



European Bank
for Reconstruction and Development

*PROGRAMME TITLE: EBRD UNCITRAL Public Procurement
Reform Initiative*

*PROJECT TITLE: Lebanon – Reform Implementation Plan
Support*

FINAL REPORT

September 27, 2023

APPROVAL PAGE

Beirut, September 27, 2023

This is the Final Report for: Lebanon – Reform Implementation Plan Support. The Draft Final Report was submitted on the September 27, 2023 by the Consultant. Inputs and feedback were incorporated, and this version v1 is the final version. The Final Report has been examined by the EBRD OL and authorised representatives of the Government Beneficiaries of Lebanon and is hereby recommended for approval and acceptance.

Client/Beneficiaries Name	Institut des Finances Basil Fuleihan
TC Project title	Lebanon – Reform Implementation Plan Support
Date of scheduled delivery	September 27, 2023
Date of submission for acceptance	September 27, 2023

The output is in accordance with approved specifications and complies with all conditions defined in the Contract, as per the Terms of Reference.

Deliverable #	Deliverable Description	Acceptance Date
Deliverable 5	Final Report	
Other comments: [...]		

Consultancy and Report Author	Signature: Abed El Majid Nasser	Date: September 27, 2023
Abed El Majid Nasser		
Persons authorised to Sign-off	Signature:	Date:
Eliza Niewiadomska, EBRD OL		
Institut des Finances Basil Fuleihan	Signature:	Date:

Please be advised that the report has been prepared exclusively for EBRD. EBRD makes no representation or warranty, express or implied, as to the accuracy or completeness of the information set forth in this report. EBRD has not independently verified any of the information contained in the report and EBRD accepts no liability whatsoever for any of the information contained in the report or for any misstatement or omission therein. The report remains EBRD's property.

DOCUMENT CHARACTERISTICS

Property	Value Proposition
Release date	<i>September 27, 2023</i>
Status:	For review/approval/ <u>final</u>
Version:	<i>V2</i>
Authors:	<i>Abed El Majid Nasser</i>
Reviewed by:	<i>EBRD</i>
Approved by:	<i>Eliza Niewiadomska</i>

DOCUMENT HISTORY

Version	Description	Date
1.0	<i>Final Report</i>	<i>September 27, 2023</i>
2.0		
3.0		
4.0		
5.0		

Table of Contents

Terms of Reference (ToR): Sets out the background to the assignment, the scope, activities and procedures that the consultants bid for, and if successful, deliver too... 8

1. Introduction	9
1. Document objective	9
2. Program and TC Project/TC Assignment background	9
Summary of TC activities performed	10
3. Deliverable number 1: Inception Report	10
1.3.1. Commentary on the completion of the deliverable.....	10
1.3.2. Deliverable implementation schedule	10
4. Deliverable number 2: Benchmarking focused on the user experiences with public procurement online platforms and the type of procurement data to be collected and published.....	10
1.4.1. Commentary on the completion of the deliverable.....	10
1.4.2. Deliverable implementation schedule	11
5. Deliverable number 3: Coordination of the development of the implementation tools for new public procurement law no. 244/2021 and conceptual design and adaptation for use on the central electronic platform.....	11
1.5.1. Commentary on the completion of the deliverable.....	11
1.5.2. Deliverable implementation schedule	11
6. Deliverable number 4: Coordinate and arrange training workshops on public procurement addressed to procurement practitioners across public sector.....	11
1.6.1. Commentary on the completion of the deliverable.....	11
1.6.2. Deliverable implementation schedule	12
7. Deliverable number 5 Final Report.....	12
1.7.1. Commentary on the completion of the deliverable.....	12
1.7.2. Deliverable implementation schedule	12
Project missions completed	12
Assumptions, issues and risks	13
Lessons learned	14
Conclusion.....	14
Annex 1 – Copy of Final Version of Terms of Reference	15

LIST OF TABLES

Table 1 Summary of project deliverables covered by this final report	9
Table 2 Missions completed	12

ABBREVIATIONS

UNCITRAL	United Nations Commission on International Trade Law
CEDRE	Conférence économique pour le développement, par les réformes et avec les entreprises
MAPS	Methodology for Assessing Procurement Systems
CSO	Civil Society Organizations
SMEs	Small and medium-sized enterprises
SOE	State Owned Enterprises
IOF	Institut des Finances Basil Fuleihan
PPA	Public Procurement Authority
OCP	Open Contracting Partnership

GLOSSARY:

A

Assignment: A piece of TC work comprising work packages, tasks, activities and deliverables to be assigned to a third party by EBRD which is normally a Key Expert/ Project Officer/Results Manager/Technical Consultant (corporate or individual).

