African Development Bank

Execution of Bank Oversight Functions When Using the Bank’s Procurement Methods & Procedures

August 2020
This document is subject to copyright.

This document may be used and reproduced for non-commercial purposes only. Any commercial use, including without limitation reselling, charging to access, redistribute, or for derivative works such as unofficial translations based on this document is not allowed.
Preface

This Guidance Note (GN) provides the detailed methodology, working tools, typical checklists and templates that constitute comprehensive guidance to African Development Bank Staff in executing the procurement function in terms of the oversight of Borrowers’ activities, when the Bank’s Procurement Methods and Procedures (PMPs) are being used under loans and grants financed by the Bank Group. It is developed from, and supports the Operations Procurement Manual Part B, which outlines in addition to the roles and responsibilities of the Borrower (see figure below), the Procurement Oversight responsibilities of the Bank.

The modality and intensity of Bank oversight of Borrowers procurement processes depends on the procurement regime or system being used by the latter; namely, Borrowers’ Procurement Systems (BPS), Bank’s PMPs, or Third Party PMPs. This GN concentrates on procurement oversight under Bank PMPs. Two other GNs deal respectively with oversight under BPS and Third Party PMPs.

Users of these GNs are advised to make themselves very conversant with OPM Part B Volume 1 Sections 5, 6 and 7 which deal with that subject. They form part of the Procurement Toolkit in the Bank’s Procurement Policy Framework.

To obtain further information on procurement under African Development Bank-funded projects or for question regarding the use of this SBD, contact:

**Fiduciary Services & Inspection Department (SNFI)**
African Development Bank (www.afdb.org)
Headquarters – Abidjan (Côte d’Ivoire)
5 Avenue Joseph Anoma
01 B.P. 1387, Abidjan 01
Côte d’Ivoire
Tel.: +225 - 20 26 39 00
E-mail: procurementpolicy@afdb.org
<table>
<thead>
<tr>
<th>Abbreviation or Term</th>
<th>Full Terminology or Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability</td>
<td>Obligation on those to whom authority is delegated to account and accept responsibility for their actions and decisions. For example, managers are held responsible for carrying out a defined set of duties or tasks, and for conforming with rules and standards applicable to their posts.</td>
</tr>
<tr>
<td>ADB</td>
<td>African Development Bank</td>
</tr>
<tr>
<td>ADF</td>
<td>African Development Fund</td>
</tr>
<tr>
<td>Applicant</td>
<td>A firm or joint venture that submits an Application in response to an Invitation to Prequalify which is also the Specific Procurement Notice (SPN) for Prequalification.</td>
</tr>
<tr>
<td>Application</td>
<td>A document submitted by an Applicant in response to an Invitation to Prequalify, which is also the Specific Procurement Notice (SPN) for Prequalification</td>
</tr>
<tr>
<td>Authority</td>
<td>Permission given by a higher Authority, to legally act or take decisions on behalf of an Organization within the limits of its protocols, by-laws, policies, and regulations.</td>
</tr>
<tr>
<td>Bank</td>
<td>African Development Bank Group comprising the African Development Bank (ADB), the African Development Fund (ADF) and the Nigeria Trust Fund (NTF)</td>
</tr>
<tr>
<td>BD</td>
<td>Bidding Document</td>
</tr>
<tr>
<td>BER</td>
<td>Bid Evaluation Report</td>
</tr>
<tr>
<td>Bid</td>
<td>An offer, by a firm or joint venture, in response to an Invitation to Bid which is also the Specific Procurement Notice (SPN) to provide the required Goods, Works or Non-consulting Services.</td>
</tr>
<tr>
<td>Bidder</td>
<td>A firm or joint venture that submits a Bid for Goods, Works, or Non-consulting Services in response to an Invitation to Bid.</td>
</tr>
<tr>
<td>Bidding Document</td>
<td>A compilation of documents comprising Instructions to Bidders, Employers / Purchasers’ Requirements, Evaluation Criteria and Sample Contract, prepared by the Employer/Purchaser for soliciting offers from potential suppliers or contractors.</td>
</tr>
<tr>
<td>Borrower</td>
<td>A Borrower or Recipient of a Loan or Grant from the African Development Bank Group. This term may include any entity of the Borrower that is involved in the implementation of a project financed by the Loan or Grant.</td>
</tr>
<tr>
<td>BPAR</td>
<td>Bank’s Procurement Assessment Report</td>
</tr>
<tr>
<td>BPS</td>
<td>Borrower’s Procurement System</td>
</tr>
<tr>
<td>Consultant</td>
<td>A variety of private firms, entities, joint ventures, or individuals that provide services of an intellectual, advisory or professional nature.</td>
</tr>
<tr>
<td>Complaint</td>
<td>A communication sent to the Borrower or the Bank, protesting against a decision of a Borrower or the Bank, relating to the execution of a project or providing informing that the Procurement Policy and/or provisions of the Bidding Documents have not been complied with.</td>
</tr>
<tr>
<td>Complainant</td>
<td>The originator of a Complaint</td>
</tr>
<tr>
<td>Contract Award Notice</td>
<td>The published notice of contract award.</td>
</tr>
<tr>
<td>CQS</td>
<td>Consultants Qualifications Selection</td>
</tr>
<tr>
<td>CS</td>
<td>Consulting Services</td>
</tr>
</tbody>
</table>

1 Defined Terms start with Capitals in the text
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
</tr>
<tr>
<td>CT</td>
<td>Country Team</td>
</tr>
<tr>
<td>DAM</td>
<td>Delegation of Authority Matrix</td>
</tr>
<tr>
<td>DP</td>
<td>Direct Procurement</td>
</tr>
<tr>
<td>EA</td>
<td>Executing Agency</td>
</tr>
<tr>
<td>EOI</td>
<td>Expression of Interest</td>
</tr>
<tr>
<td>FA</td>
<td>Financing Agreement which is the Loan Agreement or Grant Protocol Agreement</td>
</tr>
<tr>
<td>FCS</td>
<td>Fragile or Conflict Affected Situations/ Enclaves</td>
</tr>
<tr>
<td>F&amp;C</td>
<td>Fraud and Corruption – Also referred to as Prohibited Practices (PP). The sanctionable practices of corruption, fraud, collusion, coercion and obstruction defined in the Bank’s Integrity Framework, comprising the Sanctions Procedures of the African Development Bank Group, the Whistler Blowing and Complaints Policy, and the Procurement Policy for Bank Group Funded Operations.</td>
</tr>
<tr>
<td>FIR</td>
<td>Fiduciary Inspection Review</td>
</tr>
<tr>
<td>FIP</td>
<td>Fit for Purpose</td>
</tr>
<tr>
<td>FPA</td>
<td>Fiduciary Principles Agreement</td>
</tr>
<tr>
<td>GN</td>
<td>Guidance Note</td>
</tr>
<tr>
<td>GPN</td>
<td>General Procurement Notice</td>
</tr>
<tr>
<td>IFB</td>
<td>Invitation for Bids which is also the Specific Procurement Notice (SPN) for Goods, Works and Non-consulting Service.</td>
</tr>
<tr>
<td>IPR</td>
<td>Independent Procurement Reviews</td>
</tr>
<tr>
<td>ITB</td>
<td>Instructions to Bidders which forms part of the Bidding Document for procurement of Goods, Works and Non-consulting Services</td>
</tr>
<tr>
<td>LCB</td>
<td>Local Competitive Bidding</td>
</tr>
<tr>
<td>Misprocurement</td>
<td>A situation in which the Bank rules that its financing has not been utilized in accordance with the applicable rules and procedures and therefore decides to apply certain remedies and sanctions.</td>
</tr>
<tr>
<td>MRA</td>
<td>Mutual Reliance Agreement</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>Notification of Intention to Award</td>
<td>The notice transmitted to Bidders/Proposers by a Procuring Entity (PE), informing them of the intention to award the contract.</td>
</tr>
<tr>
<td>OPM</td>
<td>Operations Procurement Manual</td>
</tr>
<tr>
<td>PD</td>
<td>Presidential Directive</td>
</tr>
<tr>
<td>PE</td>
<td>Procuring Entity</td>
</tr>
<tr>
<td>PIAC</td>
<td>Office of Integrity and Anti-Corruption</td>
</tr>
<tr>
<td>PMP</td>
<td>Procurement Methods and Procedures</td>
</tr>
<tr>
<td>PP</td>
<td>Procurement Plan</td>
</tr>
<tr>
<td>PP/F&amp;C</td>
<td>Prohibited Practices, otherwise also referred to as Fraud and Corruption (F&amp;C)</td>
</tr>
<tr>
<td>PPCF</td>
<td>Project Procurement Complaints Form</td>
</tr>
<tr>
<td>PPOB</td>
<td>Public Procurement Oversight Body</td>
</tr>
<tr>
<td>PPT</td>
<td>Project Task Team</td>
</tr>
<tr>
<td>PRC</td>
<td>Procurement Review Committee</td>
</tr>
<tr>
<td>Prequalification</td>
<td>The initial process which is used in the case of complex and or high value procurement or in any other circumstances for Goods, Works or Non-consulting Services, in which the high costs of preparing detailed bids, could discourage competition, such as custom designed equipment, industrial plant, specialized services, some complex information technology and contract to be let under turnkey, design and build, or management contracting, essentially to ensure that</td>
</tr>
</tbody>
</table>
invitations to bid are extended only to firms and entities that have adequate capabilities and resources.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prequalification Questionnaire</td>
<td>The Prequalification Document prepared by the Procuring Entity (PE) and issued to potential Applicants to complete and submit their Application.</td>
</tr>
<tr>
<td>Procurement Documents</td>
<td>A generic term used to cover all Procurement Documents issued by the Borrower. It includes Prequalification Questionnaires, Bidding Documents, requests for proposals document, Request for Quotations document, forms of contracts and any Addenda.</td>
</tr>
<tr>
<td>Procurement Policy</td>
<td>&quot;Procurement Policy for Bank Group Funded Operations.&quot;</td>
</tr>
<tr>
<td>Proposal</td>
<td>An offer, in response to a Request for Proposals, which may or may not include price, by one party to provide Consulting Services to a PE.</td>
</tr>
<tr>
<td>Proposer</td>
<td>A Consulting Firm, an entity or joint venture that submits a Proposal for Consulting Services in response to a Request for Proposals.</td>
</tr>
<tr>
<td>QCBS</td>
<td>Quality-Cost Based Selection</td>
</tr>
<tr>
<td>RDG</td>
<td>Regional Director General</td>
</tr>
<tr>
<td>REOI</td>
<td>Request for expression of interest which is also the Specific Procurement Notice (SPN) for Consulting Services.</td>
</tr>
<tr>
<td>ROM</td>
<td>Regional Operations Manager</td>
</tr>
<tr>
<td>Responsibility</td>
<td>The act of being accountable for the performance of an assigned task.</td>
</tr>
<tr>
<td>RFP</td>
<td>Request for Proposals for Consulting Services</td>
</tr>
<tr>
<td>RFQ</td>
<td>Request for Quotations</td>
</tr>
<tr>
<td>RMC</td>
<td>Regional Member Country</td>
</tr>
<tr>
<td>TM</td>
<td>Task Manager</td>
</tr>
<tr>
<td>RVP</td>
<td>Regional Vice President</td>
</tr>
<tr>
<td>SAI</td>
<td>Supreme Audit Institution</td>
</tr>
<tr>
<td>SNFI</td>
<td>Fiduciary Services and Inspection Department</td>
</tr>
<tr>
<td>Solicitation Documents (SDs)</td>
<td>Includes Prequalification Questionnaires, Bidding Documents, Requests for Quotations (RFQ) and Request for Proposals (RFPs)</td>
</tr>
<tr>
<td>SPN</td>
<td>Specific Procurement Notice</td>
</tr>
<tr>
<td>SSS</td>
<td>Single Source Selection</td>
</tr>
<tr>
<td>Standard Procurement Documents (SPDs)</td>
<td>Procurement Documents issued by the Bank to be used by Borrowers in projects implemented using Bank’s PMPs. These include Prequalification Questionnaires, Bidding Documents, Request for Quotations Documents, and Request for Proposals Documents.</td>
</tr>
<tr>
<td>Standstill Period</td>
<td>The period following the Notification of Intention to Award.</td>
</tr>
<tr>
<td>TOR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>VfM</td>
<td>Value for Money.</td>
</tr>
</tbody>
</table>
# Table of Contents

