>50%</p> <p>Chapter 4 of the Public Procurement Law no. 244/2021, dated July 19, 2021, is dedicated to specific provisions for the introduction of e-procurement.</p> <p><i>Regulations for application of e-procurement to be determined by a decree issued by the Council of Ministers.</i></p>
	Supporting all public administrations, institutions, and municipalities, in developing and publishing mandatory annual public procurement plans	Short	<p>75%</p> <p>Annual procurement planning and publishing by all procuring entities is mandatory as per Article 11 of the Public Procurement Law no. 244/2021,</p>



		<p>dated July 19, 2021. Template for Procurement Planning is to be proposed by the new PPA.</p> <p><i>Guidance and training on procurement planning are planned for 2022.</i></p>	
	<p>Encouraging administrations including public institutions and municipalities to publish their annual procurement plans, bidding documents and contract awards of all public procurement operations they have conducted</p>	<p>Short</p> <p>90% Publication by all procuring entities is made mandatory as per the provisions of the new Public Procurement Law no. 244/2021. Publication of all procurement related information, from planning to contract management is applied to all contracting authorities that include public institutions and municipalities, as per, amongst other provisions, Article 109 of the Public Procurement Law no. 244/2021, dated July 19, 2021. Publication shall be effective as soon as the Central Electronic Platform is operational.</p> <p><i>Guidance and training on publication procedures planned</i></p>	



			<i>for 2022.</i>
	Revising and adopting clear, integrated, and standardized documents (general and specific standard bidding documents) according to the Public Procurement Law	Short	<p>75% Provisions related to the preparation of standard documents and forms for public procurement procedures, including standard bidding and pre-qualification documents, and making them available for mandatory use by procuring entities are mentioned within the mandate of the Public Procurement Authority in Article 76 of the Public Procurement Law no. 244/2021, dated July 19, 2021.</p> <p><i>Work on standardized forms started, to be completed until entry into force of the Law in July 2022.</i></p>
	Redesigning the paperwork formalities at all stages of public procurement and substituting them with electronic documents whenever possible (or upon the adoption of e procurement)	Medium	<i>Planned for 2022-23</i>
	Strengthening controls to restrict consensual agreements and related exceptions, to the maximum possible	Medium	<p>100% Strict provisions and conditions on the exceptional use of direct</p>



	extent, in accordance with the regulations in force, and updating them when needed		contracting as procurement method are detailed in Articles 46 and 62 of Section 7 of the Public Procurement Law no. 244/2021, dated July 19, 2021. <i>Guidance and training on application ongoing.</i>	
2. Clear and effective oversight, control, and auditing mechanisms adopted and implemented at all stages of centralized and decentralized public procurement	Reviewing and adopting Codes of Ethics for all concerned employees and actors involved in public procurement	Short	75% Code of Ethics is mandatory as per Article 10 of the Public Procurement Law no. 244/2021, dated July 19, 2021. It applies to the employees of the contracting authorities as well as suppliers/ contractors/ consultants. It includes “...provisions of integrity, transparency, and the prevention of conflict of interest, in addition to the rules of good governance, impartiality, fairness, knowledge and efficiency...” <i>Enactment of code of conduct is made by decision of the PPA.</i>	Parliament/ Council of Ministers/ Ministry of Finance – Institut des Finances Basil Fuleihan / Ministry of State for Administrative Reform/ Tenders Administration at Central Inspection/ Court of Accounts/ State Council
	Dedicating specific training sessions on integrity within all training programs related to public procurement including oversight and audit for relevant	Yearly	50% Training programs on integrity for public and private sectors are mandatory as per Article 72 of	



	employees in both public and private sectors		<p>the Public Procurement Law no. 244/2021, dated July 19, 2021, which stipulates that the mandatory professional training shall include programs to enhance the integrity of procurement officers, in public and private sectors, to raise awareness about the risks of lack of integrity, such as corruption, fraud, collusion, discrimination, and the sanctions therefore.</p> <p><i>Development and delivery of training on integrity planned for 2022, and to be sustained beyond.</i></p>	
	Revising, adopting, and disseminating practical and procedural manuals on centralized and decentralized public procurement, and on the supervision, oversight, and auditing of all its operations at all stages	Medium	<p>75%</p> <p>The Public Procurement Law no. 244/2021, dated July 19, 2021, adopted the decentralized model in public procurement.</p> <p><i>Manuals and guidance planned for the first half of 2022.</i></p>	
	Implementing the laws in force, standardizing mechanisms related to the categorization of suppliers and consultants, and developing provisions of exclusion from participation in centralized	Short	<p>100%</p> <p>Pre-qualification mechanism based on international good practices is clearly defined in the new PP Law 244/2021.</p>	