B

Back to Office Report (BTOR): Report produced by the OL, Project Officer or Technical Consultant following a mission, attendance at a conference or following a meeting.

Baseline: The current situation before the commencement of the TC which will be used to measure the progress of a TC project or TC assignment against

Beneficiary: A government department in the EBRD country of operations which requested the assistance and acts as the TC Project/TC Assignment counterpart.

Budget: Approved funding for a TC project/TC Assignment.

D

Deliverable: Tangible products created by the TC consultants within the TC Assignment to contribute to the TC Project delivery. These are typically high-level work packages and have allocated budgets within the consultancy contract. A deliverable can be a separate output or several deliverables may be required to generate one output as described in the TC Result Matrix. The TC consultant reports a completion of the deliverables with a completion report for each deliverable listed under the consultancy contract. The completion of the deliverable is a project milestone that triggers a payment.

F

Final report for a deliverable: A Final Report for a Deliverable or group of deliverables as listed in the assignment Terms of Reference which should be prepared once a deliverable and the Consultant's associated tasks and activities have been completed to the satisfaction of EBRD and the beneficiary government.

I

Inception report: Project plan that refines the TC Consultant's technical proposal and defines the scope, methodology and workplan activities that will be undertaken by the TC Consultant to deliver the TC Assignment.

K

Key Expert: Recognised technical experts, they provide technical guidance for TC conceptual stage and are part of the outcomes review.

O

Operational Leader (OL): Technical expert within the Legal Transition Programme responsible for the TC development and implementation. They manage Project Officers, collaborate with Results managers and auditors and retain overall accountability for TC programmes.

Outcome: The intended developmental benefit(s) of the pipeline(s), projects, assignments and activities.

Outcome indicator: Objectively Verifiable Indicators which are qualitative and quantitative measures of success in achieving the desired outcome as stated in the Results Matrix and Terms of Reference.

Output: The tangible product produced by Technical Consultants. Typically, a combination of several deliverables, seldom a single deliverable.

Outreach: Activity undertaken by the OL, usually in co-operation with technical consultants, to share EBRD's experience with other governments or international organisations, either as part of an assignment or as a discrete assignment

P

Programme: A collection of TC projects grouped under a theme e.g. EBRD UNCITRAL Public Procurement Initiative.

Project: A temporary endeavour undertaken to create a unique project service or result.

Project baseline: Baseline is an estimate of future performance of the project team against which all future measurements will be compared e.g. schedule baseline, cost baseline and scope baseline. They are formally agreed by those who commission the project and form an integral part of the project's plan.

Project manager: Person who has day to day responsibility for the pipeline, project or an assignment or activity e.g. outreach, in EBRD, the Technical Consultants and Beneficiary.

R

RACI Chart: A matrix that interfaces between the people and the work to be done. Specifically, for each for each deliverable it identifies who should be Responsible for the work, who is to be Consulted (or provide input), who should be informed about the deliverable and its contents and who is ultimately Accountable for approving the deliverable.

Responsible, Accountable, Consulted and Informed (RACI): The RACI matrix maps responsibility for each deliverable to a member of the team. It also identifies who should be consulted (or provide input) and informed about the deliverable contents. The matrix also defined who is accountable for approving the deliverable.

Results matrix: A document that sets out the purpose of, or reason for, the technical cooperation by reference to its desired outcome, outcome indicators, outputs. It is used to monitor progress in achieving results.

Report on deliverable completion: This is created once a deliverable and the Consultant's associated tasks and activities have been completed to the satisfaction of EBRD and the Beneficiary government.

Risk: An uncertain event that should it occur will have an effect on the successful achievement of the project outputs, outcomes or benefits.

Risk management: The ongoing identification, proactive management and mitigation of risks by the OL, project officer and technical consultants.

T

Task: A task is a collection of activities that produce one or more deliverables e.g. benchmarking, preparation of legislation. These are undertaken by an individual expert ants to fulfil the assignment's Terms of Reference but are ultimately owned by the Bank via the contract.

TC Monthly Progress Report: Report produced on a monthly basis in a prescribed format that is submitted to EBRD via microsoft sharepoint prior to the monthly project review call with the OL.

TC development: Research, scoping or feasibility study that may be undertaken by EBRD, either directly or by using technical consultants, which may lead to a project being approved and implemented.

