

إصلاح  
الشراء  
العام  
في لبنان

PUBLIC  
PROCUREMENT  
REFORM  
IN LEBANON

# Lebanon

## Assessment of the Public Procurement System

Executive Summary - 2021



**MAPS**

Methodology for Assessing  
Procurement Systems

# Lebanon

## Assessment of the Public Procurement System

Executive Summary - 2021

With the support of





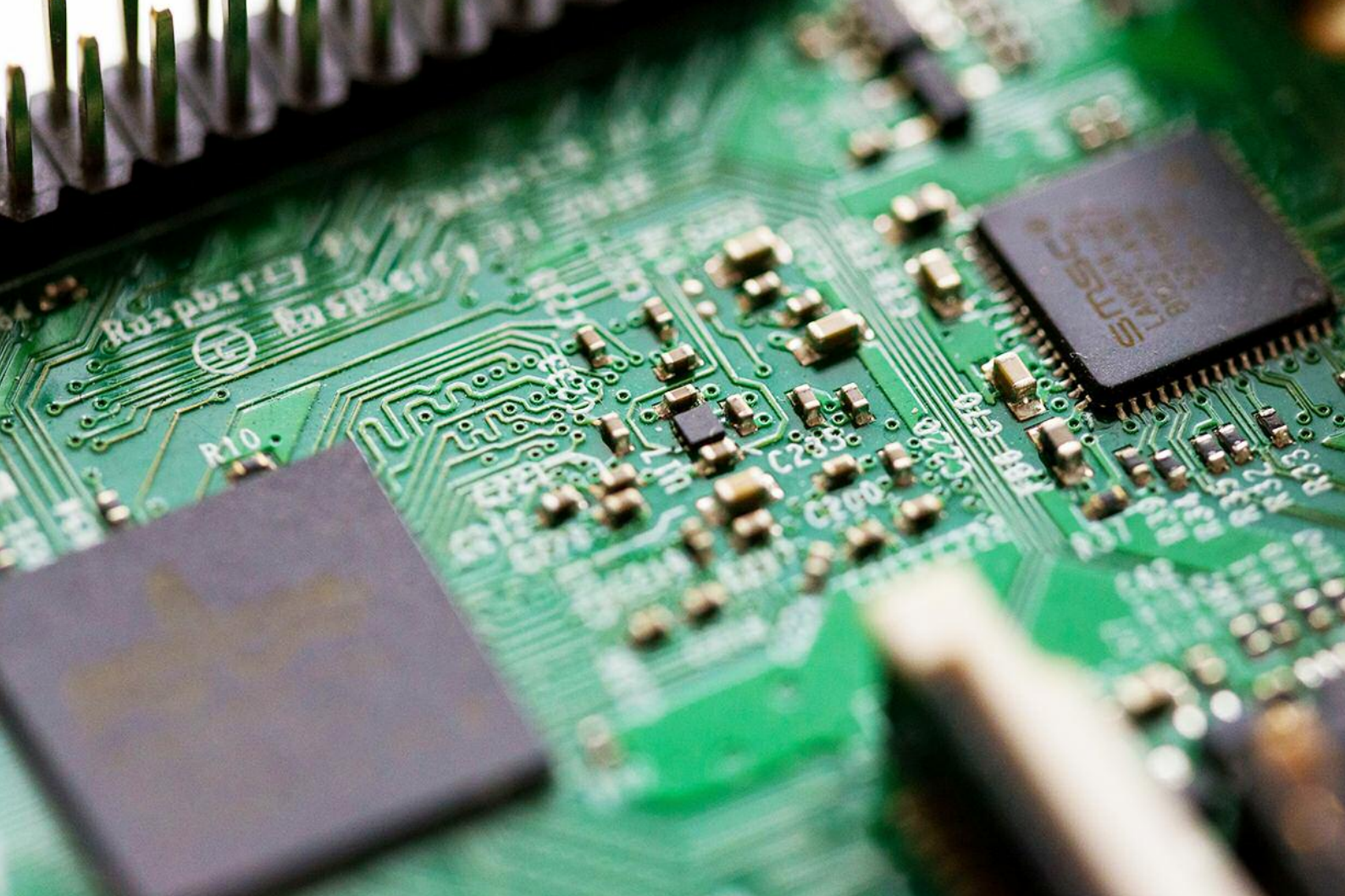
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# Acronyms

<b>AFD</b>	Agence Française de Développement
<b>ASC</b>	Assessment Steering Committee
<b>CEDRE</b>	Conférence Economique pour le Développement, par les Réformes et avec les Entreprises
<b>CoA</b>	Court of Accounts
<b>CoM</b>	Council of Ministers
<b>CSB</b>	Civil Service Board
<b>CSO</b>	Civil Society Organization
<b>GPP</b>	Global Procurement Partnership
<b>IoF</b>	Institut des Finances Basil Fuleihan
<b>MAPS</b>	Methodology for Assessing Procurement Systems
<b>MENA</b>	Middle East and North Africa
<b>MoF</b>	Ministry of Finance
<b>MoIM</b>	Ministry of Interior and Municipalities
<b>MTDF</b>	Multi-Donor Trust Fund
<b>NACC</b>	National Anti-Corruption Commission
<b>NGO</b>	Non-Governmental Organization
<b>PAL</b>	Public Accounting Law
<b>PFM</b>	Public Financial Management
<b>PPL</b>	Public Procurement Law
<b>SC</b>	State Council
<b>SME</b>	Small and Medium Enterprises
<b>SPP</b>	Sustainable Public Procurement
<b>TAG</b>	Technical Advisory Group
<b>UN</b>	United Nations
<b>USD</b>	United States Dollar
<b>WB</b>	World Bank





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# Executive Summary

## Country context and public procurement challenges

Lebanon faces a confluence of challenges, including an influx of refugees, an outflow of high-skilled workers, an increasing internal and external debt, and a lack of capacity within public institutions. It finds itself in a protracted crisis characterized by deep and long growth stagnation. 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 increased geopolitical tensions. The Lebanese lira is depreciating fast in a context of depleting foreign reserves and tight banking capital controls, driving the country into a hyperinflation spiral. The budget deficit is projected to widen sharply as revenue collection is collapsing and businesses are shutting down. The poverty level is expected to reach 52% in 2020. Austerity measures, failed public services and widespread corruption have triggered countrywide unrest in Lebanon as of October 17, 2019. Citizens are asking for the recovery of misused public funds, for more transparency in the management of public money and for the immediate implementation of financial governance reforms to address paramount financial, economic and social challenges.

Public procurement is one of the main cross-sectoral reforms that the Government of Lebanon committed to at the “Conférence économique pour le développement, par les réformes et avec les entreprises” (CEDRE) held in Paris in April 2018, in order to improve fiscal governance and the quality of public services, encourage investment inflows, and strengthen accountability and transparency. Public procurement accounts for an average of 20% of central government expenditure and 6.5% of the Gross Domestic Product (thus, around USD 3.4 billion in 2019) at the central level. A coherent and clear public procurement system in line with international standards and based on sound legal and institutional foundations is thought to improve competitiveness of the economy, attract quality service providers, strengthen accountability and transparency and achieve savings on yearly basis, allowing for more fiscal space to finance public investments and for enhancing service delivery to citizens. As a result, it would considerably contribute to helping resolve the current economic and financial crisis and create the basis for the implementation of the Government’s vision for economic recovery and sustainable development.