	and decentralized public procurement		Old pre-classification was cancelled as per Article 114 and replaced with the Pre-Qualifications of bidders as per Article 19 of the new law.
	Establishing a database available to public officials involved in public procurement, including information on suppliers and contracts awarded to them	Medium	50% A central database for procurement data consolidation as part of the central electronic platform is indicated in Article 109 of the Chapter 8 of the Public Procurement Law no. 244/2021, dated July 19, 2021. <i>Platform development and operationalization, including the database, planned for the first half of 2022.</i>
	Establishing and adopting clear mechanisms of supervision of the decentralized public procurement cycle	Short	100% Adopted within the provisions of the Public Procurement Law no. 244/2021, dated July 19, 2021.
	Developing provisions to deal with complaints and objections in a fair, transparent, specialized, and timely manner	Short	100% The Public Procurement Law no. 244/2021, dated July 19, 2021, has clear provisions introducing a fair and independent complaints mechanism in public procurement; detailed in Section II of Chapter 6 and 7 of the Law.



	Strengthening internal controls to ensure integrity of public procurement operations carried out in public administrations, institutions, and municipalities	Medium	<p>75% Internal Audit and Control is mandatory as per Article 111 of The Public Procurement Law no. 244/2021, dated July 19, 2021.</p> <p><i>Measures at the level of procuring entities to be taken in preparation for the law implementation by July 2022, and as per the guidelines of the PPA.</i></p>	
	Encouraging suppliers to develop and implement internal controls requirements, compliance measures, and anti corruption programs for public procurement from the private sector side	Medium	<p>75% It is part of the National Reform Strategy and Action Plan developed in 2021.</p> <p><i>National strategy to adopted by Council of Ministers.</i></p>	
3. Tenders Administration better able to reduce corruption in public procurement within its mandate	Making the necessary legal and regulatory amendments to activate the Tenders Administration in fighting corruption	Medium	<p>100% Tenders Administration was transformed into the Public Procurement Authority (PPA) by the Public Procurement Law 244/2021 and assigned regulatory and monitoring functions.</p> <p><i>Operationalizing the Public Procurement Authority to take place with the entry into force of</i></p>	Parliament/ Council of Ministers/ Ministry of Finance – Institut des Finances Basil Fuleihan / Tenders Administration at Central Inspection/ Ministry of State for Administrative Reform



			<i>the new law in 2022.</i>	
	Strengthening the institutional, human, and financial capacities of the Tenders Administration	Medium	<p>90% Tenders Administration was transformed into the Public Procurement Authority by the Public Procurement Law 244/2021 and assigned regulatory and monitoring functions. Provisions related to strengthening its institutional, human and financial capacities of the PPA are stipulated in Chapter 6 of the Public Procurement Law no. 244/2021, dated July 19, 2021</p> <p><i>Operationalizing the Public Procurement Authority and strengthening its capacities to take place with the entry into force of the new law in 2022.</i></p>	
	Developing and implementing a training program for Tenders Administration employees on corruption risk assessment and detection in public procurement	Short	<p>50% Chapter 5 of the Public Procurement Law no. 244/2021, dated July 19, 2021, stipulates mandatory training to be provided to all parties concerned by public procurement implementation, including risks of corruption, fraud, collusion, and</p>	



			discrimination. <i>Development and delivery of training programs specific for the PPA staff is foreseen in the Professionalization and Capacity Building strategy.</i>	
	Developing a guide for public procurement committees established by the Tenders Administration, with directives that take into account standards of integrity and transparency	Short	75% Tender Committees formation and role are stipulated in Article 100 of the Public Procurement Law no. 244/2021, dated July 19, 2021. In addition, Article 76 of the same law stipulates the duties of the Public Procurement Authority, among which the clear definition of the Authority's responsibility to prepare guidelines, manuals and comments in relation to rules and procedures, give advice and assistance to procuring entities and potential bidders, and provide information on the central electronic platform. <i>Development and publication of guides planned for 2022.</i>	
	Enabling the Tenders Administration to study, analyze, and provide feedback on objections submitted to it	Short	100% Section II of Chapter 6 of the Public Procurement Law no.	