TC project final report: Report produced by the technical consultants following completion of their assignment.

Technical consultants: Consultants appointed and contracted by EBRD to complete tasks and produce a set of deliverables prescribed in the Terms of Reference.

Technical cooperation: Provision of know-how, capacity building or technical services or tools to the Beneficiary.

Terms of Reference (ToR): Sets out the background to the assignment, the scope, activities and procedures that the consultants bid for, and if successful, deliver too.

1. Introduction

1. Document objective

This final report has been prepared under the contract number 2022.006088 dated August 01, 2022 between the EBRD and the Abed El Majid Nasser (the Consultant) under the Project Lebanon – Reform Implementation Plan Support.

This report provides a comprehensive overview of the activities and achievements undertaken during the contract period. It begins with an introduction outlining the document's objectives and the background of the program and TC project. The report then summarizes key activities performed, including benchmarking analysis, development of implementation tools, and coordination of training workshops related to public procurement. It also discusses completed project missions, addresses assumptions, issues, and risks encountered, and presents valuable lessons learned. The report concludes by encapsulating the main findings and outcomes of the contract, offering insights into the successful implementation of reform initiatives in the public procurement sector, and includes an annex with the final version of the Terms of Reference for reference.

2. Program and TC Project/TC Assignment background

The EBRD UNCITRAL Public Procurement Initiative, launched in 2011, aims to enhance public procurement legislation in EBRD countries based on the 2011 UNCITRAL Model Law. It comprises legal diagnostics, policy workshops, and country-specific projects, with the EBRD as the implementing agency. Originally targeting certain countries, it later expanded to all EBRD countries. Notable focus has been on Azerbaijan, Egypt, Moldova, Tunisia, and Ukraine since 2016. The initiative aims to improve procurement practices and align national laws with international best practices, including the use of electronic communications.

In response to corruption scandals and dissatisfaction with public services, Lebanon initiated public procurement reforms in 2020. A new legislation aligning with the 2011 UNCITRAL Model Law was adopted in 2021, focusing on good practices, institutional setup, efficiency, transparency, and accountability. The Institut des Finances Basil Fuleihan is tasked with preparing and implementing the new legislation, facing challenges due to economic crisis and capacity issues. To ensure successful implementation, the Institut seeks assistance from the EBRD and plans to hire a local consultant with expertise in public procurement reform and international practices.

Table 1 Summary of project deliverables covered by this final report

#	Deliverable title	Link to Huddle Deliverable folder
D01	Inception Report	https://app.breeze.pm/projects/166077/cards/4245052
D02	Benchmarking focused on the user experiences with public procurement online platforms and the type of procurement data to be collected and published	https://app.breeze.pm/projects/166077/cards/4467762
D03	Coordination of the development of the implementation tools for new public procurement law no. 244/2021 and conceptual design	https://app.breeze.pm/projects/166077/cards/4467769

#	Deliverable title	Link to Huddle Deliverable folder
	and adaptation for use on the central electronic platform	
D04	Coordinate and arrange training workshops on public procurement addressed to procurement practitioners across public sector	https://app.breeze.pm/projects/166077/cards/4467771
D05	The Final Report	https://app.breeze.pm/projects/166077/cards/4436974

Summary of TC activities performed

3. Deliverable number 1: Inception Report

1.3.1. Commentary on the completion of the deliverable

The inception report serves as a critical foundational document for the Reform Implementation Plan Support project in Lebanon. It provides a comprehensive framework for understanding the project's context, objectives, stakeholders, and proposed outcomes. By including a detailed work plan with deliverables and a clear schedule, it ensures that the project's activities are well-structured and time-bound. Additionally, the identification of risks and mitigation plans demonstrates a proactive approach to managing potential challenges. The reporting schedule underscores the project's commitment to transparency and accountability. Overall, this inception report serves as a strategic roadmap, laying the groundwork for a successful and well-managed reform initiative, fostering alignment among stakeholders and providing a basis for informed decision-making throughout the project's lifecycle.

1.3.2. Deliverable implementation schedule

The completion of the deliverable was in accordance with the timeline in the original workplan in the inception Report January 31, 2023.

4. Deliverable number 2: Benchmarking focused on the user experiences with public procurement online platforms and the type of procurement data to be collected and published

1.4.1. Commentary on the completion of the deliverable

The consultant has conducted a comprehensive review of several procurement platforms with the goal of benchmarking user experiences on various online platforms. The websites assessed during the evaluation include Opentender.kz in Kazakhstan, Colombia Tablero de Contrataciones Abiertas in Colombia, Prozorro in Ukraine, Infraestructura Abierta in Mexico, and ppa.gov in Lebanon. The purpose of this assessment is to analyze and compare the user interfaces and functionalities of these platforms to identify best practices and areas for improvement in the realm of online procurement, and provide recommendations for improvements to the PPA.