Lebanon has an outdated and fragmented public procurement system with considerable capacity and technology gaps, resulting in inefficiencies and high risks of corruption. The legal framework is old (1959/1963), fragmented (various laws, decrees, decisions), and does not conform with international standards and guidelines. The institutional





## MAPS assessment

framework is weak with overlapping mandates and gaps in stakeholders' roles. The policy and regulatory functions of the system are inexistent, and the complaints review mechanism is weak and inefficient. Consequently, the quality of the procurement system is below average (48/100) compared to the rest of the world and to a number of MENA countries. Several national efforts to reform public procurement were attempted in the past fifteen years, but failed to achieve desired results due to the absence of national leadership. In July 2018, the Minister of Finance formed a Task Force of experts from the public and private sectors to follow up on the implementation of the CEDRE recommendations.

In this context, the Ministry of Finance solicited the support of the WB in conducting a full assessment of Lebanon's public procurement system using the Methodology for Assessing Procurement Systems (MAPSII). The current version of the MAPS analytical framework is constituted by four pillars with the following contents:

- (i) Legal, Regulatory and Policy Framework
- (ii) Institutional Framework and Management Capacity
- (iii) Procurement Operations and Market Practices and
- (iv) Accountability, Integrity and Transparency.

The pillars contain a total number of 14 main indicators and 55 sub-indicators covering the full range of public procurement principles, policies and practices, in turn subdivided into sub-indicators, each one composed by a number of assessment criteria which represent internationally accepted principles and practices of good public procurement. The assessment has reviewed the actual situation, compared it with the assessment criteria and described it accordingly, identified gaps, examined the underlying reasons for them and, on that basis, prepared recommendations for the further improvement of the public procurement system.

As a means to address the public procurement challenges mentioned above, the main objective of the MAPS assessment has been to support the Government of Lebanon in its efforts to improve the quality and performance of the public procurement system and provide policy and decision



makers with evidence-based findings and recommendations towards well founded reforms. In turn, a good public procurement system contributes to raising 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.

With the support of the World Bank (WB) and the Agence Française de Développement (AFD) in the Framework of the Global Procurement Partnership - Multi-Donor Trust Fund (GPP-MDTF), this MAPS assessment has been carried out by an assessment team, composed of a lead international consultant and a senior local consultant, supported by a national coordination team of leading staff members of the Institute of Finance (in its capacity as the National Focal Point), and working in close cooperation with specialists in the Beirut offices of the WB and the AFD. The assessment team has been supported with premises and administrative assistance at the Institute of Finance. The assessment's field work started in July 2019. It was suspended between October and November 2019 due to large civil protests as of October 17, 2019, and then again late February 2020 because of the COVID-19 pandemic outbreak, which also delayed the remaining assessment activities. They were nevertheless successfully concluded by June 2020. After the finalization of the initial draft report, internal quality control and corresponding revisions have been followed by a validation phase involving key stakeholders in Lebanon as well as external reviewers.

A main challenge encountered in the process has been the lack of effective access to complete and accurate data for describing and analyzing the actual practices and outcomes in the public procurement system. For this reason, it has not been possible, in particular, to systematically identify, retrieve, sample and review procurement plans, tender documents, tender opening reports, evaluation reports, contracts concluded, contract amendments, complaints and their resolutions in the way normally required by the methodology. Nevertheless, inputs from review of regulations and other records, stakeholder workshops, interviews with the competent authorities and an enterprise survey provided sufficient data to inform the assessment and support drafting of the preliminary report during the period February - July 2020.

## Main findings and recommendations

The current situation of public procurement in Lebanon is not favorable, measured against the internationally recognized benchmarks of the MAPS methodology. As is clear from the tabular overview here below, out of the 210 specific criteria used for the assessment, more than half (57%) were not met at all, and a further 34% were only partially met. Major shortcomings were found in the regulatory, institutional and operational frameworks and there is also considerable room for improvement of accountability, integrity and transparency.

Correspondingly, the recommendations focus on the following measures, which are described in greater detail towards the end of the executive summary:

### **I. Legal, regulatory and policy framework**

- Finalize and adopt a new, comprehensive public procurement law, applicable to all procuring entities and all public contracts, with only rare, specific and very clear exceptions, if any;
- Widen the range of award procedures to make it easier to pick the one best suited to the value, nature and complexity of the contract and to the conditions on the supply market;
- Arrange for speedy and competent handling of complaints by an independent review body.

### **II. Institutional framework and management capacity**

- Define responsibilities for key functions like policy making, regulatory development, capacity building, oversight and resolution of complaints, and assign them to competent public bodies at national level;
- Reorganize and build the capacity of procuring entities and their staff;
- Develop the use of framework agreements and centralized purchasing;
- Successively introduce electronic procurement, starting with a national website for notices and procurement documents.

### **III. Procurement operations and market practices**

- Raise the skills of procurement officials in planning and preparation as well as in contract management, and provide them with guidance materials and standard documents;
- Promote wider enterprise participation and greater competition, by setting fair and reasonable requirements and award criteria and applying them in a consistent and transparent manner, and making information easily accessible.

### **IV. Accountability, integrity and transparency**

- Institute systematic policy consultations with the business community and civil society;
- Simplify and clarify principles of integrity and accountability;
- Eliminate gaps and overlaps in the roles of oversight bodies and raise the level of transparency of their work, with focus on the achievement of good public procurement outcomes and the prevention of bad practices;
- Ensure that actual cases of fraud and corruption are identified, properly investigated and effectively sanctioned.

## **Tabular overview of compliance with evaluation criteria**

A first overview of findings of the MAPS assessment is given in the tables below. The tables present a comparison between the public procurement situation in Lebanon and the evaluation criteria under the indicators and sub-indicators in the MAPS assessment.

### Assessment Result Summary: number of assessment criteria met, by pillar

MAPS Pillar	Criteria Substantially Met	Criteria Partially Met	Criteria Substantially Not Met	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: Procurement Operations and Market Practices	0	8	18	0	26
Pillar IV: Accountability, Integrity and Transparency	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>

### Assessment Result Summary: level of compliance with assessment criteria, by sub-indicator

Please note that this table summarizes the situation for ease of reference. Consequently, a sub-indicator which is now indicated as being in partial compliance may contain one assessment criterion which is not at all met and another one that may be fully met.

Criteria substantially not met
  Criteria partially met
  Criteria Not Applicable

#### Pillar I

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
	1(b) Procurement methods
	1(c) Advertising rules and time limits
	1(d) Rules on participation
	1(e) Procurement documentation and technical specifications
	1(f) Evaluation and award criteria
	1(g) Submission, receipt and opening of tenders
	1(h) Right to challenge and appeal
	1(i) Contract management
	1(j) Electronic Procurement
	1(k) Norms for safekeeping of records and electronic data
2. Implementing regulations and tools support the legal framework	1(l) Public procurement principles in specialized legislation
	2(a) Implementing regulations to define processes and procedures
	2(b) Model procurement documents for goods, works and services
	2(c) Standard contract conditions
3. The legal framework reflects the country's secondary policy objectives and international obligations	2(d) User's guide or manual for procuring entities
	3(a) Sustainable Public Procurement (SPP)
	3(b) Obligations deriving from international agreements



## Pillar II

4. The public procurement system is mainstreamed and well-integrated into the public financial management system	4(a) Procurement planning and the budget cycle
	4(b) Financial procedures and the procurement cycle
5. The country has an institution in charge of the normative / regulatory function	5(a) Status and legal basis of the normative/regulatory function
	5(b) Responsibilities of the normative/regulatory function
	5(c) Organisation, funding, staffing and level of independence and authority
	5(d) Avoiding conflict of interest
6. Procuring entities and their mandates are clearly defined	6(a) Definition, responsibilities and formal powers of procuring entities
7. Public procurement is embedded in an effective information system	6(b) , 6(c) Centralized procurement body: not applicable
	7(a) Publication of procurement information supported by IT technology
	7(b) Use of e-Procurement
8. The public procurement system has a strong capacity to develop and improve	7(c) Strategies to manage procurement data
	8(a) Training, advice and assistance
	8(b) Recognition of procurement as a profession
	8(c) Monitoring performance to improve the system