1. **INTRODUCTION** .................................................................................................................. 1  
   1.1 Background and Context ................................................................................................. 1  
   1.2 Goals, Objectives and Activities .................................................................................. 2  
   1.3 Consistency and Transparency ....................................................................................... 2  
2. **PRIOR REVIEW OF BORROWERS’ PROCUREMENT** .................................................. 3  
   2.1 General ......................................................................................................................... 3  
   2.2 Purpose and Scope .......................................................................................................... 3  
   2.3 Methodology .................................................................................................................. 4  
   2.4 Achieving Efficiency and Effectiveness in Document Review ...................................... 5  
   2.5 Responsibilities of the Key Actors ................................................................................ 5  
3. **POST REVIEW OF BORROWERS’ PROCUREMENT** .................................................. 6  
   3.1 General ......................................................................................................................... 6  
   3.2 Methodology for Conducting PPR ............................................................................... 7  
   3.3 Responsibilities of Key Actors ..................................................................................... 10  
   3.4 Monitoring PPRs .......................................................................................................... 11  
   3.5 Generic Issues ............................................................................................................. 11  
4. **PROCUREMENT SUPERVISION & OVERSIGHT THROUGH PROGRAM** ............... 12  
   4.1 General ....................................................................................................................... 12  
5. **FIDUCIARY INSPECTION REVIEWS** ............................................................................ 13  
6. **HANDLING PROCUREMENT COMPLAINTS** ......................................................... 14  
7. **MISPROCUREMENT AND REMEDIES** ....................................................................... 14  
8. **HANDLING PROCUREMENT POLICY DEVIATIONS** ............................................. 15  
9. **MONITORING COMPLIANCE, PERFORMANCE AND RECORD KEEPING** ............ 15  
   9.1 General ....................................................................................................................... 15  
   9.2 Bank Verification .......................................................................................................... 15  
   9.3 Prior and Post Reviews Under Bank’s PMPs ............................................................... 16  
   9.4 Monitoring Borrowers’ Annual Procurement Audits under BPS .............................. 16  
   9.5 Project Procurement Supervision ................................................................................. 16  
   9.6 Project Mid-Term Reviews .......................................................................................... 17  
   9.7 Other Specialized Reviews ......................................................................................... 18  
   9.8 Record Keeping ........................................................................................................... 18
ANNEXES

Annex A: Obligations of Bank Staff Executing Procurement Oversight ............................................. 20
Annex B: Request for Procurement Opinion ......................................................................................... 22
Annex C: Prior Review Forms (PRF) ..................................................................................................... 29
Annex D: Guidance on Procurement Sampling ..................................................................................... 43
Annex E: Sample Letter Announcing Procurement Post Review Mission ........................................... 47
Annex F: Sample Letter Sharing the Post Review Findings With the Borrower ....................................... 49
Annex G: Procurement Supervision & Oversight Through PROCGRAM .............................................. 50
1. INTRODUCTION

1.1 Background and Context

1.1.1 In order to explain the Bank’s Procurement oversight function, three related Guidance Notes (GNs) which draw from the Operations Procurement Manual (OPM) Part B Volume 1, Sections 5-7 were developed. They detail the oversight activities when using each of the three procurement regimes namely the: Borrower Procurement System (BPS); Bank’s Procurement Methods & Procedures (PMPs); and Third Party PMPs, in implementing the Bank’s risk-based approach in dealing with its Borrowers. The OPM Part B, in highlighting the roles and responsibilities of the Bank, essentially explains these three procurement regimes or systems and broadly outlines the Bank’s requisite oversight mechanisms when using each of them. The specific modalities are depicted broadly in Figure 1.

Figure 1: Procurement Oversight

1.1.2 The above-mentioned GNs provide further support to understanding and using the OPM by making accessible, the working documents and tools including tables and formats, as well as checklists that would be required by Bank and Borrowers’ Staff in executing this function. This particular GN, focuses on the Bank’s oversight when the Borrower is using the Bank’s PMPs.

1.1.3 According to the Bank’s Operations Manual, Project Implementation Supervision and Monitoring is the

Box 1: Bank OM Chapter 8 Para.29 and 30: Desk Supervision and Field Supervision

Desk supervision involves studying periodic reports and responding to correspondences and queries from project executing agencies and Borrower. The day by day activities by the Task Manager include mainly: i) the review of progress reports prepared by the Borrower; ii) monitoring of Borrower compliance with conditions and covenants; iii) responding to and reviewing procurement and disbursement requests; iv) maintenance of project records; and v) monitoring the implementation of actions required to be undertaken to resolve project related issues.

Field supervision involves visits to the project site. Field supervision missions are carried out on a regular basis as an effective way to follow up on project implementation.
continuous set of activities carried out during the lifetime of a project or program to ensure that funds are used for the purposes intended, as outlined in the Financing Agreement (FA). These activities include project launching, desk and field supervision, as well as other extended supervision such as Mid-term Reviews and the activities emanating from these, such as Project Reformulation, Suspension of Disbursements, and Loan/Grant Cancellations (Box 1).

1.1.4 Accordingly, execution of the procurement oversight function closely follows and also oversees the Bank’s monitoring and supervision of Borrowers’ project implementation.

1.2 Goals, Objectives and Activities

1.2.1 The objectives and the main activities of the Bank’s oversight of Borrowers’ processing of procurement when Bank PMPs are being used, are described in considerable detail in the OPM Part B Volume 1, Section 6, to which the reader is referred. The main elements of this function comprise the following:

a) Executing the prior review of Borrowers’ procurement;
b) Carrying out post review on Borrowers’ procurement;
c) Review of project progress reports from Borrowers;
d) Procurement follow-up and supervision using PROCRAM;
e) Fiduciary Inspection Reviews including Independent Procurement Reviews;
f) Assisting the Borrower with the Procurement Strategy and Plan;
g) Handling procurement complaints;
h) Processing misprocurement cases and deciding on remedies;
i) Resolution of procurement disagreements;
j) Handling procurement policy deviations; and
k) Monitoring Compliance, Performance and Record Keeping.

1.2.2 The rest of this GN concentrates on each of these different elements, it lists what the actions, responsibilities and obligations to be executed are and it outlines how these are to be efficiently executed. This GN also outlines the duties, responsibilities and obligations of the specific Bank Staff responsible for handling each particular fiduciary function and it further touches on which particular Bank Staff are involved in each decision-making process.

1.3 Consistency and Transparency

1.3.1 Management of the Bank requires that Staff shall perform their fiduciary obligations and execute their oversight roles, duties, and responsibilities with all due care, diligence and efficiency, in accordance with the highest standards of professional integrity, competence and skill. Thus, the highest standards of integrity should be practiced and demonstrated at all times by Bank staff, in addition to encouraging those same standards in Borrowers and vendors. The applicable standards of behaviour are provided under the Bank’s Staff Code of Conduct for Bank financed procurement of goods, works and acquisition of consulting services (Annex A).

1.3.2 When performing all procurement oversight duties, Bank staff whether stationed in Headquarters (HQ), Regional Development and Business Delivery Office, or Country Office, must act consistently and transparently. To a great extent, this is the single most
important activity given the extensive decentralization of the Bank in general and the Procurement & Fiduciary Services Department (SNFI) in particular.

1.3.3 Public procurement is an ethical undertaking and therefore Bank Staff must convey the same messages (with due allowances for confidentiality):

➢ to Borrowers, vendors as well as Bank superiors;
➢ in verbal and in written communications; and
➢ when back at home office as in the field.

2. PRIOR REVIEW OF BORROWERS’ PROCUREMENT

2.1 General

2.1.1 The Borrower is responsible for the administration of Bank Group financed projects and programs and in this regard, the Bank reviews and provides its “no objection” to the various procurement actions and decisions of the Borrower in order to meet its fiduciary obligations under projects executed using its Procurement Methods & Procedures (PMPs) (Box 2).

2.1.2 Prior review is when the Bank reviews the Borrower’s proposed action prior to the Borrower taking the procurement decision. This function is executed by the Project Task Manager (TM), the Procurement Accredited Staff (PAS), the Procurement Specialist or Officer (PS), the Regional Procurement Coordinator (RPC), and is overseen by the Regional Operations Manager (ROM), the Sector Manager (SM), and the Procurement Division Manager (PDM). The role of each of the above actors shall be in accordance with the Delegation of Authority Matrix in effect. This section of the GN explains the nuts and bolts for executing prior review activities and it points to more detailed descriptions of this work in other GNs.

2.2 Purpose and Scope

2.2.1 The broad goal of prior review is to ensure that loan or grant funds are used for the purposes intended in the Financing Agreement (FA); thereby avoiding loan or grant funds being diverted to other purposes and also leads to avoiding the potential for complaints.

2.2.2 The purpose of prior reviews, under the Bank’s PMPs, is to provide assistance and support to the Borrower by examining the decisions that it intends to take in advance, through reviewing the documents prepared by it, so that any corrections or amendments can be made and incorporated into the Borrower’s decision-making process.
2.2.3 By this means, the Bank satisfies itself that the procurement process, including procurement methods and procedures, documents, bids and proposals, evaluation reports, award recommendations and contracts, are all carried out in accordance with the provisions in the FA and the Procurement Plan (PP) as required by the Procurement Policy Framework (Box 2).

2.2.4 The factors to be taken into consideration in deciding the level of this prior review, are the specific Borrowers’ actions and the concerned activities to be reviewed, details of the prior review process for goods and works including non-consulting services, and consulting services, are all described in detail in the OPM Part B Volume 1 Section 6, and therefore will not be repeated in this GN, but the reader is referred to it accordingly.

2.2.5 In terms of scope, the main types of requests for prior reviews normally received in the Bank from Borrowers, include (but not limited to) the following:

- Prior Review of Procurement Documents:
  - Bidding Documents, General Procurement Notices (GPNs), Specific Procurement Notices (SPNs) for Goods and Works including non-consulting Services;
  - RFPs for Consultancy Services; and
  - Prequalification Questionnaires.

- Procurement Decisions:
  - Requests for approval of Consultants’ Shortlists;
  - Evaluation Reports for Procurement of Goods, and Works and Non-consulting services;
  - Evaluation Proposals for Acquisition of Consultancy Services
  - Prequalification Reports;
  - Requests for Rejection of all Bids/Proposals;
  - Request for Contract Amendments, Addenda, Change Orders, Variation Orders, Termination;
  - Requests for Rebidding /Change of Mode of Procurement; and
  - Request for Single Source Procurement.

2.2.6 The rest of this section of the GN focuses on the detailed methodologies for conducting the prior review in the Bank.

2.3 Methodology

2.3.1 Requests for prior reviews from the Borrower covering all aspects of the project or program including procurement, are normally received by the TM who is the project owner in the Bank. He/she, first and foremost, conducts a technical review of the request and prepares his findings in line with the Bank’s Operations Manual (OM). This is to ensure that the request is in line with the List of Goods and Services and the Categories of Expenditure included under the loan or grant as detailed in the FA and in the PP.

2.3.2 The TM shall, after completing the operations technical review on the request, fill-in SNFI’s Template for Request for Procurement Opinion (RFPO), which shall be forwarded to SNFI for detailed procurement review. The request which is given in Annex B, contains three parts, namely:

- Part A: Background to the Request
Part B: Specific Details of the Request

Part C: SNFI's Detailed Response

2.3.3 While reviewing the Request for Procurement Opinion submitted by the sector TM, the PS shall always utilize the Prior Review Form (PRF) given in Annex C. This shall be done systematically, once the review is completed, the PS shall upload the completed forms i.e. RFPO and PRF in the relevant project file on the collaboration platform for SNFI.