The consultant has also conducted an in-depth analysis for the data to be collected and analysed on the public procurement system, in addition to the key performance indicators for the mentioned data points. The data that was collected is compatible with OCDS of OCP.

1.4.2. Deliverable implementation schedule

The completion of the deliverable was in accordance with the timeline in the original workplan in the inception Report January 31, 2023.

5. Deliverable number 3: Coordination of the development of the implementation tools for new public procurement law no. 244/2021 and conceptual design and adaptation for use on the central electronic platform

1.5.1. Commentary on the completion of the deliverable

The consultant has completed a comprehensive desk research to compile a collection of templates for online publication. These templates encompass guidelines, forms, and various tools essential for effectively implementing procurement legislation. The list covers the procurement process, starting from the initial procurement planning phase all the way through bid evaluation and final bid award. These forms were sourced from reputable international organizations such as EBRD, the World Bank, and OECD. Additionally, templates were gathered from various governments, including Scotland, Ireland, Jordan, Lebanon, and the Cayman Islands. It's worth noting that equivalent forms share a common identification code, simplifying the task of comparing these templates for the beneficiary.

The consultant has also worked on structuring the guidelines of the new public procurement law 244/2021. In the process of comparing various guidelines, including the UNCITRAL Enactment Law 2014, EU Public Procurement Guidance for Practitioners, and Ireland's Public Procurement Guidelines for Goods and Services 2019, the consultant and beneficiary found it suitable to adopt the structure of the UNCITRAL Enactment Law 2014. This choice aims to maximize the efficacy of the Model Law in modernizing and reforming procurement systems, especially in situations where familiarity with the included procurement procedures may be limited.

Furthermore, the beneficiary of the project was overseeing the coordination of development of standardized bidding documents (SBDs) for the procurement of goods, works, and consultancy services in alignment with the new public procurement law. The consultant's task involved modifying these documents, aligning them with the EBRD's SBDs, with the intention of making them accessible for online publication.

1.5.2. Deliverable implementation schedule

The completion of the deliverable was in accordance with the timeline in the original workplan in the inception Report January 31, 2023, except the deliverable 3_5 “Adapt developed standard bidding documents for their use on the central electronic platform”.

6. Deliverable number 4: Coordinate and arrange training workshops on public procurement addressed to procurement practitioners across public sector

1.6.1. Commentary on the completion of the deliverable

Since Lebanon has enacted a new public procurement law and introduced new procurement concepts, there was a huge need to train the public procurement officials and raise their awareness level of procurement best practices. To address this, the consultant focused on developing three table of content for 3 priority hands-on training courses. These sessions encompassed procurement planning, procurement methods, and 101-procurement course, all of which were carefully aligned with the provisions of the new public procurement law.

1.6.2. Deliverable implementation schedule

The completion of the deliverable was in accordance with the timeline in the original workplan in the inception Report January 31, 2023, except for the pilot training on contract management was substituted by 101-course on public procurement and delivered between 25 and 28 of July based on the beneficiary’s training reprioritization.

7. Deliverable number 5 Final Report

1.7.1. Commentary on the completion of the deliverable

The Final report provides a comprehensive overview of the activities and achievements undertaken during the contract period. It begins with an introduction outlining the document's objectives and the background of the program and TC project. The report then summarizes key activities performed, including benchmarking analysis, development of implementation tools, and coordination of training workshops related to public procurement. It also discusses completed project missions, addresses assumptions, issues, and risks encountered, and presents valuable lessons learned. The report concludes by encapsulating the main findings and outcomes of the contract, offering insights into the successful implementation of reform initiatives in the public procurement sector, and includes an annex with the final version of the Terms of Reference for reference

1.7.2. Deliverable implementation schedule

The final report has been submitted on 27th of September, knowing that the initial contract has been extended to 30th of September, 2023.