## Pillar III

9. Public procurement practices achieve stated objectives	9(a) Planning
	9(b) Selection and contracting
	9(c) Contract management
10. The public procurement market is fully functional	10(a) Dialogue and partnerships between public and private sector
	10(b) Private sector's organisation and access to the public procurement market
	10(c) Key sectors and sector strategies

## Pillar IV

11. Transparency and civil society engagement foster integrity in public procurement	11(a) Enabling environment for public consultation and monitoring
	11(b) Adequate and timely access to information by the public
	11(c) Direct engagement of civil society
12. The country has effective control and audit systems	12(a) Legal framework, organisation and procedures of the control system
	12(b) Coordination of controls and audits of public procurement
	12(c) Enforcement and follow-up on findings and recommend
	12(d) Qualification and training to conduct procurement audits
13. Procurement appeals mechanisms are effective and efficient	13(a) Process for challenges and appeals
	13(b) Independence and capacity of the appeals body
	13(c) Decisions of the appeals body
14. The country has ethics and anticorruption measures in place	14(a) Legal definition of prohibited practices etc.
	14(b) Provisions on prohibited practices in documents
	14(c) Effective sanctions and enforcement systems
	14(d) Anti-corruption framework and integrity training
	14(e) Stakeholder support to strengthen integrity in procurement
	14(f) Secure mechanism for reporting prohibited practices or unethical behaviour
	14(g) Codes of conduct/codes of ethics and financial disclosure rules

The below narrative presents the main findings and recommendations, grouped under the four pillars of the methodology. The current situation for each of the sub-indicators used in the methodology are summarized, with the corresponding recommendations in italics.

## Findings and recommendations for Pillar I Legal, Regulatory and Policy Framework

Pillar I assesses the existing legal, regulatory and policy framework for public procurement. It identifies the formal rules and procedures governing public procurement and evaluates how they compare to international standards.

The existing legal, regulatory and policy framework for public procurement in Lebanon is constituted by a patchwork of legal instruments, some of which are very general in character while others are detailed but often limited in scope and specific to the point of being unduly restrictive. The applicable primary legislation is mainly constituted by the Public Accounting Law (PAL), issued in 1963 and the Tender Regulation, issued in 1959. It regulates a wide range of aspects of public financial management and includes a number of provisions of mostly general character applicable to public procurement. However, it is not universally applicable to all procuring entities and allows for a number of exceptions, some of them quite vaguely defined.

<p><b>Scope of application and coverage of the legal and regulatory framework</b></p>	<p>There is no unified, coherent, clear and simple set of laws and regulations covering all essential aspects of public procurement and applicable to all contracting entities and to all types of public contracts for goods, works and services.</p> <p><i>Prepare and adopt a comprehensive, modern public procurement law and complement it by a full, harmonized range of secondary legislation, applicable to all procuring entities.</i></p>
<p><b>Procurement methods</b></p>	<p>There is no other approach than open tendering for competitive award procedures, therefore contracting entities cannot optimize their procurement approach taking into consideration the size and complexity of the contract and the position of the supply market; existing laws and regulations do not provide clear and comprehensive guidance on key elements of the procurement procedures.</p> <p><i>Introduce a comprehensive range of procurement procedures, proportionate to the nature and value of the contracts to be concluded. Formalize guidance for the use of the available procurement procedures.</i></p>
<p><b>Right to challenge and appeal</b></p>	<p>The existing regulations for handling public procurement complaints at the preparation and award stages do not ensure timeliness and quality of review and resolution.</p> <p><i>Review and revise the approach to handling complaints, to ensure timely review and resolution by an independent institution.</i></p>

<p><b>Electronic procurement</b></p>	<p>There is no e-procurement system in place and access to public procurement information is limited;</p> <p><i>Raise transparency, improve administrative efficiency and reduce costs by introducing e-procurement as well as clear and simple administrative routines for handling public procurement operations.</i></p>
<p><b>Implementing regulations to define processes and procedures; model procurement documents for goods, works, and services; standard contract conditions; user’s guide or manual for procuring entities</b></p>	<p>A number of laws require implementing regulations which are not always prepared on time or with sufficient detail. Officially endorsed regulations, materials relevant to secondary legislation, standard documents, guidance notes and other tools are incomplete. No governmental institution is officially and clearly assigned to lead the preparation, dissemination and updating of existing documents/materials. The use of existing standard documents is not compulsory, and it is not known to what extent, how and by whom they are used.</p> <p><i>Standardize and formalize guidance for the preparation and use of notices, requirements and specifications, timelines, selection and award criteria and their use, forms of contract and contract management.</i></p>
<p><b>Sustainable public procurement</b></p>	<p>The legal and policy frameworks applicable to public procurement do not include or reflect sustainable development policies and do not support their application. Regulations and guidance materials contain limited provisions for incorporating social or environmental aspects in requirements, specifications and selection and award criteria.</p> <p><i>Introduce key principles of sustainability in public procurement and implement measures to ensure its applicability in the public procurement legislation. Develop, adopt and apply regulations and guidance material to incorporate social and environmental aspects in requirements, specifications and selection and award criteria, e.g. the use of environmental standards and life cycle costing.</i></p>
<p><b>Obligations deriving from international agreements</b></p>	<p>There is lack of clear alignment between the existing Lebanese legislation and the provisions related to public procurement in international agreements of which Lebanon is a member, such as the UN Convention Against Corruption.</p> <p><i>Align the public procurement legislation for conformity with the relevant provisions of the UN Convention Against Corruption and of other international agreements ratified by Lebanon.</i></p>



## Findings and recommendations for Pillar II

### Institutional Framework and Management Capacity

Pillar II assesses how the procurement system defined by the legal and regulatory framework in a country is operating in practice, through the institutions and the management systems of the public sector. It evaluates the effectiveness of the procurement system in discharging the obligations prescribed in the law, without gaps or overlaps.

The institutional framework for public procurement in Lebanon is formed by the procuring entities: ministries, autonomous public institutions, municipalities and unions of municipalities, and other public bodies, as well as by a number of Government institutions, most of them involved with control and oversight across the various stages of the public procurement process. This institutional framework is incomplete and incoherent. In particular, the current framework lacks a policy making and regulatory function, a review and complaints mechanism that adequately meets the need for speed and competence, and an enabling environment for e-procurement, in particular for ensuring that procurement related information and data are systematically generated and made freely accessible.

The links between public procurement and other aspects of public financial management are weak and ineffective. The financial regulations do not allow procurement to be carried out in a regular manner over the fiscal year. Procuring entities are not clearly defined as such and their roles, responsibilities and organization are not comprehensively regulated with respect to the particular requirements of public procurement. The public procurement system is limited in terms of its potential for development and improvement. Except for the provision of training, though with limited resources, there is a lack of strategies and programs to build the broader capacity of procuring entities. Procurement is not recognized as a profession, hence corresponding positions and job descriptions are lacking.

#### Procurement planning and the budget cycle; financial procedures and the procurement cycle

Procurement planning and preparation is not well regulated and practices vary widely. Financial regulations do not anticipate an acceptable timeline to ensure a competitive procurement process is complete. Only weak monitoring mechanisms to evaluate procurement outcomes are put in place in order to correct financial planning and management.