2.4 Achieving Efficiency and Effectiveness in Document Review

2.4.1 Bidding/Proposals and Prequalification Documents: The specific model to be used to judge the correctness of a specific Borrower’s Bidding Document (BD), Request for Proposals (RFP) or the Prequalification Questionnaire, in each particular case, is the applicable SBD or RFP of the Bank, as well as the applicable Standard Prequalification Document. Where a different Model document was agreed to be used, such as a document from another MDB, it shall form the basis for the review.

2.4.2 Bid / Proposals Evaluation Reports and Other Decisions: In the case of Bid or Proposals Evaluation Reports, the comparable document is the approved Bidding Document, Request for Quotations or Request for Proposals, which shall constitute the basis for the review decision.

2.4.3 In all cases, the Reviewer must first consult and be conversant with the Borrower’s BD / RFP or Prequalification Questionnaire that was approved by the Bank and issued (including all its amendments as they were issued) as well as the relevant documents in the Bank’s Procurement Policy Framework, FA and PP.

2.4.4 The Reviewer should also be aware that:

- Review is a multifaceted activity; and
- The GN may not cover all aspects or situations that may be present in a specific case.

2.4.5 Furthermore, the Reviewer should:

- If the GN does not cover a given situation, use good judgement based on comprehensive knowledge of the Bank’s Procurement Framework documents, and keeping the fundamental public procurement premises in mind; and
- Not guess when in doubt; but consult the Regional Procurement Coordinator (RPC), other Procurement Specialist (PS), or the Procurement Division Manager (PDM).

2.5 Responsibilities of the Key Actors

2.5.1 The TM is responsible for overseeing the efficiency of project implementation and is normally assisted by the PS in executing the prior review of procurement documents and decisions submitted by the Borrower.

2.5.2 In general, the TM is responsible for:

- initiating all Borrowers’ procurement and compliance review actions in accordance with the applicable Bank’s Delegation of Authority Matrix (DAM), except for procurement diagnostic work which is the responsibility of the PS;
- making arrangements for the review and clearance of all solicitation documents including technical specifications for the procurement of goods and works including non-consulting service, and of the Terms of Reference (TOR) for the selection of consultants as required by the PP under prior review;
➢ communicate the Bank’s "no objection" for procurement that have been checked and approved in accordance with the applicable DAM;
➢ reviewing bid evaluation reports for goods and works and the evaluation of technical and financial proposals for consultancy services under prior review; and
➢ maintaining files of relevant information including all project procurement-related documents, in the project files as required.

2.5.3 The TM ensures that adequate funding is available for all desk and field project supervision including procurement reviews, as detailed in the Project Supervision Plan (PSP) in the Project Appraisal Report (PAR).

2.5.4 The PS and RPC (in accordance with the applicable DAM), on the other hand, are responsible for executing all the procurement aspects of the review including:
➢ initiating and executing all procurement diagnostic work;
➢ conducting procurement prior reviews of documents, decisions and other Borrowers’ procurement requests as specified in the project’s FA and PP and in accordance with the Procurement Supervision Plan in the PAR.
➢ checking and approving the PP in line with the prevailing DAM;
➢ checking and verifying all small value procurement for approval by the TM in accordance with the prevailing DAM;
➢ planning and conducting Procurement Post Reviews (PPRs);
➢ executing procurement monitoring through dynamic project oversight using PROCRA (Section 4 of this GN);
➢ monitoring the Borrower’s progress in implementing the agreed action plan of procurement capacity strengthening and risks mitigation measures, and contributing procurement findings to the aide-memoire of supervision missions led by the TM;
➢ assessing the project’s procurement implementation and providing the rating to the TM for incorporation in the project’s implementation status reports. by conducting prior and post reviews; and
➢ maintaining procurement files and documents for the project.

2.5.5 Further details, guidance notes and checklists for document review and the minimum prior review sector thresholds are provided in the GNs in the Toolkit.

3. POST REVIEW OF BORROWERS’ PROCUREMENT

3.1 General

3.1.1 Post Procurement Review (PPR) is when the Bank examines the Borrower’s action after the Borrower has taken the decision and executed the procurement activity. Post review is usually used when the Bank is comfortable that the Executing Agency of a particular project possesses sufficient capacity and experience to successfully execute a procurement activity.

3.1.2 The PPR essentially focuses on the compliance of the Borrower’s procurement process with the agreed FA, PP, any Project Implementation Manual (PIM) and the Bank’s
Procurement Framework in order to ensure that the project funds are used for the purposes intended. For a project or program, the percentage of procurement processes subject to post review is set out in the Procurement Supervision Plan agreed at negotiations.

3.1.3 The broad goals and objectives of the Banks PPR process are:

➢ Assessment of bidding procedures, contract management and processes followed for the contracts under post review;

➢ Evaluation of compliance with the Bank’s general guiding principles of procurement, achievement of Value for Money (VfM) through economy, efficiency, effectiveness and equity, and, to the extent possible, including but not limited to technical/physical completion and price competitiveness;

➢ Assessment of the market and other comparators to determine how prices being paid under specific contracts under the project, compare thereby determine to what extent VfM is being achieved through FfP procurement; and

➢ Development of recommendations and action plans for improving compliance and effectiveness of project implementation.

3.1.4 This section of the GN outlines the requirements for PSs/RPCs to carry out PPRs on contracts in accordance with the approved project Procurement Plan (PP). It outlines the methodology and provides the specific modalities, formats, checklists and tables that would be required by PSs to undertake PPRs at the individual project level, and also at the portfolio level for a given country.

3.2 Methodology for Conducting PPR

Introduction

3.2.1 Executing the oversight function through PPR involves the following activities:

➢ planning the PPR;

➢ conducting the PPR;

➢ contributing procurement findings to the aide-memoire of Bank supervision missions led by the TM;

➢ applying PROCRAM, updating and revising the project’s risk assessments and procurement performance and capacity development plan;

➢ monitoring the Borrower’s progress in implementing the agreed action plan of procurement capacity strengthening and risks mitigation measures; and

➢ assessing the project’s procurement implementation and providing the rating to the TM for incorporation in the project’s implementation status reports.

3.2.2 The post procurement review process shall normally be undertaken in three broad phases:

➢ **Planning:** Design of the scope and program of the review, defining the essential information requirements including sampling requirements (done exceptionally when the number of contracts to be reviewed is large which makes it not practical to review them all) and listing the requisite contacts;
➢ **Execution**: Fieldwork essentially data collection and verification; and

➢ **Report Writing**: Preparation of the PPR Report following discussions of the preliminary report with the Bank and the Borrower.

**Planning the PPR**

3.2.3 If the subject of the PPR involves a large number of contracts, a preliminary decision on appropriate sampling, consistent with the PPR’s scope and objectives should be followed. A Guidance Note on Procurement Sampling is provided in **Annex D**.

3.2.4 The sample of contracts to be reviewed should:

- include a representative distribution among different procurement methods and categories (goods, works, non-consulting and consulting services) if applicable.
- for projects with a very large number of contracts, the sample size may be adjusted to include specified types of procurement.
- under projects involving a large number of small-value contracts, such as Community-Based Investment projects that are often geographically dispersed, carrying out standard procurement post reviews may not be the most appropriate way to provide fiduciary oversight. The Bank’s supervision of these projects may consist of reviewing procurement reports including technical and financial reviews carried out by the Borrower’s EAs, technical auditors and/or consultants selected and hired under the Bank project. The Reviewer summarizes the findings in a separate report to be shared with the TM and SNFI, as described in above paragraph.

3.2.5 In preparation for commencing the PPR, the Reviewer should:

- obtain the list of all signed contracts under the project or programme from the TM. The Project Quarterly Progress Reports submitted by the EA, usually have such lists.
- work with the TM to communicate in advance sufficient upfront information on the purpose of the PPR and preliminary actions which are requested from the EAs (**Annex E**). It essentially exposes information and/or documentation which are expected to be provided by the EAs.

3.2.6 The Reviewer must have access essentially to the following documentation:

- the list of all contracts;
- the updated and approved procurement plan;
- all advertisements, GPNs, and SPNs;
- Solicitation Documents;
- Bank’s No Objections;
- Minutes of Bid Opening;
- Bid Evaluation Reports (BERs) for civil works and goods contracts;
- Technical Evaluation Reports (TERs) and Financial Evaluation Reports for consulting services;
- official requests for Bank’s No Objections and the Bank’s responses;
- contract award decisions and publications;
➢ bids, technical and financial proposals, and quotations;
➢ Minutes of negotiations;
➢ copies of signed contracts and amendments, if any; and
➢ notification of contract awards with copies of bid securities and performance securities.

3.2.7 The Reviewer shall first check the names of the suppliers, contractors and consultants for all the signed contracts under the project or program, against the Bank’s Listing of Ineligible Firms. For contracts with a positive result in the Bank Listing of Ineligible Firms, the Reviewer, in coordination with the TM or the PAS, shall forward the necessary information for the attention of the Bank’s Office of Integrity and Anti-Corruption (PIAC).

3.2.8 Contracts with a positive result will further be added to the sample of contracts to be reviewed.

**Executing the PPR**

3.2.9 The review of documentation shall be conducted in the Borrower’s country. It should be carried out in respect of compliance with the relevant FA, PP, PIM and AfDB’s Procurement Framework.

3.2.10 The Reviewer shall conduct a thorough examination of supporting documents, and related procurement activities with respect to each contract selected in the sample. For some of the contracts, and as appropriate, project sites shall be visited to make physical inspections of quality and quantity of goods, works, non-consulting and consulting services financed under the project/s.

3.2.11 When appropriate, and to the extent practical, contract costs and prices shall also be compared with similar contracts financed by agencies in the country and the region and verified against international market prices for the items in question. The Reviewer may also identify fraud and corruption red flags.

3.2.12 The PPR may be conducted for one particular project, for projects in one sector, or for the entire country portfolio. In projects where 100 percent of contracts are subject to prior review, the TM – whether he/she discharges the procurement function for the project as the PAS or after notification by the designated PS for the project - notifies SNFI in writing that no contract in that project were subject to post review during the relevant review period².

**Report Writing – PPR Outputs/Deliverables**

3.2.13 The Reviewer shall prepare a PPR report covering, as a minimum, the sizes of the samples of contracts and the list of contracts reviewed, overall results of the review, major deficiencies and procurement risks that may have been identified, as well as corrective actions to address them. The PPR Report also highlights any procurement

---

² The execution of prior-review contracts is reviewed by the TM as part of the standard supervision procedures.
red flags, including the results of the spot check of the list of contractors, suppliers and consultants under the contracts against the list of debarred and suspended firms.

### 3.3 Responsibilities of Key Actors

3.3.1 The Procurement Specialist (PS) of SNFI assigned to the RMC, shall be responsible for executing the PPR and shall prepare and vet the TOR.

3.3.2 The Regional Procurement Coordinator (RPC), to oversee the post review work.

3.3.3 The PS shall ensure that PPR missions are carried out in a timely manner either separately or synchronized with the project supervision missions led by the TM. To the extent possible, an FM Specialist (FMS) shall be associated with the mission.

3.3.4 The PS will make sure to brief the Borrower/EA on the main findings of the mission prior to leaving the project. When the PPR draft report is completed the PS shall share it with the Borrower /EA for their comments. Following receipt of feedback from the Borrower, the PS shall complete the report and submit it to the RPC.