Project missions completed

Table 2 Missions completed

Event type	Purpose	Consultants experts that participated in the mission	Entities met	Date of mission
Meeting	Introductory meeting with the training department pertaining to the hands-on priority workshops-Lebanon_	1. Suzanne Abu Chakra – Program Manager – Training Strategy Specialist 2. Maya Bsaibes – Program Officer 3. Abed El Majid Nasser - Consultant	Institut des Finances Basil Fuleihan and the Consultant	15-12-2022
Workshop	Follow-up meeting with the training department and the national expert trainers pertaining the hands-on priority workshops-Lebanon	4. Suzanne Abu Chakra – Program Manager – Training Strategy Specialist 5. Maya Bsaibes - Program Officer 6. Hoda Saber - National Expert Trainer 7. Fida Labaki - National Expert Trainer	Institut des Finances Basil Fuleihan and the Consultant	29-12-2022

Event type	Purpose	Consultants experts that participated in the mission	Entities met	Date of mission
		8. Diana Bou Ghanem - National Expert Trainer 9. Abed El Majid Nasser - Consultant		
Training	Coordination of the pilot delivery of the developed courses (Procurement Planning, and Procurement Methods)	10. Suzanne Abu Chakra – Program Manager – Training Strategy Specialist 11. Maya Bsaibes - Program Officer 12. Rana Rizkallah – Senior Procurement Specialist 13. Basma Abdelkhalek - Economist & Program Officer 14. Abed El Majid Nasser	Institut des Finances Basil Fuleihan and the Consultant	10-05-2023

Assumptions, issues and risks

The below risks encountered the implementation of the contract:

Risks	Mitigation Actions/Plan
1. Resistance to change detected at the level of some procuring entities, which necessitate special attention through awareness, training and institutional dialogue	Raised awareness on the importance of the implementation of the new law through training workshops, and seminars.
2. Amendment was introduced (309/2023) to the original public procurement law (244/2021).	Therefore, there is a need for proactive lobbying efforts to advocate for amendments that are consistent with the original law's objectives, ensuring the preservation of its intended benefits and do not jeopardize the reform momentum.
3. The development of the central electronic platform was delayed due to a request from the PPA to the Lebanese Presidency of Council of Ministers to change the implementation agency of the approved GPP grant that was about to be granted to	Didn't resolve (This is a high risk as the platform is an essential tool for the effective law implementation and to ensure high level of compliance and transparency)

<p>Lebanon to support the development and operationalization of the platform. As a result, the grant was cancelled. (High Risk)</p>	
---	--

Lessons learned

1. **Thorough Readiness for Technological Implementation:** Despite the initial intention to unveil the electronic platform in the first half of 2023, this timeline was not met due to a request from the PPA to the Lebanese Presidency of Council of Ministers to change the implementation agency of the approved GPP grant that was about to be granted to Lebanon to support the development and operationalization of the platform. Nevertheless, the preparatory phase remains highly significant by issuing the relevant deliverables that are bounded by the electronic platform (Deliverable 2: Benchmarking focused on the user experiences with public procurement online platforms and the type of procurement data to be collected and published) as it plays a pivotal role in guaranteeing a seamless and efficient advancement once the platform becomes operational.
2. **Raising Awareness on Legal Changes:** The pilot workshops organized to familiarize individuals with the new public procurement law highlight their importance. These workshops introduced fresh concepts to potential trainers and allowed for the collection of valuable input before these sessions were rolled out to a larger audience. Effective awareness-building can result in smoother transitions, improved compliance, and greater support for the changes.
3. **Resistance to change:** There was resistance to change and lobbying against the implementation of the law. Many public entities attempted to distance themselves from the adoption of the new regulations. However, despite these challenges, a concerted effort was made to engage in comprehensive stakeholder consultations and address concerns through transparent communication channels. This approach aimed to foster a more receptive environment for the successful implementation of the law.
4. **Adapting to Economic Challenges:** Arranging for virtual meetings, flexible working hours with the Institute team and with national experts.
5. **Political instability in the country:** The beneficiary and the consultant kept the EBRD informed regarding the political situation, therefore, continuous dialogue is crucial for a proper implementation of the assignment.

Conclusion

The final report for the "Lebanon – Reform Implementation Plan Support" contract outlines the project's objectives, activities, and outcomes. It highlights key achievements, including the development of implementation tools, benchmarking of online procurement platforms, and the organization of training workshops. The report acknowledges challenges such as resistance to change and political appeals. Important lessons learned during the project include the significance of technological readiness, effective awareness-building, addressing resistance to change, adapting to economic challenges, and maintaining open dialogue during political instability.

Annex 1 – Copy of Final Version of Terms of Reference

The copy of the final version of Terms of Reference is provided in a separate file named “Terms of Reference_2022006088_-_Lebanon_EBRD_UNCITRAL_Public_Pr”.