***Improve the integration of public procurement into public financial management in order to improve procurement management, reduce duplication and deliver goods and services more efficiently, by developing medium term budgeting and amending financial regulations to ensure continuity of competitive procurement during the transition from one fiscal year to the next.***

***Improve monitoring of use of funds during contract implementation and raise the transparency of the process.***

***Complement external audit by introducing systematic own ex-post evaluation conducted by the contracting authority on its public procurement operations.***

	<p><i>The self-evaluation will focus on procurement outcomes compared with objectives and on administrative performance, with feed-back into financial and procurement planning.</i></p>
<p><b>Status and legal basis of the normative/regulatory institution function; responsibilities of the normative/regulatory function; organization, funding, staffing, and level of independence and authority; avoiding conflict of interest</b></p>	<p>Key functions of public procurement policy management are not clearly defined, nor assigned to competent authorities in a comprehensive and coherent manner.</p> <p><i>In the public procurement law, define clearly the various central functions (e.g., policy, regulation, advice, information, training, complaint resolution) in the public procurement system, allocate them to specific entities to avoid gaps and overlaps as well as conflicts of roles, and give these entities adequate resources for the purpose.</i></p>
<p><b>Definition, responsibilities and formal powers of procuring entities</b></p>	<p>There is no sufficient definition of procuring entities for determining and applying roles and responsibilities with respect to public procurement. The organizational set-up and the distribution of roles and responsibilities for public procurement within procuring entities is not clearly regulated, and many high-level entities do not have a procurement department.</p> <p><i>Define procuring entities by law, in a way that helps determine which procurement regulations are applicable to them, and how. Institutionalize a general obligation for procuring entities to have a dedicated unit for public procurement within their organizational structure, with clearly defined functions and responsibilities, in addition to staffing and allocated resources adequate for the purpose.</i></p>
<p><b>Centralized procurement body</b></p>	<p>The legal framework for joint or centralized procurement is incomplete and vague, and there is no central purchasing body.</p> <p><i>Regulate joint and centralized procurement in a clear, comprehensive and coherent manner and take steps for creating one or several central purchasing bodies as may be appropriate.</i></p>
<p><b>Publication of public procurement information supported by information technology</b></p>	<p>There is no unified, nationwide system for publishing procurement information by electronic means.</p> <p><i>Set up a national electronic platform for mandatory publication of procurement notices of all procuring entities and for facilitating access to public procurement information and tender documents.</i></p>

<p><b>Use of e-procurement</b></p>	<p>There are no national regulations, institutions or systems in place for carrying out any aspects of e-procurement.</p> <p><i>Develop a comprehensive concept for introduction and management of e-procurement in all its various aspects and stages; consult widely and take decisions and set aside resources for implementation.</i></p>
<p><b>Strategies to manage procurement data</b></p>	<p>Public procurement data is not systematically collected, compiled, analyzed and disseminated as needed for ensuring transparency and supporting evidence-based policy making.</p> <p><i>Define the needs and procedures for collection, management and analysis of data on public procurement, with due consideration of other public financial management needs and of the general need for transparency and accountability in the public sector; adopt corresponding regulations and assign roles, responsibilities and resources to the competent authorities, in line with other measures for public administration reform.</i></p>
<p><b>Training, advice and assistance</b></p>	<p>There is no official capacity building strategy, nor one for providing guidance in response to queries, and there are no obligations to use the public procurement training currently available.</p> <p><i>Using existing analyses and reports, update the assessments of skills and training needs, determine appropriate measures for closing existing gaps, by developing, adopting and implementing a capacity building strategy, including means for providing ad-hoc advice (e.g. Help-Desk function). Establish and implement a policy rendering public procurement training mandatory for all concerned stakeholders across the public sector.</i></p>
<p><b>Recognition of procurement as a profession</b></p>	<p>Procurement is not recognized as a profession and there is no official job description or qualification requirements specific to public procurement.</p> <p><i>Building on existing drafts, revise and adopt standard job description and qualification requirements for public procurement officials at different levels, and regulate and monitor their application; formally recognize the profession so defined in the Lebanese civil service.</i></p>
<p><b>Monitoring performance to improve the system</b></p>	<p>There are no mechanisms in place for evaluating public procurement performance or for using such information as a basis for strategy development and decision making. There is no formal, official strategy for the development of the public procurement system and no clearly assigned responsibility for preparing and maintaining one.</p> <p><i>Systematize the collection and use of aggregated data on public procurement performance. Using the MAPS assessment report as a basis to develop, adopt, implement and monitor a national strategy for the development of the public procurement system, after clearly assigning responsibilities and allocating resources for this purpose.</i></p>



## Findings and recommendations for Pillar III

### Procurement Operations and Market Practices

Pillar III focuses on how the procurement system in a country operates and performs in practice. It looks at the operational efficiency, transparency and effectiveness of the procurement system at the level of the implementing entity responsible for managing particular procurements (procuring entity). In addition, it looks at the supply market as one means for raising the quality and effectiveness of public procurement.

The public procurement operations and the market practices in Lebanon present a very fragmented and unclear picture. Available information shows shortcomings at all stages of the procurement cycle. Planning and preparation of procurement often fails to state the objectives in a way that would allow the outcomes of the operations to be evaluated. Procurement plans are not systematically prepared and published. Therefore, the market is not well informed about planned procurement at a sufficiently early stage.

The procurement methods are limited, with open and restricted tendering being the only fully competitive procedure foreseen in the legislation. Budgetary constraints often require delaying or accelerating procurement at the beginning and the end of the fiscal year. As a result, the most appropriate, competitive award procedures are not always used. Weak capacities in contract management and cumbersome administrative procedures mean that the receipt of goods and works and the payment of invoices often take time.

The private sector faces a number of obstacles to participate in public procurement, leading to a lack of trust in the system and reducing the level of participation. As a result, procuring entities fail to get the benefit of wide, active competition and relatively few enterprises are able to successfully use the opportunities in the public procurement market.

#### Planning; selection and contracting; contract management

- Data on the performance of the public procurement system is missing. Existing information on public procurement is not thoroughly analyzed and the assignment of responsibilities for analysis is not clear;
- The effectiveness of public procurement in terms of the level to which original objectives are achieved is difficult to evaluate at all levels: contract level, procuring entity level, and the national level;
- There are no means in place for monitoring and managing public procurement performance;
- Public procurement practices show great variation and fragmented approaches, and errors and omissions frequently occur when public procurement is carried out.

***Ensure data on all steps of the procurement cycle for public contracts is accessible free of charge on a unique website, a central electronic platform, in a format that facilitates data extraction and analysis.***

	<p><i>Establish a facility for analyzing public procurement data and making it available to support evidence-based policy making.</i></p> <p><i>Require objectives and intended results to be clearly formulated and recorded during planning and referred to during systematic, compulsory evaluation of contract execution and outcomes.</i></p> <p><i>Develop and apply approaches for planning, preparation, execution and evaluation of public procurement operations from a performance point of view.</i></p> <p><i>Issue guidelines and provide hands-on training for procuring entities on procurement planning, including needs analysis, market research, choice of approaches and procedures, preparation and publication of procurement plans, as well as on contract management, and make the use of standard forms and tools mandatory.</i></p>
<p><b>Dialogue and partnerships between public and private sector</b></p>	<p>There is a lack of trust between the demand and the supply sides of the public procurement market. There are no effective mechanisms for public-private sector dialogue and mutual information on public procurement related subjects.</p> <p><i>Instill a paradigm shift towards a win-win situation between the public and the private sector. Institute a standard and formal mechanism/process for regular consultations between the public and the private sector on issues related to procurement policy and practice.</i></p>
<p><b>Private sector's organization and access to the public procurement market</b></p>	<p>There are numerous practical barriers to the public procurement market, especially for SMEs and new entrants.</p> <p><i>Identify the nature, origin and modalities of all the barriers facing enterprises, especially SMEs, for successfully participating in public procurement.</i></p>
<p><b>Key sectors and sector strategies</b></p>	<p>There is a lack of understanding of the role of public procurement in the economy and of the opportunities to incorporate it in development policies.</p> <p><i>Carry out a comparative study of the demand and supply side of the public procurement market in Lebanon and use the findings to inform development policy.</i></p>

## Findings and recommendations for Pillar IV Accountability, Integrity and Transparency

Pillar IV includes four indicators that are considered necessary for a public procurement system to operate with integrity, to have appropriate controls that support the implementation of the system in accordance with the legal and regulatory framework and to have appropriate measures in place to address the risk of corruption. It also covers the role of civil society as part of the control system.