3.3.5 The RPC undertakes the following thereafter;

- reviews the report and agrees with the PS on its contents. If there are major deficiencies, these are highlighted, and the RPC subsequently proposes corrective actions;
- approves the report;
- sends a final copy to the Procurement Division Manager (PDM). Depending on the magnitude of issues shares the findings with (i) the inspection function if there is a need to carry out a specific and detailed physical inspection of deliveries; and (ii) PIAC in case of suspected prohibited practices;
- communicates the procurement post review ratings for the project as input to the Project Supervision Report to the TM, whose attention is also drawn to the corrective actions for implementation by the Borrower and the Bank;
- incorporates findings of the PPR into the Annual Post Procurement Review Report (APPR) and uses the findings as input to compliance with any action plans and capacity development exercises;
- discusses the report with both SNFI Manager, Director and the sector concerned before it is transmitted to the RMC together with the recommended action plan. The findings from PPRs must be systematically discussed with Borrower and EAs, and the action plans – including a series of clinics and remedies must be adopted and implemented; and
- files the post review report, along with a risk rating and recommendations, in the Post Review system set up by SNFI.

3.3.6 It is the responsibility of the TM to follow-up with the Borrower to ensure that corrective actions from the post review report are implemented.

3.3.7 Based on the recommendations of the review, it may be decided to lower prior review thresholds.

3.3.8 The PS arranges for uploading of PPRs to the SNFI web site and collaboration platform.
3.4 Monitoring PPRs

3.4.1 The PS and RPC monitor the Borrower’s implementation progress and its execution of the agreed action plan of procurement capacity strengthening and risks mitigation, through applying PROCRM, updating and revising the project’s risk assessments and procurement performance and capacity development plan and reporting it to the RPC, PDM and the PSRC.

3.4.1 SNFI further, provides training and guidance to assist its procurement staff to maintain consistency and standards in conducting PPRs.

3.4.2 Findings of the post review shall use the PPR findings to raise deviations that could lead to misprocurement and discuss with the Borrower corrective action plans. The Borrower should be advised at that time that, if bad practices or deviations are not rectified, the Bank may declare misprocurement.

3.5 Generic Issues

3.5.1 In general, most RMCs face similar procurement issues. These include:

➢ poor or incomplete record keeping in the national agencies and/or Local Government Units;
➢ inconsistency of procedures for soliciting quotations and for evaluating quotations;
➢ weak Borrower’s procurement capacity;
➢ poor quality of bidding documents;
➢ delays in submitting evaluation reports and in making payments;
➢ contract award information not published;
➢ improper qualification criteria for civil works and goods contracts in the bidding documents;
➢ rejection of bids on flimsy grounds;
➢ lack of consistency between evaluation criteria in the bidding documents and bid evaluation reports;
➢ slicing of contracts into small unnatural pieces;
➢ same contractors repeatedly invited, selected and awarded in a number of small contracts; and
➢ poor contract management characterized by the lack of appliance of contractual obligations and penalties such as penalties for delays.

3.5.2 The Lessons Learned from previous PPRs leads one to the following observations:

➢ The current design of monitoring does not assist to determine whether one gets better results in RMCs where PPR findings are systematically shared with the Borrowers’ authorities and EAs, or where action plans including clinics have been implemented over several years. Based on the data collected from the current PPR monitoring system, it would appear that the same issues and problems, that is, the lack of internal quality controls, and the insufficiency of skills and motivations are repeated across countries at different levels. An in-depth review could eventually help to identify countries and areas where significant progress has been made.
In some RMCs, PPRs duplicate external audits carried out by firms, under the overall supervision of the PPOB, or external audits conducted by the general auditor’s office. Pursuant to procurement reform programmes, most African countries have now established PPOBs, and adopted external procurement audits as part of their national policy -- or as a result of programmatic approaches. In RMCs with large portfolios, PPRs significantly increase the workload of country-based PSs, to an extreme that it has a negative impact on other important/priority tasks that must be delivered by them and which cannot be delegated to outsiders. Use of local consultants for conducting PPRs has been fruitful in some critical country situations.

3.5.3 Systematically, the Bank must send letters to the Minister of the Ministry Representing the Borrower, providing him/her with a summary of generic issues, and recommendations to improve their procurement management and systems (Annex F). This letter should refer to PPRs and share the conclusion of the Bank’s analysis of prior review thresholds in all the active projects. It should identify those projects which qualify for increased sector thresholds, based on implementation of all the recommended action plans on procurement capacity. It should also take the opportunity to report all cases where the recommended action plans have not yet been fully implemented, and also to identify projects where there are poor quality staff employed by the implementing agencies.

3.5.4 On the other hand, where there is a history of persistent non-compliance with the agreed procedures in the FA and PP or where procurement activities are not conducted with the requisite due diligence and efficiency (e.g. persistent delays in concluding evaluation reports, seeking several extensions to bid validity, delays in award of contract, delays in establishment of L/Cs etc.), these must be discussed with the Borrower to find ways to improve the situation. In some cases, one might conclude that political pressure was at the origin of delays or inconsistencies.

4. PROCUREMENT SUPERVISION & OVERSIGHT THROUGH PROGRAM

4.1 General

4.1.1 The development objectives of the new Procurement Policy Framework seek to strengthen and increasingly rely on Borrowers’ public procurement institutions for the execution of procurement under Bank Operations, while ensuring compliance with Bank’s fiduciary responsibilities. This requires the design and adoption of an approach to procurement transactions and oversight arrangements that are more fully risk-based, and support achievement of “Value for Money” (VfM) through management of project cycle activities that are “fit for purpose” (FfP). Thus, transactional and oversight decisions, taken from a range of options available, are guided by country, sector, project, Executing Agency (EA) and transactional level risk profiles and circumstances.

4.1.2 This dynamic approach encourages a more strategic and flexible deployment of Bank resources. It leads to tailoring procurement methods and procedures to individual RMC capacities and to project and transaction specific risks, with greater efficiency and effectiveness and thereby, catering more optimally to the requirements of countries at different levels of economic development. However, this approach requires a rigorous
assessment and management of procurement risks at all levels as well as greater consideration for Borrowers’ needs in capacity development.

4.1.3 PROCRAM is the dynamic tool that has been designed by SNFI to focus on this dynamic need and to implement the risk-based approach throughout the project cycle. It assists Procurement Specialists (PSs) in four ways, that is to:

- assess procurement risks and capacity at the country, sector, project and the EA level to form the basis for project design to achieve VfM, during project preparation and appraisal;
- agree, during project negotiations, on risk mitigation measures;
  supervise, monitor and evaluate compliance and performance during project execution, during which risk mitigation is monitored and fine-tuned in order to arrive at the requisite FfP to achieve VfM; and assess degree of implementation success during project closure.

The detailed Methodology for the use of PROCRAM is included as Annex G

5. **FIDUCIARY INSPECTION REVIEWS**

5.1 The Inspection Team of the Fiduciary Services and Inspection Department regularly carries out Independent Fiduciary Inspection Reviews (FIR), with the objective to assess the performance of the procurement function on Bank–funded projects as described in the OPM Part 2 paragraphs 5.4 to 5.7. FIR includes the overall performance of both the Borrower’s EAs and the Bank’s project management team (TM, PS/PAS, Managers) and specific country/sector/portfolio issues. Each fiscal year, SNFI, in consultation with the Regional Departments, prepares a plan to conduct FIRs, which typically cover one or more Bank-financed project.

5.2 The FIR is normally carried out by an independent consultant and supervised by the Inspection Function of SNFI in coordination with the concerned Country and Regional Departments and the concerned TM.

5.3 Regions may consult with SNFI and also conduct FIRs in high-risk countries or for a particular sector or part of the country project portfolio that faces specific procurement issues.

5.4 The independent consultant undertakes a field mission, prepares the FIR report and discusses its findings with the Lead Inspection Officer (LIO) who proposes corrective actions for problematic projects to the concerned TM. The LIO may also propose to the TM adjustments to the Bank’s Procurement Supervision Plan to reflect improvements or deterioration in the Borrower’s performance. The IPR Report is sent to the Director SNFI for clearance and posting on SNFI’s website.

5.5 Details of FIRs’ objectives, scope, content, methodology, formats and the deliverables are given in the Guidance Note on Fiduciary Inspection included in the Toolkit.

5.6 The TM follows up with the Borrower to ensure that corrective actions are implemented.

5.7 FIRs conducted by firms and/or individual consultants on a rotation basis in 4-5 countries each year might normally suffice for the Bank to get a diagnostic on the compliance of procurement handled by Borrowers’ EAs, and on the performance of the Bank to fulfil its fiduciary obligations.
The Director of SNFI monitors execution of FIRs across the Bank and reports annually to the Audit Committee of the Board on Bank-wide compliance and salient findings.

6. **HANDLING PROCUREMENT COMPLAINTS**

6.1 The Bank has always accorded the highest level of importance to the treatment of procurement complaints from any of the actors in the business community, from its Borrowers, NGOs and any potential as well as interested parties, who are concerned by its operations in the Regional Member Countries (RMCs). This is in pursuance of maintaining its principles of transparency, openness, accountability, fairness and integrity (Equity), an essential requirement of the 2015 Procurement Policy Framework.

6.2 The organizational units in the Bank directly responsible for treating Procurement Complaints are the Regional Operations Departments, that is, the Offices of the Regional Director Generals (DGs) in the field close to the Regional Member Countries (RMCs), Sector Departments at Headquarters (HQ), Fiduciary Services and Inspection Department (SNFI), Office of Integrity and Anti-Corruption and the Procurement Review Committee (PRC). These units and the PRC draw on the services of other specialized units in the Bank such as the Office of the General Counsel and Legal Services Department (PGCL), when it is considered necessary.

6.3 The Bank's procedure for processing procurement complaints are detailed in SNFI's "Guidance Note on Handling Procurement Complaints", to which readers are referred.

6.4 SNFI shall maintain a Bank-wide database for monitoring and reporting on procurement complaints. SNFI shall conduct annual analyses to determine if there are particular trends and report annually to the Audit Committee of the Board of Executive Directors. SNFI may also conduct on-demand analyses as may be requested by Senior Management and the Board. SNFI shall use accumulated information on complaints as input to capacity and risk assessments.

7. **MISPROCUREMENT AND REMEDIES**

7.1 This Section reviews the actions to be taken by Bank Staff in handling misprocurement cases. The procedures outlined in this Section are based on the OPM Part B Volume 1, Section 9 on "Misprocurement and Remedies" and in the Presidential Directive 01/2014 outlining the Terms of Reference of the Procurement Review Committee to which readers are referred.

7.2 The specific Bank Staff involved in handling misprocurement cases and deciding on appropriate remedies are the TM, PAS, PS, Managers of the RD and SNFI, Directors of the RD and SNFI, the PSRC and the PRC, in accordance with the Delegation of Authority Matrix and its updates. The specifics of the actions to be taken by these Bank Staff, the procedures to be followed in considering declaring misprocurement and deciding on
application of remedies, are described in SNFI’s “Guidance Note on Handling Procurement Complaints” Section 3.

8. **HANDLING PROCUREMENT POLICY DEVIATIONS**

8.1 Issues of differences in interpretation and deviations may arise in the implementation of the Bank’s Procurement Framework.

8.2 The TM in consultation with the PS, shall discuss with the RPC any proposed deviations from the Procurement Policy that may be identified during project preparation or implementation. The RPC may consult SNFI.0 for policy interpretation and advice, and the Legal Department on legal matters. Where issues still remain, the director SNFI shall make the final decision.

8.3 Board approval is required for deviations from Bank Procurement Policy with respect to a project that the Board has not yet approved. Accordingly, any such proposed deviation is discussed in the PAR and clearly indicated in the FA, and it is explicitly noted as a matter subject to Board approval. In this case, the minutes of loan or grant negotiations must contain an appropriate disclaimer statement.

8.4 Deviations from the Bank’s Articles of Establishment shall be referred to the Board of Executive Directors to be raised to the Board of Governors where considered necessary.