			244/2021, dated July 19, 2021, establishes the complaints function in the public procurement system. The Complaints Authority becomes the sole and exclusive adjudicator of any administrative challenge or complaint with relation to the explicit or implicit decisions on pre-contractual procurement proceedings.	
	Applying e procurement procedures to the Tenders Administration regarding the public procurement operations that fall within its mandate	Medium	100% Tenders Administration is transformed into the new PPA as per the provisions of Public Procurement Law 244/2021, and is mandated to establish, operationalize and manage the Central Electronic Platform and the e-procurement platform at a later stage.	
4. A comprehensive law that fosters public procurement, its oversight and audit as per international	Finalizing the Methodology for Assessing Public Procurement Systems taking into consideration prior assessments in order to identify the needed requirements to develop a public procurement system from an anti corruption perspective	Short	100% The Ministry of Finance - Institut des Finances Basil Fuleihan completed the Methodology for Assessing Public Procurement Systems (MAPS) in 2020, with the technical assistance of the World Bank and the Agence Française de Développement.	Parliament/ Council of Ministers/ Ministry of Justice/ Ministry of Finance – Institut des Finances Basil Fuleihan/ Ministry of State for Administrative Reform/ Tenders Administration at



standards approved and implemented			Final assessment report was issued in 2021, including recommendations for procurement system modernization (Report available: https://openknowledge.worldbank.org/handle/10986/35793) Particular gap analysis and recommendations related to transparency, integrity and accountability are detailed in Pillar IV of the Assessment.	Central Inspection / Court of Accounts
	Developing and implementing a mechanism to engage private sector and civil society in elaborating or introducing legal or regulatory amendments to existing legal provisions that govern public procurement	Short	<p>100% Private sector and civil society were largely involved in the consultation mechanism set in the framework of the implementation of the Methodology for Assessing Public Procurement Systems (MAPS) exercise. More than 45 consultation meetings engaged policy makers, the business community and donor community and civil society, at the time Parliament was discussing the new procurement law.</p> <p>Consultations on the drafted</p>	



			National reform strategy are launched to prepare for Law entry into force in July 2022.	
	Enacting a new and modern public procurement law in compliance with best international standards and recommendations	Short	100% The new Public Procurement Law no. 244/2021, dated July 19, 2021, was published in the Official Gazette on July 29, 2021. It was drafted by the Ministry of Finance – Institut des Finances Basil Fuleihan (March 2019-February 2020), then discussed in Parliamentary Committee (June 2020 - June 2021) and voted by Parliament’s General Assembly on June 30, 2021. The drafting, discussion and enactment process took place in compliance with international standards and good practices, with the technical assistance of the World Bank and EU-OECD SIGMA’s experts.	
	Developing and implementing the necessary decrees and decisions to approve and apply the law	Medium	100% Article 115 of the Public Procurement Law no. 244/2021, dated July 19, 2021, stipulates that the implementation of this Law cannot be bound by the issuance of such secondary	



			<p>legislation, and that it can enter into force without the need to secondary legislation.</p> <p><i>Development and approval of complementary secondary legislation planned for 2021-22.</i></p>	
	Issuing guidelines to interpret the public procurement law upon its enactment	Medium	<p>50% Article 76 of the Public Procurement Law no. 244/2021, dated July 19, 2021, stipulates the duties of the Public Procurement Authority, among which the provisions of interpretations and clarifications related to the procurement legislation in force, and publication of manuals and guidelines.</p> <p><i>Development and publication of law guidelines planned for 2022.</i></p>	
	Developing and implementing training programs on the new law for all employees and actors involved in public procurement, in both public and private sectors	Medium	<p>50% Chapter 5 of the Public Procurement Law no. 244/2021, dated July 19, 2021, contains provisions related to the professionalization of public procurement at the national level. Development of a</p>	



			<p>Professionalization and Capacity Building Strategy was done in 2021.</p> <p>A full-fledged training module on the new law is being prepared in 2021 and delivered to a core group of national trainers, in preparation for a full deployment to all concerned stakeholders in 2022.</p>	
	Revising the laws periodically to avoid conflict of powers between institutions in charge of public procurement, redefining these powers, and determining the duties when necessary	Yearly	<i>To be initiated upon consultation among concerned institutions.</i>	