A high degree of transparency and active engagement of civil society play an important role in promoting integrity in public procurement, as has been demonstrated in many

countries. Data on public procurement performance in Lebanon is scarce and spread out in many different places. As a result, all interested parties, in particular civil society, find it difficult to access, compile and analyze comprehensive, pertinent and reliable information. In turn, this makes it more difficult, costly and time consuming to identify and point out problems and to identify opportunities for improvement.

The system for control and audit is composed of numerous institutions. They are supposed to carry out a wide range of interventions aimed at ensuring the probity of public procurement operations. However, there are significant gaps and overlaps in the system. In practice, the procedures applied often add considerably to the time and cost of carrying out procurement, in addition to corruption risks. They are also not effective and efficient in reducing the level of fraud and corruption and in ensuring that prohibited practices are punished.

<p><b>Enabling environment for public consultation and monitoring; direct engagement of civil society</b></p>	<p>There are no policies, regulations and practices that enable and promote civil society participation.</p> <p><i>Develop and institutionalize mechanisms for enhanced consultation with civil society, both when policies are developed or amended and in the case of specific procurement projects or operations.</i></p>
<p><b>Adequate and timely access to information by the public</b></p>	<p>Information on what actually happens in public procurement is missing or very difficult to identify and access.</p> <p><i>Increase the level of transparency by making all procurement related information comprehensive and easily accessible and free of charge through electronic platforms.</i></p>
<p><b>Legal framework, organization and procedures of the control system; coordination of controls and audits of public procurement</b></p>	<p>There are gaps and overlaps in the approaches. Procedures for ex-ante control significantly delay and complicate public procurement, while creating additional administrative costs. There is no internal audit system in place. Performance audits are not carried out.</p> <p><i>Eliminate gaps and overlaps in regulations and conflicts of roles among oversight institutions and other entities involved in public procurement, eliminate redundant control steps, put relatively greater emphasis on procurement risk prevention rather than on correction actions.</i></p> <p><i>Develop a policy for internal audit as well as a properly resourced plan for its successive introduction in all procuring entities at central and local levels of government.</i></p> <p><i>Shift the focus from formal compliance with procedures to the achievement of intended results in ways that improve value for money.</i></p>



<p><b>Enforcement and follow-up on findings and recommendations</b></p>	<p>There is no effective follow-up and enforcement of the findings and recommendations actually made by internal and external control and audit functions, neither in the individual nor in the general case. There is no proper data base of publicly accessible recommendations and decisions by the Court of Accounts, nor does the Court of Accounts itself have a system for ensuring the coherence of its rulings. While the rulings of the State Council are binding, their observance is not systematically monitored, and they are not regularly and effectively enforced.</p> <p><i>Develop simpler, efficient and effective means for follow-up and enforcement of findings and recommendations of oversight bodies, with vigorous measures to ensure that obligations are met and that appropriate sanctions are meted out when merited. Publication of those actions is to be observed.</i></p> <p><i>Once they have been issued, immediately publish all decisions, recommendations and reports of the Court of Accounts on a website accessible free of charge, with a searchable data base of machine-readable documents that also would serve the case management needs of the Court of Accounts.</i></p>
<p><b>Process for complaints and appeals; independence and capacity of the review body; decisions of the review body</b></p>	<ul style="list-style-type: none"> <li>■ There is no review body specifically designated to resolve public procurement complaints, and the existing possibilities for access to justice do not meet basic requirements of speed and quality of reviews and decisions.</li> <li>■ There is no timeframe to review the complaints filed at the State Council, and rulings are often issued too late to have an impact on the procurement procedure and its outcome.</li> <li>■ There are conflicts of roles within the Court of Accounts (ex-ante control; examination of complaints; external audit) and the State Council (advisory vs. jurisdictional roles; investigation vs. adjudication), creating a lack of independence and impartiality of decisions taken.</li> <li>■ There is no common, searchable data base of the public procurement cases adjudicated by the various existing institutions currently handling complaints and related matters.</li> </ul> <p><i>Establish an efficient complaints system to enhance early responsiveness, implement timely and effective corrective measures and allow adequate and timely reporting on the number and nature of complaints.</i></p>
<p><b>Legal definition of prohibited practices, conflict of interest and responsibilities, accountabilities and penalties; provisions on prohibited practices in procurement documents; reporting mechanisms; codes of ethics and financial disclosure rules</b></p>	<p>There is a lack of regulatory and institutional measures for helping ensure integrity in public procurement and in public administration in general.</p> <p><i>Complete the general regulatory and institutional anti-corruption framework by thoroughly revising or replacing the illicit enrichment law, with focus on effective asset declarations and prevention of conflicts of interest and elimination of abusive use of its provisions, and by establishing the National Anti-Corruption Commission at the earliest, with the necessary resources. Take measures for the effective and efficient implementation of the anti-corruption laws.</i></p>

**Stakeholder support to strengthen integrity in procurement; anti-corruption framework and integrity training**

Civil society does not have the means to monitor the situation and to support decisive action for addressing any deficiencies identified, with particular focus on public procurement.

*Create an enabling and supportive environment for civil society to contribute to the monitoring and prevention of fraud and corruption, especially in public procurement.*

**Effective sanctions and enforcement systems**

Because of a general lack of access to information, it is not possible to monitor the incidence of fraud and corruption and the measures taken to prevent and sanction it.

*Ensure that data on accountability, integrity and transparency are generated, published, compiled and made accessible, and monitor its use for preventing, identifying and sanctioning prohibited practices.*



## Next steps

The Draft Assessment Report was subject to further peer review within the MAPS Global Team at the World Bank (WB). The finalized draft report was also reviewed, then endorsed, by MAPS Technical Advisory Group (TAG), a team of international experts representing the multilateral development banks and development partners.

At the national level, in order to keep the momentum and push forward the public procurement reform agenda, there is an urgent and important need to:

- put in place the necessary coordination mechanisms for public procurement policy development and implementation, in consultation with interested development partners;
- develop a national strategy and action plan for public procurement reform in Lebanon, building on the consultative process already in place during MAPS;
- officially adopt the national strategy by the Government of Lebanon;
- set up the political, financial and technical mechanisms to execute the strategy and monitor its proper implementation.

# Action plan

On the basis of the findings and recommendations of the MAPS report, this draft action plan presents a reference framework for the high level discussions and decisions needed for agreeing on the next steps, formally adopting a strategy for public procurement reform in Lebanon, mobilizing the necessary resources and implementing the reforms.