9. **MONITORING COMPLIANCE, PERFORMANCE AND RECORD KEEPING**

9.1 **General**

9.1.1 This Section describes the obligations, duties and responsibilities of Bank Staff in monitoring the Borrower’s compliance and performance during project execution under Bank Group-financed projects and programmes. It also focuses attention on the requirements for record-keeping by Borrowers. The procedures outlined in this Section mostly are derived from the OPM Part B Volume 1, Section 11, to which readers are referred.

9.1.2 The specific Staff directly involved in the Bank’s monitoring of the Borrower’s procurement activities are the PS, PAS, TM, RPC, PDM, ROM, SM and SNFI, Directors of the RD and SNFI, the PSRC and the PRC, who participate in the process depending on the specific requirements of the case.

9.1.3 The Bank’s monitoring of Borrowers’ compliance and performance on its operations are executed through;

- Verification;
- Project Supervision;
- Project Mid-Term Reviews; and
- Other Specific Reviews.

9.2 **Bank Verification**

9.2.1 The Bank uses several methods that together provide it with assurance that the project
procurement is being undertaken efficiently and in compliance with the FA, PP and Procurement Framework. These include:

- Prior/Post reviews of procurement documents and procedures undertaken under Bank PMPs before contract award as discussed earlier in this GN;
- Monitoring Borrowers' Annual Procurement Audits under BPS;
- Project Mid-term Review;
- Project procurement performance audits;
- Project and financial audit during and at the completion of projects;
- Physical verification of performance during Bank Supervision Missions; and
- Specialized reviews as may be agreed during the implementation of the project.

9.2.2 The efficiency of monitoring process greatly depends on available data. Therefore, the Bank and the Borrower decide during project preparation and appraisal, exactly what type of records and data must be maintained to support the review and verification process. The specific methodology to be followed in the monitoring process depends on the procurement regime or system being used for specific transactions or groups of similar transactions under the project or program.

9.2.3 The TM/PS /PAS should ensure that the EA is aware of its responsibilities and the execution of these is verified by them during project or program supervision.

9.3 Prior and Post Reviews Under Bank’s PMPs

9.3.1 The Bank monitors Borrowers’ execution of their procurement administration responsibilities through prior and post reviews to ensure that loan and grant funds are used for the purposes intended. The details of the use of prior and post review processes to achieve the Bank’s fiduciary obligations were described in Section 2 and 3 of this GN.

9.4 Monitoring Borrowers’ Annual Procurement Audits under BPS

9.4.1 The Bank’s monitoring of Borrower’s procurement administration when using BPS, is implemented through review of the annual audits submitted by Borrowers. These modalities are discussed in some depth in the Guidance Note on Execution of Bank Procurement Oversight Functions when using BPS and the reader is directed to that GN for further details.

9.5 Project Procurement Supervision

9.5.1 Project procurement supervision is a major tool for monitoring the compliance and performance of Borrowers’ procurement administration on Bank Group-financed projects and programs. Annex G of this GN on “Procurement Supervision & Oversight through PROCRAM” highlights the Bank’s procurement supervision and monitoring, through the use of PROCRAM. This is a dynamic process that aims to continuously monitor risks, encourage and assist the Borrower to mitigate them in order to fine-tune FFP PMPs to improve project execution and thereby achieve VfM. The reader is referred to Section 4 for further details.

9.5.2 The Bank’s Operations Manual further provides the broad outline of overall project supervision.
9.6 **Project Mid-Term Reviews**

9.6.1 **General:** This is a key supervision activity undertaken by the Bank. It entails a thorough in-depth supervision which covers all aspects of project activities including procurement. Its purpose is to:

- evaluate the conformity of project implementation including procurement with project objectives and description at appraisal;
- identify major constraints impeding project implementation (economic, financial, institutional); and
- formulate recommendations for the alleviation of constraints or the reformulation of the project.

9.6.2 The TM is responsible for carrying out the mid-term review. Review of project procurement forms a key part the project mid-term review and hence the PS assists the TM to carry out this activity.

9.6.3 **Methodology:** Focusing on procurement, the TM/PS/PAS first undertake a desk review of the project procurement based on project reports including the Progress Reports and Supervision Reports. The PS uses PROCRAM to review the risks and to monitor the EA’s execution of mitigation measures under PDAP. The results from this desk review are used to fine-tune the details of the mid-term review mission and any issues identified are explored in detail during the mission.

9.6.4 **Outputs/Deliverables:** The missions’ initial findings on the major constraints impeding project implementation and the recommendations for the alleviation of these constraints or the reformulation of the project are thoroughly discussed with the Borrower. These are summarized in the Mission Aide-Memoire and are signed by both parties.

9.6.5 In case implementation problems are considered so severe that it is felt the project is not likely to achieve the stated objectives, the following recommendation may be made:

- Suspend disbursement;
- Reformulate the project involving changes in project objectives and or project scope or size; or
- Cancel the loan or grant.

9.6.6 Additionally, if the project reformulation increases the scope and costs of the project, the policy on supplementary financing would need to be followed and a Memorandum to the Board would need to be prepared in line with the requirements of the Bank’s Operations Manual.

9.6.7 The essential elements of the Project Mid-term Review procurement highlighting procurement are given in Figure 2. The Bank’s Operations Manual provides additional information on the overall procedure.
9.7 Other Specialized Reviews

9.7.1 Under projects with complex designs or many small and geographically dispersed components, specialized reviews may be organized that are specifically designed to suit the nature of procurement under the project. This may involve hiring specialized technical and procurement auditors or it may involve having the government provide specialized audit and review services. This is normally done in many projects with community development components.

9.7.2 In yet other projects, the Bank may choose to engage independent third party audit especially where the Bank has agreed to a significant reliance on country systems or other procedures which are not defined in Bank policies, but which are better reviewed by an auditor familiar with the country system or other systems as may be agreed.

9.8 Record Keeping

9.8.1 The Bank requires the Borrowers to maintain all records of the bidding proceedings and contract management for a minimum of 2 years from the closing date of the FA. If the contract award is challenged or is associated with any complaints or protests, then records should be kept for longer or until the completion of the settlement of the dispute.
9.8.2 The records of the procurement process to be maintained include the following as applicable:

➢ The GPN and all published advertisements (SPNs) under the project;
➢ All shortlists of Consultants and lists of suppliers used under the project;
➢ Any pre-qualification documents and all invitation to bid /request for proposals /requests for quotations, and any amendments issued by the EA, including requests for clarification from bidders and the responses received;
➢ The records and minutes of bid closing and bid opening;
➢ Any pre-qualification evaluation report and all bid / proposals evaluation reports;
➢ Minutes of any meetings related to the procurement, including pre-bid and negotiation meetings;
➢ All documents approving and authorising tasks executed under the project;
➢ All no objections from the Bank; and
➢ Communications from bidders, suppliers, contractors, consultants.

9.8.3 Contract records to be maintained include the following:

➢ Notice of acceptance to the supplier/ contractor;
➢ Signed contract document including all amendments/ addenda/ change /variation orders;
➢ All post contract documentation relating to fulfilment of contract obligations e.g. photocopies of performance securities or advance payments guarantees;
➢ Minutes of meetings relating to contract management (including project site meetings;
➢ All delivery documentation evidencing deliveries of suppliers or completion certificates in relation to contracts for services or works;
➢ Invoices for goods /interim and final payment certificates for works;
➢ Cumulative payment worksheets evidencing management of all payments; and
➢ Correspondence between the Borrower and supplier/contractor/consultants.
Annex A: Obligations of Bank Staff Executing Procurement Oversight

1. **General:** The Management of the Bank requires that Staff shall perform their fiduciary roles, duties, responsibilities and obligations with all due care, diligence and efficiency, in accordance with the highest standards of professional integrity, competence and skill. In performing all procurement oversight activities, they shall accept, promptly act upon, and comply with, such instructions and directions as shall be issued by Management of the Bank. In order to provide more detailed assistance to Staff, the Bank has prepared and issued Guidelines on “Ethics” and “Code of Conduct” which are highlighted in this section.

2. **Ethics and Code of Conduct:** Bank Staff Code of Conduct guides procurement staff in certain aspects of their work, while on the other hand, the Code of Ethics is written following the Code of Ethics of the Chartered Institute of Purchasing and Supply. It states that Staff involved in any way in the procurement function, should never use their authority or office for personal gain and should seek to uphold and enhance the standing of the Bank by:
   - Maintaining an unimpeachable standard of integrity in all their relationships both inside and outside the Bank;
   - fostering the highest standards of professional competence amongst those for whom they are responsible;
   - optimizing the use of resources for which they are responsible, in order to provide the maximum benefit to the Bank and its Borrower;
   - complying both with the letter and the spirit of;
     - the law of the country in which they practice; and
     - contractual obligations.
   - rejecting any business practice which might reasonably be deemed improper.

3. In applying these precepts Bank staff should follow the guidance set out below:
   - Declaration of interest - Any personal interest which may impinge or might reasonably be deemed by others to impinge on an individual's impartiality in any matter relevant to his or her duties should be declared.
   - Confidentiality and accuracy of information - The confidentiality of information received in the course of duty should be respected and should never be used for personal gain; information given in the course of duty should be true and fair and never designed to mislead.
   - Competition - While bearing in mind the advantages to Executing Agencies (EAs) of maintaining a continuing relationship with a supplier, any arrangement which might, in the long term, prevent the effective operation of fair competition should be avoided.
   - Business Gifts - Business gifts other than items of very small intrinsic value such as business diaries or calendars, should not be accepted.
Hospitality - modest hospitality is an accepted courtesy of a business relationship. However, the recipient should not allow him or herself to reach a position whereby he or she might be, or might be deemed by others to have been, influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted should not be significantly greater than the Bank would be likely to provide in return. When it is not easy to decide between what is and is not acceptable in terms of gifts or hospitality, the offer should be declined, or advice sought from the individual’s superior.

4. The Bank’s Code of Ethics is contained in the Toolkit. Attention of the TM/PS/PAS is further drawn to the following circulars:

- CHHR Circular No. 015/96 Acceptance of Decorations by Staff Members
- CHHR Circular No. 016/96 Standards of Conduct for the Bank Staff Members
Annex B: Request for Procurement Opinion

Section 1 – Explanatory Notes

1. Introduction

In the course of executing the fiduciary and development functions of the Bank, during the prior review of Borrowers’ documents and decisions when the Bank’s Procurement Methods & Procedures (PMPs) are being used, Procurement Staff in the Bank are regularly requested by Operations Staff (Regional and Sector Officers) to provide advice/opinions on Borrowers procurement documents and decisions. It is in this regard that SNFI has found it necessary to develop a unified template, as a one-stop-shop, to be utilized by both TMs and PSs, in order to facilitate efficient, systematic and uniform execution of this responsibility. The Template provides the detailed format of the request to be prepared by the TM and submitted to SNFI as well as the corresponding response to be prepared by the PS. This Annex constitutes this Template. It is organized in two parts; that is Section 1 containing Explanatory Notes for use by the TM and PS, and Section 2 showing the Template.

The Explanatory Notes outline the objectives of the Template, the information that should be provided in the request and the organization and nature of the response. The integrated and unified nature of the Template is intended to facilitate its transformation onto an electronic platform.

In terms of its content, the Template is made up of three parts:

- **Part A: Background to the Request** – This section provides the background details on the request and it is prepared by TMs, whenever a PS is requested to review, advise, certify or verify a procurement document or decision.

- **Part B: The Operations Department’s Request** – Covers the objective and a description of the content of the request and it is also prepared by the TM.

- **Part C: The SNFI’s Response** - Should be used by PS when providing the response to the received request for a procurement opinion and it includes a format for requesting additional information in the case where the supporting documents attached to the request are not considered sufficient.

