



Ministry of Finance and Treasury
Republic of Maldives

Public Financial Management Systems Strengthening Project

Project ID: P 145317

**Terms of Reference for
Public Procurement Reform Consultancy**

[RFP No: PSSP/2.2/C/04]

A. Background

The Government of the Republic of Maldives has received financing from International Development Association (IDA) of the World Bank towards the cost of the Public Financial Management Systems Strengthening Project, Maldives, and it intends to apply part of the proceeds to acquire the consultancy services of public procurement reform expertise in the directive of enhancing and harmonizing the current public procurement regulatory framework with a more economically efficient, transparent and accountable system along with modernization and development of a more sustainable and viable public procurement system.

The existing public procurement regulatory framework comprises of Chapter 8 and 15 of the Public Financial Regulations of the Maldives. The lack of consistency and proper direction in these guidelines cognates the need of proper Procurement Manuals and Standardized Bidding Documents which are the essence of a harmonized public procurement system. The current Guideline (Chapter 8 and 15) are under review and is compiled as Chapter 10 of the new Financial Regulations, which is yet to be finalized.

The Public Procurement Division (PPD) of Ministry of Finance and Treasury (MoFT) is mandated to act as the secretariat for The National Tender Board (NTB) and a central body that perform the task of processing all public procurement activities estimated to cost over the threshold of MVR 1,500,000 (about USD 100,000). All public procurement activities costing between MVR 25,000 and MVR 1,500,000 are carried out by the line ministries and the endorsements are sanctioned by the respective agency tender committees.

The lack of performance assessment measures induces lack of accountability and less competitiveness which increases economic inefficiencies and less value for money. Although the current regulation does empower a regulatory body to address grievances; a Grievance Redressal Unit with regard to public procurement is yet to be established.

B. Objective of the Consultancy

The main objective of this assignment is to help the Government of Maldives (GoMV) in strengthening and enhancing the transparency, accountability, economic efficiency and public participation of the current Public Procurement system by developing;

- A consolidated public procurement regulatory and institutional framework which shall act as a guidance to minimize the existing inefficiencies;
- A harmonized set of Standard Bidding and Contractual Documents which shall cater the need of all types of complex projects;
- A compiled set of Procurement Manuals to harmonize procurement activities within government agencies;



- A basis for performance-based monitoring & evaluation and compiling performance assessment standards;
- A proposal for establishing procurement related Grievance Redressal Mechanism (GRM) including operation and instruction manual for the proper implementation of the Grievance Redressal Unit;
- Readiness Assessment using MDB Guidelines and development of strategy for the Electronic Government Procurement (e-GP) System.

C. Outline Of Tasks/Responsibilities

The consultant shall develop the following:

1. *Review and update Standard Bidding and Contractual Documents;*

The consultant shall review and where appropriate, update the current set of Standard Bidding Documents under (i) National Competitive Bidding (NCB) and International Competitive Bidding (ICB) procedures and where deemed necessary, shall compile new set of Standard Bidding Documents and Contractual Documents based on the most advanced international practices for;

Standard Bidding Documents for Single Stage Bidding (Single Stage Single Envelope and Single Stage Dual Envelope documents) and Two-Stage Bidding for:

- 1) Procurement of Works under NCB and ICB procedures for:
 - a) Building works;
 - b) Harbor works;
 - c) Water / Sewerage works;
 - d) Road works;
 - e) Small works / Renovation works;
 - f) Other Infrastructure works.
- 2) Procurement of Goods under NCB and ICB procedures for:
 - a) Health Sector (Pharmaceuticals, and Equipment);
 - b) Textbooks and Reading Materials;
 - c) Information Systems (IT Equipment);
 - d) Other goods.
- 3) Procurement of Non-consulting services under NCB and ICB procedures for:
 - a) Catering services;
 - b) Janitorial services;
 - c) Other non-consulting services.
- 4) Consulting Services – Full and Simplified Standard Request for Proposals (RFP) for Firms and Individual Consultants.
- 5) Standard Bidding and Contractual Document for Public Private Partnership arrangements covering Design Build Project, DBFOOT, BOOT, BOT, Turnkey Projects, Contractor financing projects, management contracting etc.
- 6) Standard Bidding document and Contract document for Framework agreements for:
 - a) Small works;
 - b) Catering services;
 - c) Common Goods.



2. ***Development of Operational Procurement Manuals for various procurement procedures reflecting best international practices*** consistent with the Maldivian Public Finance Act and the Public Finance Regulations;

- a. National Competitive Bidding;
- b. International Competitive Bidding;
- c. Frame works agreements;
- d. Selection and Employment of Consultants;
- e. Non-consulting Services.

The Operation Procurement Manuals shall also include a template for the Bid Evaluation Report(s) for the respective method of procurement.

3. ***Development of Grievance Redressal Mechanism (GRM) and Instruction Manual including but not limited to the following:***

- a. Identification of qualifications/requirements for experts capability, method of appointment and terms of engagement, including Code of Conduct, which will enable the policy body to establish the list of experts;
- b. Development of Rules and Regulations (time limits, submission of documents, hearings, negotiations, evidence, form of decisions, etc) for the operation of GRM;
- c. Preparation of appropriate forms (for complaints, defenses) for the smooth operation of GRM;
- d. Development of Manual of Procedures for administrative support of the GRM and experts by the new policy body and the procedures for execution of GRM;
- e. Development of training modules on procurement rules and methods of dispute resolution with initial training to existing staff.