## I. Legal, regulatory and policy framework

Recommendation	Specific measures	Timeline	Responsible	Key conditions
1. Prepare and adopt a comprehensive, modern public procurement law and complement it by a full, harmonized range of items of secondary legislation, applicable to all procuring entities	Finalize draft PPL (IoF), adopt (Parliament); in parallel, draft secondary legislation to the extent needed (IoF)	ST	IoF, Parliament	No obstruction for political reasons unrelated to public procurement
2. Introduce a comprehensive range of procurement procedures, proportionate to the nature and value of the contracts to be concluded	To be regulated in the PPL; with measures for additional, specific information and training	ST	IoF	Adequate information and training for users
3. Standardize and formalize guidance for the use of the available procurement procedures and for notices, requirements and specifications, timelines, selection and award criteria and their use, forms of contract and contract management	As in the recommendation; in full accordance with PPL provisions; with thorough user consultations	ST/MT	IoF	Adequate resources at the entity in charge
4. Review and revise the approach to handling complaints, to ensure timely review and resolution by an independent institution	Study international practices, adopt approach; regulate in the PPL; with complementary measures for institution building	ST/MT	IoF	Skilled, experienced staff; adequate admin resources for timely complaints resolution
5. Raise transparency, improve administrative efficiency and reduce costs by introducing e-procurement as well as clear and simple administrative routines for handling public procurement operations (cf. Pillar II, recommendation 9)	Prepare and adopt e-procurement policy in line with PPL provisions, harmonize with e-government in general; analyze, simplify admin. procedures; develop and introduce system	MT/LT	E-procurement entity tbd	Skilled staff; good IT infrastructure; access to training and advice for users

Recommendation	Specific measures	Timeline	Responsible	Key conditions
6. Reduce the need for primary legislation to be accompanied by implementing regulations and ensure that any secondary legislation that may nevertheless be required is prepared and adopted in parallel with the corresponding primary legislation	For PPL revisions and new laws, fully reflect all stable, major principles and policies in primary law; use secondary legislation for aspects subject to dynamic change	MT/LT	IoF	Adequate approaches for handling exceptions and cases not foreseen in the legislation
7. In the public procurement law, clearly assign responsibilities for preparation, dissemination and updating of standard documents, guidelines and other tools to a suitably competent institution(s)	As in the recommendation	ST	IoF	Immediate as well as sustainable availability of resources (including skilled staff) for doing the work assigned
8. Allocate resources to a designated institution for developing standard procurement documents and guidance notes; ensure availability, free of charge, on one central electronic platform or website	As per applicable budget regulations; identify possible external sources of financing and request funding as appropriate; incorporate in development of e-procurement	ST/MT	MoF	Prioritization in budget; availability of financiers
9. Monitor the use and enforce the proper application of standard documents	Regularly sample and examine actual procurement operations; use findings for advice and training before applying formal sanctions, if any	LT	Assigned regulatory entity, IoF	Transparency of operations; means to analyze use and enforce compliance
10. Introduce key principles of sustainability in public procurement and implement measures to ensure its applicability in the public procurement legislation	Cover use of sustainability criteria in guidance materials for public procurement; include in training programs	ST/MT	Assigned regulatory entity, CoM, IoF	Alignment with other measures; resources for information and training
11. Develop, adopt and apply regulations and guidance materials to incorporate social and environmental aspects in requirements, specifications and selection and award criteria, e.g. use of environmental standards, life cycle costing	Cover use of sustainability criteria in guidance materials for public procurement; include in training programs	ST/MT	Assigned regulatory entity, IoF	Alignment with other measures; resources for information and training
12. Align the public procurement legislation for conformity with the relevant provisions of the UN Convention Against Corruption and of other international agreements ratified by Lebanon	Duly consider when finalizing the draft PPL and secondary legislation	ST	IoF	Harmonization with other anti-corruption measures



## II. Institutional framework and management capacity

Recommendation	Specific measures	Timeline	Responsible	Key conditions
1. Improve the integration of public procurement into public financial management in order to improve procurement management, reduce duplication, and deliver goods and services more efficiently, by developing medium term budgeting and amending financial regulations to ensure continuity of competitive procurement during the transition from one fiscal year to the next	Identify practical requirements for procuring and managing public contracts that require payments to be made during more than one budget year, and reflect as appropriate in budget regulations and medium term budgetary framework policies and practices	MT/LT	MoF	Stable economic conditions, predictable State budget revenues and expenditures
2. Improve monitoring of use of funds during contract implementation, and raise the transparency of the process	Develop and introduce tools for matching disbursements with performance and making data on both immediately available	MT	MoF, MoIM	Adequate admin. procedures & tools; procurement portal for publishing data
3. Complement external audit by introducing systematic own ex-post evaluation conducted by the contracting authority on its public procurement operations. The self-evaluation will focus on procurement outcomes compared with objectives and on administrative performance, with feed-back into financial and procurement planning (cf. Pillar III, recommendation 3)	Prepare guidelines and training materials; reflect in e-procurement design; harmonize with other measures for improving procurement management, internal audit, and administrative performance in general; regulate only if needed; provide training	MT	MoF, MoIM, IoF	Admin. procedures and tools for easy monitoring of progress and performance
4. In the public procurement law, define clearly the various central functions (e.g. policy, regulation, advice, information, training; complaint resolution) in the public procurement system, allocate them to specific entities to avoid gaps and overlaps as well as conflicts of roles, and give these entities adequate resources for the purpose	Duly consider when finalizing PPL and secondary legislation; harmonize with other specific measures proposed; ensure that roles and responsibilities don't collide and that commensurate resources can become available	ST	IoF	Understanding and acceptance of basic principles of separation of powers, checks and balances, conflicts of roles
5. Define procuring entities by law, in a way that helps determine which procurement regulations are applicable to them, and how	Duly consider when finalizing PPL and secondary legislation; harmonize with other legislation	ST	IoF	No conflicting laws or statutes of institutions

Recommendation	Specific measures	Timeline	Responsible	Key conditions
6. Institutionalize a general obligation for procuring entities to have a dedicated unit for public procurement within their organizational structure, with clearly defined functions and responsibilities, in addition to staffing and allocated resources adequate for the purpose	Define public procurement roles and responsibilities based on PPL requirements; prepare model organization charts and function descriptions; harmonize with other public administration reforms; regulate; give guidance, training	ST/MT	Procuring entities, CSB, IoF and others tbd	Compatibility with constitutional rights and obligations
7. Regulate joint and centralized procurement in a clear, comprehensive and coherent manner, and take steps for creating one or several central purchasing bodies as may be appropriate	Duly consider need for enabling framework when finalizing PPL; work out details after examining needs and opportunities; draft secondary legislation; run pilot(s)	ST	MoF, MoIM, IoF	Compatibility with framework agreement rules, concurrent work on e-procurement
8. Set up a national electronic platform for mandatory publication of procurement notices of all procuring entities and for facilitating access to public procurement information and tender documents (cf. Pillar III, recommendation 1; Pillar IV, recommendation 2)	Designate entity in charge; define platform functions in line with PPL provisions; allocate resources and start operating	ST	Assigned regulatory entity tbd	Compatibility with concurrent work on other aspects of e-procurement
9. Develop a comprehensive concept for introduction and management of e-procurement in all its various aspects and stages; consult widely and take decisions; and set aside resources for implementation (cf. Pillar I, recommendation 5)	Prepare and adopt e-procurement policy in line with PPL provisions, harmonize with e-government in general; analyze, simplify admin. procedures; introduce system	ST/MT	Assigned regulatory entity, CoM	Assessment of e-procurement; Skilled staff; good IT infrastructure; access to training and advice for users
10. Define the needs and procedures for collection, management and analysis of data on public procurement, with due consideration of other public financial management needs and of the general need for transparency and accountability in the public sector; adopt corresponding regulations and assign roles, responsibilities and resources to the competent authorities, in line with other measures for public administration reform	As in the recommendation	ST/MT	MoF, IoF, MoIM, others tbd	Compatibility with concurrent work on other aspects of e-procurement and with other reform measures