2. Objectives

The objectives of the template are as follows:

- To provide a systematic and uniform format for both request and response to ensure consistency in the review procedures in the Bank;

- To give guidance to TMs and Operations Departments in respect of providing the requisite basic information including their own initial analysis of the technical requirements of the request, and to ensure provision of the appropriate documentation to support the request;
➢ To provide assistance to PSs in preparing their responses on a standard, harmonized and comparable format;

➢ To enable appropriate documentation of the Bank’s execution of its fiduciary function by tracking and monitoring the treatment and response times;

➢ To improve the level and consistency of SNF’s service to the Regions and Sectors; and

➢ To facilitate efficient, and systematic execution of the fiduciary responsibility in the Bank.

The rest of these explanatory notes concentrate on the content of the Template.

3. Information Required to be Provided by the Requesting Department

Part A: Background to the Request: Three different types of information are contained in Part A; namely, the project background, basic information and the particulars of the organization making the request. This section is to be completed by the Originator of the request.

The Project Background provides the date and reference numbers of the request (internal Bank processing reference) for identification purposes, the Originator’s name and his/her organizational unit, the title of the request, the date the Borrower’s request was received by the Bank, the description of the request, that is the project package including the number of lots, and finally the value or amount of the procurement which should include the value of each lot.

The Basic Information covers the name of the project, country and location, the name of the Executing Agency (EA), the different sources of financing including any joint or parallel co-financing and the dates of Board Approval, loan or grant effectiveness and the closing date. Most information is self-explanatory however, attention should be given to inputting the amount of financing under the project, and whether it is ADB, ADF or NTF. In case of financing from a different source other than ADB, ADF and NTF, the source of financing and its amount should be indicated. In case of co-financing, the name of the co-financier and the amount of co-financing under the project should be indicated.

The Organizational Information necessary for the review includes the names of the Task Manager (TM), Regional Operations and Sector Managers and the Regional and Sector Directors.

Part B: Operations Department’s Request: The specific details of the request are contained in this section. It includes a description of the types of procurement documents or decisions to be reviewed. In case the request is for a review of a procurement document, the type of document should be indicated, in case of a procurement decision, the type of decision should be mentioned. The amount associated with such document or decision (i.e. estimated contract amount, value of contract amendment...etc.) should also be indicated.

The Originator should also tick the categories of expenditure (goods, works, non-consulting services or consulting services), the procurement method and the types of Standard or Model Bidding Document that was used, or in case of non-Bank bidding document, the institution that issued the bidding document. The supporting documents attached to the request should also be indicated as well as the historical record of certification, verification and non-
objections, e.g. if the request is for the approval of a contract amendment then the Originator should mention the authority that certified, verified and approved the award of the initial contract.

Special attention should be given to the Borrower’s recommendation which has formed the basis for the request, and particularly the Regional or Sector Departments’ technical opinion, i.e. opinion on technical specification, technical aspect of bidders’ qualification comments and observations concerning the issue under review, together with the recommendations for the Bank’s no-objection or objection. It should be noted that without including this information, SNFI will not be in a position to consider the request. The last fields under the Part B requires the Originator to indicate the levels of authority for review, certification, verification and approval under the Bank’s Delegation of Authority (DAM) including an indication of the specific DM reference number for the action.

4. Information to be Included in SNFI’s Response

**Part C: SNFI’s Response:** The PS, in providing the response is mandated to register, at the beginning of his/her work, the date of receipt of the request and, also at completion, the date the response was transmitted to the Requesting Department. Special care should be given to indicating the supporting documents that were submitted by the Originator and reviewed by SNFI, also the Regional or Sector Department’s opinion. It is to be noted that the request and response formats have been integrated so that there is no longer any need to repeat information from the request in the response.

**Request for Additional Information:** This section should be ticked in case the submitted documents accompanying the request are not sufficient to complete the review. This section should be immediately used once the PS realizes that he/she needs more information. A comprehensive list of the required documents should then be given in this section. The PS shall give detailed attention to this in order to avoid requesting for documents more than once through simple omission. It is to be noted that the PS shall not send the whole request with the attached documents back to the Requesting Department, as this is an inefficient way of dealing with the situation. The PS shall simply ask for the additional information (documents) by email or by phone (backed by an email) and he/she shall record the date the information is received so that the review can progress. In tracking SNFI’s processing of the request, it is the last date of receipt of all additional information that would be used in computing the duration of treatment of the request.

**Documents attached to SNFI’s Response:** Normally the PS or Procurement Accredited Staff (PAS) shall utilize SNFI’s “Guidance Note on Execution of Bank Procurement Oversight Functions; Review of Borrowers’ Procurement Documents and Decisions by Procurement Specialists and Accredited Staff of the Bank” in the review work. The GN contains the standard formats of inter-office memoranda to be used for these reviews and it is one or more of these

---

4 Guidance Note on Execution of Bank Procurement Oversight Functions; Review of Borrowers’ Procurement Documents and Decisions by Procurement Specialists and Accredited Staff of the Bank. Fiduciary Services and Inspection Department.
that would be attached to the response in addition to other specific response documents. All the documents attached and together constituting the response, shall be listed in this section.

**SNFI No-Objection:** Where, after the review, SNFI is in agreement with the Regional/Sector Department (Originator’s) recommendation (opinion), this shall be specified in this section. In this case, the PS shall make sure to indicate the reasons and justification for SNFI’s “no objection” and shall quote the related clauses from the Procurement Policy/ Methodology/ OPM/ Procurement Toolkit/ Standard, Model or Specific Bidding Document/ Contract Document to substantiate and justify its opinion. Standard formats of no-objection IOMs /Emails are provided in the GN5.

**SNFI Objection:** In the event that SNFI is not in agreement with the recommendation (opinion) of the Regional/Sector Department (Originator) this shall be recorded here. In this case, the PS shall make sure to state clearly (preferably in bullet points) the reasons for SNFI’s “objection”. The PS shall quote the applicable clauses from the Procurement Policy/ Methodology/ OPM/ Procurement Toolkit/ Standard, Model or Specific Bidding Document/ Contract Document to substantiate the opinion. The PS should also clearly indicate recommended actions for the way forward to resolve the situation. Standard formats of objection IOMs /Emails are provided in the GN6.

The final section assembles information on tracking and recording the processing of SNFI’s response, e.g. the response date and its reference number, and the time taken (in working days) by SNFI to provide its response (lead time). Care should be taken, as stated earlier that it is the last date of receipt of all additional information that would be used in computing the duration of treatment of the request by SNFI.

The PS is required to copy the response to the Manager SNFI (to be forwarded by email through the concerned Regional Procurement Coordinator). In the case where the response time has exceeded 5 working days, reasons shall be given for the delay. A copy of the response has to be always included in the project file on the SNFI shared folder and to be forwarded to the country procurement mail box.

---

5 Same as above.
6 Same as above.
# Section 2: Template

## PART A: BACKGROUND TO THE REQUEST

<table>
<thead>
<tr>
<th>Project Background</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date &amp; Reference of Request</strong></td>
<td>[DD/MM/YY]</td>
</tr>
<tr>
<td><strong>Originator</strong></td>
<td>[Name of Task Manager]</td>
</tr>
<tr>
<td><strong>Title of Request</strong></td>
<td>(Insert complete Title of Document/Package Under Review)</td>
</tr>
<tr>
<td><strong>Description of Request</strong></td>
<td>(Insert description of package / number of lots, and content of each)</td>
</tr>
<tr>
<td><strong>Value</strong></td>
<td>(Insert estimated contract package amount / estimated cost of each lot / value of amendment...etc.)</td>
</tr>
</tbody>
</table>

## Basic Information

<table>
<thead>
<tr>
<th>Project Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country/Region</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Executing Agency (EA)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Sources of Financing &amp; Amounts</strong></td>
<td></td>
</tr>
<tr>
<td>ADB</td>
<td>☐</td>
</tr>
<tr>
<td>NTF</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Co-financiers (if any)</strong></td>
<td>(insert name of Co-financier)</td>
</tr>
<tr>
<td>Joint</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Board Approval Date</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Effectiveness Date</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Closing Date</strong></td>
<td></td>
</tr>
</tbody>
</table>

## Organizational Information

<table>
<thead>
<tr>
<th>Task Manager (TM)</th>
<th>ROM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regional Department</strong></td>
<td>Regional Director</td>
</tr>
<tr>
<td><strong>Sector Dept./Division</strong></td>
<td>Sector Director</td>
</tr>
</tbody>
</table>

## PART B: SPECIFIC DETAILS OF THE REQUEST

<table>
<thead>
<tr>
<th><strong>Type of Request</strong></th>
<th>Review of Procurement Document</th>
<th>☐</th>
<th>Opinion on Procurement Decision</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Procurement Document to be Reviewed</strong></td>
<td>PAR</td>
<td>☐</td>
<td>SPN/REOI</td>
<td>☐</td>
</tr>
<tr>
<td>Pre-qualification Document</td>
<td>☐</td>
<td>Bidding Document</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Draft Contract</td>
<td>☐</td>
<td>Consultants’ Shortlist</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Request for Proposals</td>
<td>☐</td>
<td>Procurement Plan</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Other (Specify)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Procurement Decision</strong></th>
<th>Advance Contracting</th>
<th>☐</th>
<th>Bid Evaluation (Goods and Works)</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Evaluation (Consultancy Services)</td>
<td>☐</td>
<td>Minutes of Negotiations &amp; Draft Contract</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Contract Amendment</td>
<td>☐</td>
<td>Complaint</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Change of Procurement Method</td>
<td>☐</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>☐</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| <strong>Category of Expenditure</strong> | Goods | ☐ | Works | ☐ | Consulting Services | ☐ |  |</p>
<table>
<thead>
<tr>
<th>Procurement Method</th>
<th>Non-Consulting Services</th>
<th>OCB (International)</th>
<th>LIC</th>
<th>QCBS</th>
<th>OCB (National)</th>
<th>Shopping/Request for Quotations (RFQ)</th>
<th>QBS</th>
<th>Other (Specify)</th>
<th>LCS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SBD Used</td>
<td>Bank</td>
<td>Non-Bank</td>
<td>Specify</td>
<td></td>
<td>PAR</td>
<td>Financing Agreement</td>
<td>Procurement Plan</td>
<td>Other Submission by Borrower</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Specify</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting Documents attached to the Request</td>
<td>Historical clearance record</td>
<td>(Provide information about previous related documents cleared: (which/by whom /When?))</td>
<td>Borrower's Request/Recommendation</td>
<td>Regional/Sector Department's Opinion on the Request</td>
<td>(Indicate the Regional or Sector Department technical opinion: opinion on technical specification or conformity/ opinion on technical aspect of bidder's qualification comments and observations concerning the issue under review, recommendation for Bank no-objection or objection)</td>
<td>Authority in SNFI to review and certify according to DAM</td>
<td>PS</td>
<td>RPC</td>
<td>Manager</td>
</tr>
<tr>
<td></td>
<td>DAM reference Number</td>
<td>(Insert the Section in the DAM which is applicable)</td>
<td>PART C: DETAILED SNFI RESPONSE</td>
<td>Date of Receipt of Borrower’s Request in SNFI</td>
<td>[DD/MM/YY]</td>
<td>Supporting Documents Reviewed By SNFI</td>
<td>PAR</td>
<td>Financing Agreement</td>
<td>Procurement Plan</td>
</tr>
</tbody>
</table>
Request for Additional Information

In order for SNFI to be able to provide its opinion on the above-mentioned request, please provide us with the following documents:

(Insert all documents required. If no additional documents are required state <No additional documents required>)

**Date of Receipt of Additional Information in SNFI**

[DD/MM/YY]

**Documents Attached to SNFI Response**

Indicate the documents attached to SNFI’s response e.g. Prior Review No Objection/Objection Forms from The Guidance Note on Execution of Bank Procurement Oversight Functions; Review of Borrowers’ Procurement Documents and Decisions by Procurement Specialists and Accredited Staff of the Bank … etc.