4. ***Performance based Monitoring and Evaluation Standards;***

The consultant shall assist in developing and implementation of the Monitoring and Evaluation (M&E) Unit within PPD in the form of;

- a. Development of Code of Conduct for the staff engaged in Public Sector Procurement;
- b. Compiling an M&E assessment Instruction Manual;
- c. Development of performance indicators for M&E;
- d. Development of a Database to monitor, manage and store procurement records;
- e. Development of ready to print templates including but not limited to Standard forms for Data Collection, Standard Annual and Quarterly Performance report, etc.

5. ***Transfer of Knowledge and Public Awareness***

The Consultant would be required to:

- a. Develop training materials for the deliverables for relevant stakeholders for proper adaptation of the new set of Standard Bidding Documents, Contract Documents, M&E Standards, New set of Procurement Manuals and GRM Manuals;
- b. Conduct procurement workshops for PPD staff and leading procurement entities' senior procurement staff with the aim to provide "learning by doing" mode training.



D. Reporting Obligations / Deliverables

The Consultant shall report directly to the Director General who is the Head of Public Procurement Division. All the submissions/deliverables will be in English language (in soft and hard copy). The following deliverables are expected from the Consultant:

a) Inception Report including Team members mobilization schedule and assignment timeline
b) Draft Interim Report consisting of: <ul style="list-style-type: none">i. National Procurement Strategy (including Public Procurement Regulatory and Institutional Framework and National Public Procurement Performance Standards);ii. Draft Standard Bidding Documents and Contract Documents;iii. Draft Procurement Manuals;iv. Draft Grievance Redressal Mechanism (GRM) including Draft Operation and Instruction Manual;v. Draft Electronic Government Procurement (e-GP) System Readiness Assessment and implementation strategy;vi. Draft training materials.
c) Training Workshop (02 numbers) <ul style="list-style-type: none">i. Workshop 1: National Procurement Strategy and Implementation Strategy for e-GP;ii. Workshop 2: Training on the use of Standard Bidding Documents, Contract Documents, Procurement Manuals, GRM Operation and Instruction Manual.
d) Final Report consisting of: <ul style="list-style-type: none">i. Finalized National Procurement Strategy including Public Procurement Regulatory and Institutional Framework;ii. Finalized Standard Bidding Documents and Contract Documents;iii. Finalized Procurement manuals;iv. Finalized National Procurement Performance Standards;v. Finalized GRM including Finalized Operation and Instruction manual;vi. Finalized Electronic Government Procurement (e-GP) System Readiness Assessment and Implementation Strategy;vii. Finalized Training Report including final training materials.

E. Qualifications And Experience of the Consultant

The firm must have a minimum of ten (10) years of public procurement reform experience, including public sector experience of at least one (1) project preferably with the government of a developing country completed within the recent past of 5 years;

The consulting firm is expected to bring experience and expertise in the area of procurement procedures. It is expected that the following team composition would be required to deliver the desirable deliverables;

- a. Team leader must demonstrate minimum of ten (10) years overall experience, including experience in a supervisory or managerial capacity on similar assignments;



- b. Minimum 2-3 professional qualified team members preferably CIPS qualification with post graduate degrees; These experts must have more than five (5) years of post-qualification experience in Public Sector Procurement Reform; Knowledge and experience in Consultancy, Works, Goods and Non-consulting projects; Knowledge and understanding on the use of internationally accepted contract documents for Consultancy, Works, Goods and Non-consulting services; sound understanding of principles underlying good procurement practices and international agencies' procurement guidelines; understanding of Government's Procurement Regulations/Act; analytical capability in identifying and resolving procurement issues;
- c. Knowledge and experience in developing public procurement strategies, manuals, training on public procurement best practices, and involvement in implementing public procurement will be an added advantage;
- d. Experience in undertaking e-GP assessment and preparing strategy for developing e-GP System.

It is expected that the individual team members will have specific experience as summarized below. Detailed experience would be provided in the RFP document which shall be issued to the short listed firms only.

- Must have knowledge and understanding of technical, commercial and legal aspects of procurement of local and international projects and including experience in similar setting up of a procurement related complaints mechanism;
- Must have specialized knowledge and significant experience in all substantive areas/aspects of procurement (e.g. procurement of goods; various forms of construction contracts; selection/ contracting of consultant services under various methods; preparation of bidding/contract documents for the international procurement of goods, works, services; public procurement policies; practices);
- Must have postgraduate degree in economics / engineering / management / planning / statistics or similar field;
- Must have minimum 5 years professional experience in project management / quantitative and qualitative monitoring and related reporting;
- Must have 5 years of proven and documented practical skill in design and development of M&E systems and tools;
- Must have knowledge and experience in developing M&E strategies, building M&E systems and tools, training on M&E best practices, and implementing M&E will be an added advantage;
- Must have good computer skills including experience in developing M&E Strategies;
- Must have knowledge of Electronic Government Procurement systems and its requirements.

F. Schedule For The Assignment

The assignment is anticipated to be completed within a period of months (6) months.

The assignment is expected to commence in May 2016 and will be conducted in the Maldives.