Recommendation	Specific measures	Timeline	Responsible	Key conditions
11. Using existing analyses and reports, update the assessments of skills and training needs, determine appropriate measures for closing existing gaps, by developing, adopting and implementing a capacity building strategy, including means for providing ad-hoc advice (e.g. Help-Desk function)	Duly consider new PPL provisions, development of e-procurement, availability of external providers of training and advice, related guidance and training materials under preparation, current situation of procuring entities; harmonize with other measures for raising administrative capacity	ST	IoF	Access to data on currently available skills, tools and resources in procuring entities
12. Establish and implement a policy rendering public procurement training mandatory to all concerned stakeholders across the public sector	As in the recommendation	ST/MT	Assigned regulatory entity, IoF	Knowledge and skill requirements match functions and responsibilities of procuring entity staff; adequate access to training
13. Building on existing drafts, revise and adopt standard job descriptions and qualification requirements for public procurement officials at different levels, and regulate and monitor their application; then formally recognize the profession so defined in the Lebanese civil service	As in the recommendation	MT	IoF, CSB, and others tbd	Procuring entity structures include procurement units and positions
14. Systematize the collection and use of aggregated data on public procurement performance (cf. recommendations 3 and 8-10 above and 15 below)	Reflect the recommendation in e-procurement design, in particular aggregation and search functions	MT	Assigned regulatory entity	Obligation to create data and make it accessible
15. Use the MAPS assessment report as a basis to develop, adopt, implement and monitor a national strategy for the development of the public procurement system, after clearly assigning responsibilities and allocating resources for this purpose (cf. Pillar III, recommendations 1 and 2)	As in the recommendation and as further set out in the introductions to Chapters 4 and 5 of the report	ST	IoF, CoM	Political consensus on procurement policy issues; resources for implementation

### III. Procurement operations and market practices

Recommendation	Specific measures	Timeline	Responsible	Key conditions
1. Ensure data on all steps of the procurement cycle for public contracts is accessible free of charge on a unique website, a central electronic platform, in a format that facilitates data extraction and analysis (cf. Pillar II, recommendations 8-10, 14)	Reflect the recommendation in e-procurement design; ensure that an appropriate entity is in charge and give it adequate resources	ST	Assigned regulatory entity tbd	Transaction data generated at once; obligation to upload or make accessible
2. Assign responsibility to a competent authority for analyzing public procurement data and making it available to support evidence-based policy-making (cf. Pillar II, recommendations 10, 14, 15)	As in the recommendation (no exclusive mandate; other entities (e.g. universities, NGOs) should have equal access to data, freedom to analyze and propose)	ST	IoF	Full access to all data; analytical tools and skills
3. Require objectives and intended results to be clearly formulated and recorded during planning and referred to during systematic, compulsory evaluation of contract execution and outcomes (cf. 4 below and Pillar II, recommendation 3)	As in the recommendation; reflect in e-procurement design, standard documents (requirements, techn. specifications; selection and award criteria); prepare corresponding guidelines and training materials; provide training	MT	Assigned regulatory entity tbd, IoF	Admin. procedures and tools for easy monitoring of progress and performance
4. Develop and apply approaches for planning, preparation, execution and evaluation of public procurement operations from a performance point of view (cf. 3 above and 5 below; Pillar I, recommendations 7-11; Pillar II, recommendation 3)	As in the recommendation; reflect in e-procurement design, standard documents; prepare corresponding guidelines and training materials; provide training	MT	MoF, MoIM, IoF	Admin. procedures and tools for easy monitoring of progress and performance
5. Issue guidelines and provide hands-on training for procuring entities on procurement planning, including needs analysis, market research, choice of approaches and procedures, preparation and publication of procurement plans, as well as on contract management, and make the use of standard forms and tools mandatory (cf. 3 and 4 above ; Pillar I, recommendations 7-11 ; Pillar II, recommendation 3)	As in the recommendation; reflect in e-procurement design, standard documents; prepare corresponding guidelines and training materials; provide training	ST/MT	Assigned regulatory entity tbd, IoF	Admin. procedures and tools for easy monitoring of progress and performance



Recommendation	Specific measures	Timeline	Responsible	Key conditions
6. Instill a paradigm shift towards a win-win situation between the public and the private sector (cf. 7-9 below; Pillar IV, recommendation 1)	Prepare and adopt a policy for enhanced private sector participation and fair competition in public procurement, harmonized with measures under recommendations 7-9 below; run awareness raising campaign	MT/LT	Assigned regulatory entity tbd	Knowledge and understanding of issues facing the private sector
7. Institute a standard and formal mechanism/process for regular consultations between the public and the private sector on issues related to procurement policy and practice (cf. Pillar IV, recommendation 1)	Use the approach for PPL related consultations as an example; harmonize with other measures for public consultations and access to information; further steps as in the recommendation	ST/MT	Assigned regulatory entity tbd	No contradictory legislation
8. Identify the nature, origin and modalities of all the barriers facing enterprises, especially SMEs, for successfully participating in public procurement	Carry out a comprehensive survey; analyze the findings; and take measures as appropriate for mitigating the barriers identified, including information and training for enterprises and procuring entities	MT	Assigned regulatory entity tbd, business community, IoF	Useful inputs from the private sector
9. Carry out a comparative study of the demand and supply side of the public procurement market in Lebanon and use the findings to inform development policy	Compile data from contracts concluded; compare with data on industry structure & performance, other economic aspects; feed into/ harmonize with broader policies for economic development	MT	Assigned regulatory entity tbd, business community	Availability of good quality procurement data

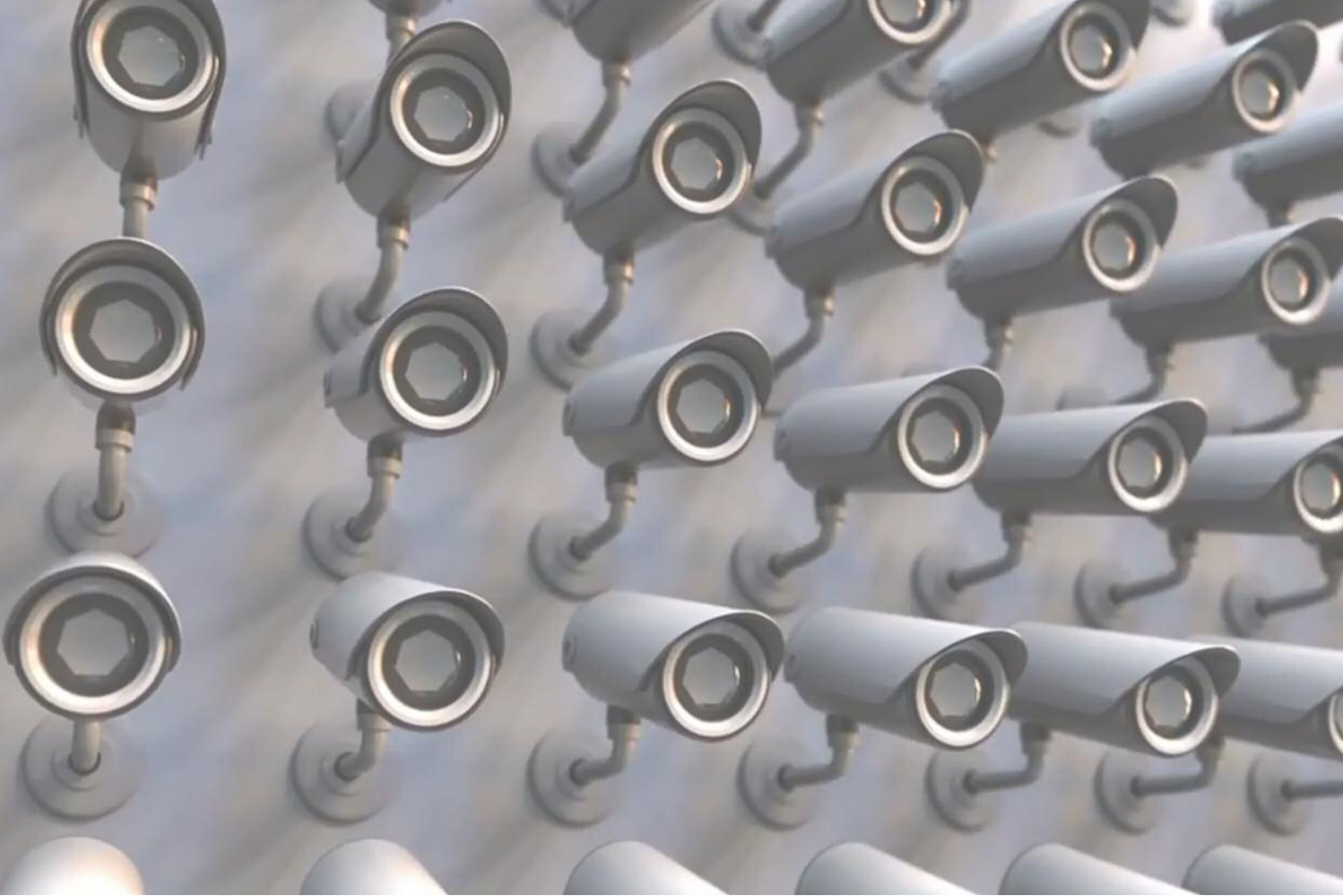
#### IV. Accountability, integrity and transparency