**SNFI: No Objection**

After review, SNFI opinion is the following:

(Indicate the findings of SNFI - why it agrees with the Regional Sector Department’s opinion)

**Reasons/Justification for SNFI’s opinion**

(Provide the reasons why SNFI agrees with the Sector/Regional Department’s opinion quoting the relevant clauses from the Procurement Policy/Methodology/OPM/Procurement Toolkit/Standard, Model or Specific Bidding Document/Contract Document to support the opinion).

**SNFI: Objection**

After review, SNFI’s opinion is the following:

(Indicate the findings of SNFI - why SNFI does not agree with the Regional/Sector Department’s opinion).

**Reasons/Justification for SNFI’s opinion**

(Provide the reasons why SNFI does not agree with the Sector/Regional Department’s opinion quoting the relevant clauses from the Procurement Policy/Methodology/OPM/Procurement Toolkit/Standard, Model or Specific Bidding Document/Contract Document to support the opinion).

**Recommended Actions for the way forward:**

Indicate actions required to be taken by the Sector/Regional Department to resolve the matter.

<table>
<thead>
<tr>
<th>Response Date</th>
<th>(DD/MM/YYYY) (insert date of response)</th>
<th>Response Reference</th>
<th>(insert SNFI’s response reference)</th>
<th>Lead time</th>
<th>(insert the number of working days taken by SNFI to respond to the request)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Copies To</th>
<th>(Tick the official to be copied, a copy should be inserted in the file of the project on the shared folder and the country procurement mail-box.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File</td>
<td>(On shared folder, and country procurement mailbox)</td>
</tr>
<tr>
<td>Regional Procurement Coordinator</td>
<td></td>
</tr>
<tr>
<td>Manager SNFI</td>
<td>Manager SNFI should be copied in case the lead time above exceeds 5 working days</td>
</tr>
<tr>
<td>Director SNFI</td>
<td></td>
</tr>
<tr>
<td>Other (Specify)</td>
<td></td>
</tr>
</tbody>
</table>

Page | 28
### Annex C: Prior Review Forms (PRF)

#### Prior Review Form (PRF) for Bid Evaluation (Goods and Works)

<table>
<thead>
<tr>
<th>Country/Region</th>
<th>Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>SAP No.</td>
</tr>
</tbody>
</table>

#### A: Organizational Information

<table>
<thead>
<tr>
<th>Sector Dept. / Division</th>
<th>Sector Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Manager</td>
<td></td>
</tr>
<tr>
<td>Regional Dept.</td>
<td>Regional Director(s)</td>
</tr>
<tr>
<td>Regional Procurement Coordinator</td>
<td>Proc. Specialist(s) (FO)</td>
</tr>
<tr>
<td>Procurement Specialist (HQ/TRA)</td>
<td></td>
</tr>
</tbody>
</table>

#### B: Project Basic Information

<table>
<thead>
<tr>
<th>Executing Agency</th>
<th>Source of Financing &amp; amount</th>
<th>Co-financiers (if any)</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ADB</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ADF</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NTF</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amount</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Effectiveness Date</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### C: General Information about the Document under Prior Review

<table>
<thead>
<tr>
<th>Title of Prior Review Document</th>
<th>Description of Package under prior review</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Insert complete Title of Document/Package Under Review)</td>
<td>(Insert description including the number of lots, content as well as estimated cost of each lot)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category</th>
<th>Goods</th>
<th>Works</th>
<th>Consultancy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procurement Method</th>
<th>ICB</th>
<th>LIB</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authority to approve as per DAM</th>
<th>CM</th>
<th>SD</th>
<th>RD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historical clearance record</th>
<th>(Provide information about previous related documents cleared: (which/by whom /When?))</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Sector’s Opinion on the document submitted for review</th>
<th>(Indicate the sector technical opinion by writing on the document under review)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Complaints in relation to this package</th>
<th>Are there any registered complaints in relation to this package? If yes, provide complaint reference number</th>
</tr>
</thead>
</table>

Page | 29
D: Information Related to the Evaluation (Goods and Works)

1. Advertisement Process (Page\textsuperscript{7}...): 
   (i) The SPN advertised in (Media): …………………for: ……. …(Period).
   (ii) These media are considered appropriate: Yes ☐ /NO ☐
   (iii) The time allowed for bid preparation was adequate: Yes ☐ /NO ☐

2. Bid Submission & Opening Report (Page...): (Provide summary of the Borrower’s bid submission and opening report.)
   (i) Number of Bidding Documents purchased: ……….
   (ii) Number of bids submitted: ……….
   (iii) The Borrower report includes bid opening minutes?
   (iv) Were there any late Bids? If yes, these are: …………………
   (v) Any withdrawn Bids? If yes, these are: ……………………………………
   (vi) Any modified Bids? If yes, these are: …………………
   (vii) Bid prices and discounts as read out should be presented in the table below:

<table>
<thead>
<tr>
<th>Lot 1*</th>
<th>BID PRICE</th>
<th>DISCOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bidder</td>
<td>Price read out</td>
<td>Unconditional Discount read out</td>
</tr>
<tr>
<td></td>
<td>(indicate each currency)</td>
<td>(indicate conditions)</td>
</tr>
</tbody>
</table>

* In case of more than one lot, prepare tables for each lot.

   (viii) Any major issues that happened during the opening session: ……….

3. Preliminary Examination of Bids (Page...): (Provide any relevant information related to preliminary evaluation mainly list of Bids rejected as well as related reasons and specific references included in the Biding document in the following tabular format)

<table>
<thead>
<tr>
<th>Lot 1</th>
<th>Bidder</th>
<th>Reason for Bid rejection after preliminary evaluation</th>
<th>Reference in the Bidding document</th>
</tr>
</thead>
</table>

\textsuperscript{7} insert the page reference in the evaluation report
4. **Technical evaluation (Page...):** (Provide list of Bids rejected as well as related technical reasons in the following tabular format)

<table>
<thead>
<tr>
<th>Lot 1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bidder</td>
<td>Reason for Bid rejection after preliminary evaluation</td>
</tr>
<tr>
<td>-------</td>
<td>---</td>
</tr>
</tbody>
</table>

5. **Corrections and Unconditional Discounts (Page...):** (Mention whether any computational errors have been corrected according to the Bidding document and/or unconditional discounts have been applied). If any corrections or discounts took place:

(i) Have you verified the corrections? Yes ☐ /NO ☐
(ii) Have you verified these discounts? Yes ☐ /NO ☐

6. **Adjustments and Price Deviations (Page...):** (Provide a list of adjustments or price deviations that took place in accordance with the Bidding document. In addition, check them as applied in the Borrower's Evaluation Report, for example,

(i) Delay in delivery/execution............. Yes ☐ /NO ☐
(ii) Yearly Maintenance................... Yes ☐ /NO ☐
(iii) etc....

7. **Bid Price Corrected and Adjusted (Page...):** (Provide bid prices after corrections, discounts, and adjustments, as required by the Bidding documents in the tabular format below)

<table>
<thead>
<tr>
<th>Lot 1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bidder</td>
<td>Bid price corrected and adjusted (Currency 1)</td>
</tr>
<tr>
<td>-------</td>
<td>---</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot 2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bidder</td>
<td>Bid price corrected and adjusted (Currency 1)</td>
</tr>
<tr>
<td>-------</td>
<td>---</td>
</tr>
</tbody>
</table>

8. **Exchange Rate (s) (Page...):** (Provide Exchange rate (to be) used for evaluation as required by the Bidding Document)

(i) Rate:............................. (ii) Source: .................................... (iii) Reference Date: ..........................

9. **Bid Price Corrected and Adjusted expressed in the same currency (Page...):** (Provide ranked list of bid price corrected, after unconditional discount, adjustments and conversions as required by the Bidding doc)
### Post Qualification Criteria Verification step, as set in the Bidding Document (Page....):

Did the Lowest evaluated Bid per lot meet all post qualification criteria?  
Yes ☐ / NO ☐  
(If No, mention which criteria are missing?)

### Lowest Evaluated Bids (per Lot) (page....):

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Price corrected, adjusted and converted in (insert the currency to be used for comparison)</th>
<th>Ranking</th>
<th>Bidder</th>
<th>Price corrected, adjusted and converted in (insert the currency to be used for comparison)</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Did the Bidder in the above table met all post qualification criteria:  
Yes ☐ / NO ☐  
(If No, mention which criteria are missing?)

### Check for a Cross Debarment ([www.afdb.org/debarred](http://www.afdb.org/debarred))

Have you checked that the lowest evaluated bidders are not on the list of debarred entities prepared by the Bank pursuant to the agreement for mutual enforcement of debarment concluded by the five Institutions (IADB; ADB; EBRD; WB; AfDB) involved?  
Yes ☐ / NO ☐

### Check for UN Sanctions list ([www.un.org/sc/committees/list_compend.shtml](http://www.un.org/sc/committees/list_compend.shtml))

(i) Have you checked that the lowest evaluated bidders are not on the sanction list published pursuant to the decision of the UN Security council taken under Chapter VII of the Charter of the United Nation?  
Yes ☐ / NO ☐
14. **Proposed Contract Awarded Bidders per Lot (Page...):**

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Lot Number</th>
<th>Contract Amount</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Part in Currency 1</td>
<td>Part in Currency 2</td>
</tr>
</tbody>
</table>

**E: Exceptions**

*(only If applicable, otherwise delete this section and provide opinion in section 19 “Recommendations”)*

15. **Assessment of Best Economic Combination taking into account conditional discount (if applicable), in case of various lots (Page......):** *(if applicable propose a table with possible combination taking into account all conditional discount (CD). Please provide in each case the total amount of contracts to be awarded and compared to total contracts amount to be awarded without considering conditional discount)*

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Lots concerned by the conditional discount (CD)</th>
<th>Terms of the Condition</th>
<th>Award Assumption for others lots</th>
<th>Total Contracts amount for each possible combination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(i) Is there a best economic combination compared to award proposed in point 14? **Yes ☐ /NO ☐**
(ii) Does the bidder involved in this combination met all post qualification criteria? **Yes ☐ /NO ☐**
   If not, which criteria are missing?

16. **Proposed Contract Awarded Bidders considering the most economic combination (page.....):**

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Lot Number</th>
<th>Contract Amount</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Part in Currency 1</td>
<td>Part in Currency 2</td>
</tr>
</tbody>
</table>

17. **Domestic/Regional Preferences (if applicable) (Page...):**
(i) Domestic/regional preferences is applicable: Yes ☐ /NO ☐

(ii) If yes, proposed awarded bids per Lot after domestic/regional preference are applied as in table below:

<table>
<thead>
<tr>
<th>Lot 1</th>
<th>Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bidder</td>
<td>Bidder</td>
</tr>
<tr>
<td>Price corrected, adjusted (including preference marge) and converted in (Insert currency agreed for comparison)</td>
<td>Price corrected, adjusted (including preference marge) and converted in (Insert currency agreed for comparison)</td>
</tr>
<tr>
<td>Comments</td>
<td>Comments</td>
</tr>
</tbody>
</table>

(iii) All Bids proposed for award in the above table after applying domestic/regional preferences meet all post-qualification criteria: Yes ☐ /NO ☐

18. Proposed Contract Awarded Bidders after domestic/regional preference (page....):

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Lot Number</th>
<th>Contract Amount</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Part in Currency 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Part in Currency 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Part in Currency 3</td>
<td></td>
</tr>
</tbody>
</table>

19. Recommendations

<table>
<thead>
<tr>
<th>TM Opinion</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Any issues raised by PS</td>
<td></td>
</tr>
<tr>
<td>RPC Opinion (if applicable)</td>
<td></td>
</tr>
<tr>
<td>SNFI 1/3 Manager's Opinion (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

Note: All text in italics should be deleted when filling the form. Insert this mention as a footnote to the Form: “Note: in case of further details, kindly refer to the evaluation report”
Prior Review Form (PRF) for Proposals Evaluation Consultancy Services (Firms)

- **Note**: Everything in italic should be deleted when filling in the form.
- **Insert the following as footnote to this form**: « Note: For more details, please refer to the evaluation report »