Recommendation	Specific measures	Timeline	Responsible	Key conditions
1. Develop and institutionalize mechanisms for enhanced consultation with civil society, both when policies are developed or amended and in the case of specific procurement projects or operations (cf. 2 and 10 below and Pillar III, recommendation 7)	Use the approach for PPL related consultations as an example; harmonize with other measures for public consultations and access to information; further steps as in the recommendation	ST/MT	Assigned regulatory entity tbd, CSOs	Enabling legislation in place
2. Increase the level of transparency by making all procurement related information comprehensive and easily accessible and free of charge through electronic platforms (cf. Pillar II, recommendations 8-10, 14; Pillar III, recommendation 1)	Reflect the recommendation in e-procurement design; ensure that an appropriate entity is in charge and give it adequate resources	ST	Assigned regulatory entity tbd	Transaction data generated at once; obligation to upload or make accessible
3. Eliminate gaps and overlaps in regulations and conflicts of roles among oversight institutions and other entities involved in public procurement, eliminate redundant control steps, put relatively greater emphasis on procurement risk prevention rather than on correction actions (cf. recommendation 6 below)	Examine existing regulatory and institutional framework, identify gaps and overlaps; determine oversight objectives and principles; further steps as in the recommendation	ST/MT	Oversight institutions, other authorities	Access to data on actual situation; no conflicting laws or regulations
4. Develop a policy for internal audit as well as a properly resourced plan for its successive introduction in all procuring entities at central and local levels of government	As in the recommendation; harmonize with development of internal audit in general and other PFM improvements	MT/LT	MoF	Enabling legislation for internal audit
5. Shift the focus from formal compliance with procedures to the achievement of intended results in ways that improve value for money (cf. Pillar II, recommendation 3 and Pillar III, recommendations 3 and 4)	Review current audit policies in the light of best international practice (liaise with e.g. INTOSAI members working on the subject), determine room for improvement, possible measures; devise and adopt a policy in line with the recommendation; inform and train staff, raise awareness	MT/LT	MoF; CoA; SC; review body tbd	No conflicting laws; if any, to be amended

Recommendation	Specific measures	Timeline	Responsible	Key conditions
6. Develop simpler, efficient and effective means for follow-up and enforcement of findings and recommendations of oversight bodies, with vigorous measures to ensure that obligations are met and that appropriate sanctions are meted out when merited. Publication of those actions is to be observed (cf. recommendation 11 below)	Review oversight body business processes and revise for enhanced transparency, effectiveness and efficiency; put corresponding administrative tools in place; monitor oversight body performance, publish findings	MT/LT	MoF; CoA; SC; review body tbd; NACC	Enabling legislation in place; impartial courts; effective means for applying sanctions as meted out
7. Once they have been issued, immediately publish all decisions, recommendations and reports of the Court of Accounts on a website accessible free of charge, with a searchable database of machine-readable documents that also would serve the case management needs of the Court of Accounts	Review CoA business processes; define functions to be performed in line with the recommendation; adapt or introduce corresponding administrative systems	MT	CoA	No conflicting laws or regulations; if any, to be amended
8. Establish an efficient complaints system to enhance early responsiveness, implement timely and effective corrective measures and allow adequate and timely reporting on the number and nature of complaints	Examine practice of countries with comparable legal systems; adopt approach in principle (most likely: independent review body) in line with PPL; develop policies and procedures, allocate resources, set up the review body, engage and train staff; monitor performance	ST	MoF; CoA; SC; review body tbd	Enabling legislation
9. Complete the general regulatory and institutional anti-corruption framework by thoroughly revising or replacing the illicit enrichment law, with focus on effective asset declarations and prevention of conflicts of interest and elimination of abusive use of its provisions, and by establishing the National Anti-Corruption Commission at the earliest, with the necessary resources. Take measures for the effective and efficient implementation of the anti-corruption laws (cf. recommendation 6 above)	As in the recommendation	ST	Tbd	Political consensus

Recommendation	Specific measures	Timeline	Responsible	Key conditions
10. Create an enabling and supportive environment for civil society to contribute to the monitoring and prevention of fraud and corruption, especially in public procurement (cf. recommendation 2 above)	Complement the measures under recommendation 1 above by awareness raising, information and training for CSOs in retrieving and analyzing public procurement data as made available by measures under recommendation 2 above (and others as applicable)	MT	Assigned regulatory entity tbd, loF	CSO interest, and commitment to constructive contributions
11. Ensure that data on accountability, integrity and transparency is generated, published, compiled and made accessible, and monitor its use for preventing, identifying and sanctioning prohibited practices (cf. recommendations 3, 6 and 9 above)	Complement the measures under recommendations 3 and 6 above by adopting, in consultation with CSOs, principles for applying the recommendation, ensuring that corresponding systems and freely accessible websites are in place and that data is systematically made available, and by monitoring and enforcing compliance with the principles adopted	MT	MoF; CoA; SC; NACC; review body tbd	Commitment to effective combat against fraud and corruption





# Outline of MAPS report

## **Acronyms**

## **Acknowledgements**

## **Executive Summary**

- Country context and public procurement challenges
- MAPS assessment
- Main findings and recommendations
- Next steps

## **Introduction**

- Context and rationale of the assessment
- Objectives of the assessment
- Assessment methodology and challenges

## **Analysis of Country Context**

- Political, economic and geostrategic situation of Lebanon
- The public procurement system and its links with the public finance management and public governance systems
- National policy objectives and sustainable development goals
- Public procurement reform in Lebanon

## **Assessment**

Pillar I: Legal, Regulatory and Policy Framework

Pillar II: Institutional Framework and Management Capacity

Pillar III: Procurement Operations and Market Practices

Pillar IV: Accountability, Integrity and Transparency

## **Consolidated Recommendations**

Summary Recommendations

Pillar I: Legal, Regulatory and Policy Framework

Pillar II: Institutional Framework and Management Capacity

Pillar III: Procurement Operations and Market Practices

Pillar IV: Accountability, Integrity and Transparency

## **Action Plan**

## **Validation**

## **Appendices**

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

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

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

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

Appendix 5 - Composition of Assessment Steering Committee and  
Assessment Team

Appendix 6 - List of stakeholders consulted

Appendix 7 - Enterprise Survey Report

Appendix 8 - Implementation Timetable

Appendix 9 - Concept Note

Appendix 10 - Primary and secondary legislation and related documents

Appendix 11 - Reference documents and useful links

Appendix 12 - Conformity with assessment criteria, by pillar

Appendix 13 - Analysis of procurement stakeholders

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