<table>
<thead>
<tr>
<th>Country/Region</th>
<th>Projet Name</th>
<th>Date</th>
<th>SAP N°</th>
</tr>
</thead>
</table>

### A: Organizational Information

<table>
<thead>
<tr>
<th>Sector Dept. / Division</th>
<th>Task Manager</th>
<th>Regional Dept.</th>
<th>Regional Director(s)</th>
<th>Regional Procurement Coordinator</th>
<th>Procurement Specialist (HQ/TRA)</th>
</tr>
</thead>
</table>

### B: Basic Information on the Project

**Executing Agency**

<table>
<thead>
<tr>
<th>Source of Financing &amp; amount</th>
<th>ADB</th>
<th>ADF</th>
<th>NTF</th>
<th>Other</th>
</tr>
</thead>
</table>

**Co-financiers (if any)**

<table>
<thead>
<tr>
<th>Amount (UC)</th>
<th>Effectiveness Date</th>
</tr>
</thead>
</table>

### C: General Information about the Document under Prior Review

<table>
<thead>
<tr>
<th>Title of Document under Prior Review</th>
<th>(Insert complete title of document under prior review)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of the assignment (TORs) under prior review</td>
<td>(Insert description and estimated amount of assignment)</td>
</tr>
<tr>
<td>Description of assignment</td>
<td></td>
</tr>
<tr>
<td>Estimated amount</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category of expenditures</th>
<th>Consultancy Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procurement Method</td>
<td></td>
</tr>
<tr>
<td>QCBS</td>
<td>QBS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authority to clear as per DAM</th>
<th>PS</th>
<th>RPC</th>
<th>Manager</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Historical clearance record: Shortlist, RFP, Technical evaluation report</th>
<th>(Provide information about related documents previously cleared: (which/by whom /When?))</th>
</tr>
</thead>
</table>

| Sector’s Opinion on the document submitted for review | (Indicate the sector technical opinion sent to SNFI by writing on the document under review) |
Complaints in relation to this process

Are there any registered complaints concerning this process? If yes, provide summary details.

**D: Information Related to Shortlisting**

2. **Advertisement Process (Page 8...)**:  
   (i) The EOI was advertised in the following Media: .....................  
   (ii) Are these media considered appropriate? Yes ☐ /No ☐  
   (iii) Was the adequate time allowed for preparation of EOI? Yes ☐ /No ☐

3. **Shortlisting (Page...)**:

<table>
<thead>
<tr>
<th>N°</th>
<th>Name</th>
<th>Nationality</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   (i) Were invitations sent to all shortlisted firms? Yes ☐ /No ☐

**E: Information Related to the Evaluation of Consultants Technical Proposals**

4. **Review of technical proposals (Page...):**

   (i) Date and time of proposal submission: ......Day/Month/Year & ... (Local time)  
   (ii) Did the proposals opening take place on the day of the deadline for submission?  
        Yes ☐ /No ☐  
   (iii) Was it a public opening? : Yes ☐ /No ☐  
   (iv) Number of proposals received: .............  
   (v) The following shortlisted consultants have not submitted proposals?  
       (a) ..................  
       (b) ..................  
       Etc.  
   (vi) Were there any late submissions? Yes ☐ /No ☐

<table>
<thead>
<tr>
<th>Name</th>
<th>Rejected Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

8 Insert reference page in technical proposals evaluation report.
9 Short lists shall comprise six firms with a wide geographic spread, with no more than two firms from any one country and at least one firm from a Regional Member Country, unless qualified firms from Regional Member Countries are not identified.
(vii) Any withdrawn submissions? If yes, these are: .................
(viii) Any modified proposals? If yes, these proposals are: ............

Please fill in the table below

<table>
<thead>
<tr>
<th>Consultants</th>
<th>Joint-ventures</th>
<th>Name of firm representing the joint-venture (if applicable)</th>
<th>Nationality</th>
<th>Firm representing the joint-venture country of origin</th>
<th>Proposals received</th>
<th>Yes or No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. **Preliminary review (Page....):**

(Review of signatures, documents to provide, comprehensiveness of technical proposals: Provide in table below relevant information relating to preliminary review, in particular list of proposals rejected, the justification and specific references in the RFP)

<table>
<thead>
<tr>
<th>Consultants</th>
<th>Reasons for rejecting proposals after preliminary review</th>
<th>Reference in RFP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. **Technical Evaluation (Page....):**

(i) Evaluation committee:
   a. Indicate the number of evaluators:
   b. Does the evaluation committee have the requisite technical skills? Yes ☐ /No ☐

(ii) If No, please justify. Does the evaluation report include all individual scoring forms filled in by all members of the evaluation committee? Yes ☐ /No ☐

(iii) Are there major discrepancies in the scores given by each evaluator? Yes ☐ /No ☐
   If yes, specify and comment: .................................................................

(iv) Are there major contradictions in the conclusions of the report and the scores provided? Yes ☐ /No ☐
   If yes, specify and comment: ........................................................................

(v) Are conclusions reached in the report supported by concrete evidence (e.g. references of previous experience / proposed methodology inadequately justified etc.)? Yes ☐ /No ☐

Page | 37
(vi) **List RFP criteria and technical scores for each consultant**

<table>
<thead>
<tr>
<th>Criteria description(^1)</th>
<th>Criteria 1 / score</th>
<th>Criteria 2 / score</th>
<th>Criteria 3 / score</th>
<th>Criteria 4 / score</th>
<th>Criteria 5 / score</th>
<th>Total Technical score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum score allowed(^2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant 1 (Insert consultant’s name)</td>
<td>(insert the consultant’s score for this criteria)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7. **The minimum technical qualification score is:**
*(Indicate minimum technical score in the RFP - clause ...)*

8. **List of consultants meeting minimum technical score:**

<table>
<thead>
<tr>
<th>Consultants</th>
<th>Technical score (ST)</th>
<th>Rank</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. **Conclusions and recommendations of evaluation committee**

10. **Conclusions and recommendations of sector Department**

---

\(^{1}\) Criteria 1 à 5: Describe criteria as defined in RFP  
\(^{2}\) Score: Indicate the criteria’s maximum score as stated in RFP
F: Comments and SNFI’s opinion on the process and the technical proposals evaluation report

11. Recommendations

<table>
<thead>
<tr>
<th>Procurement Specialist’s opinion (PS)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues Raised by PS</td>
<td></td>
</tr>
<tr>
<td>RPC’s opinion (if applicable per the DAM)</td>
<td></td>
</tr>
<tr>
<td>SNFI Manager’s opinion (if applicable per the DAM)</td>
<td></td>
</tr>
</tbody>
</table>

G: Evaluation of Financial Proposals

12. Opening of financial proposals and minutes (Page….): (Summarize the minutes of financial proposals opening)

(i) Has the Bank provided its no-objection on the technical evaluation report (in case of prior review)? Yes ☐ /No ☐

(ii) Has the Borrower informed in writing the shortlisted consultants which proposals did not get the minimum technical score? Yes ☐ /No ☐

(iii) Has the Borrower invited in writing the consultants which proposals get the minimum technical score for the opening of their financial proposals? Yes ☐ /No ☐

(iv) Were the minutes of the financial proposals opening sent to the Bank and to all the consultants which submitted proposals within the deadline? Yes ☐ /No ☐

(v) Did any issue arise issue during the opening of the financial proposals? Yes ☐ /No ☐

(vi) Outcome of the financial proposals opening

<table>
<thead>
<tr>
<th>Consultants</th>
<th>Technical score (St)</th>
<th>Financial proposals amount excluding taxes (specify the currencies)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12 When prior review is required, the Bank reviews the process and gives its no-objection at this stage and before the opening of financial proposals. In this case, the Bank’s no-objection letter should include the following reminder: (a) the obligation to inform in writing all shortlisted consultants of the results of the technical evaluation; (b) The obligation of public opening of all financial proposal submitted by consultants that have obtained a technical score above or equal to the minimum required for qualification; (c) The need to keep sealed all Financial proposals of consultant’s which technical score is below the minimum required and obligation to returned them unopened to the respective consultant after the contract has been signed.
13. **Corrections & Conversion to single currency – Currency used for comparison purposes if applicable (Pages …):**

   a. **Correction of errors (page....):**
      
      *(Indicate if computational errors have been corrected in accordance with RFP-Clause...).*

      If errors have been corrected:
      
      Have you checked the corrections made? Yes ☐ / No ☐

   b. **Currency exchange rate (page....):**
      
      *(Indicate the currency used for comparison and the exchange rate used for the evaluation of financial proposals as required by the RFP)*

      (i) **Currency used for comparison** …………………
      (ii) Rate currency 1: …………………  (a) Source: …………………  (b) Reference Date: ……………
      (iii) Rate currency 2: …………………  (a) Source: …………………  (b) Reference Date: ……………
      (iv) Rate currency 3: …………………  (a) Source: …………………  (b) Reference Date: ……………
      (v) Rate currency 4: …………………  (a) Source: …………………  (b) Reference Date: ……………

      *(Indicate the prices of the financial proposals read aloud, the financial proposal after corrections and the main justifications supporting these corrections)*

<table>
<thead>
<tr>
<th>Consultants</th>
<th>Price read out</th>
<th>Corrected Price “excluding taxes”</th>
<th>Corrected and converted price “excluding taxes”</th>
<th>Reasons for corrections</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14. **Financial score (Page....)³:****

   *(Indicate financial scores awarding method (NF) as described in RFP)*

<table>
<thead>
<tr>
<th>Consultants</th>
<th>Corrected and converted price excluding taxes</th>
<th>Financial score (Sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

15. **Combined scores (Page....):**

   *(Indicate the respective weighting to be applied to the technical score (St) and Financial score (Sf) as described in RFP)*

³ Depending on the procurement section method, please adjust.
Technical score weighting (T): ...
Financial score weighting (F): ...

Please fill in table below:

<table>
<thead>
<tr>
<th>Consultants</th>
<th>St</th>
<th>Sf</th>
<th>St x T</th>
<th>Sf x F</th>
<th>Global score (Sc) = Sf x F + St x T</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

16. Proposal for contract award (Page....):

<table>
<thead>
<tr>
<th>Winning Consultant</th>
<th>Negotiated contract amount</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Currency 1</td>
<td>Currency 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. Was the award in accordance with the RFP provisions? Yes ☐ /No ☐

18. Proposals validity period: (...insert number of months).... months as of proposals submission date
(Check if proposals are still valid)

19. Minutes of negotiations and draft contract initialed (Page....):
(Review negotiations minutes signed by the Borrower and the selected consultant, and the draft initialed contract and compare to template in RFP)
(i) Is there any question raised during the negotiations which is and/or could become an issue? Yes ☐ /No ☐

   Comments on minutes

   Insert in this box any issue and comments on negotiations minutes that need to be flagged

(ii) Are there relevant comments on the negotiated contract? Any question raised during negotiations that is and/or could become an issue? Yes ☐ /No ☐
Comments on the draft initialed contract

Insert in this box any issue and comments on draft negotiated and initialed contract that need to be flagged

20. Check for Cross debarment: (www.afdb.org/debarred)
Have you checked that the lowest evaluated consultants are not on the list of debarred entities prepared by the Bank pursuant to the agreement for mutual enforcement of debarment concluded by the five Institutions (IADB; ADB; EBRD; WB; AfDB) involved?  Yes ☐/No ☐

21. Check UN Sanctions list: (www.un.org/english/sc/committees/list_compend.shtml)
Have you checked that the lowest evaluated consultants are not on the sanction list published pursuant to the decision of the UN Security council taken under Chapter VII of the Charter of the United Nation?  Yes ☐/No ☐

H: SNFI Comments and opinion on the process and the negotiated contract
(Delete paragraph except in case of technical proposals evaluation)

22. Recommendations

<table>
<thead>
<tr>
<th>Procurement Specialist’s opinion (PS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues Raised by PS</td>
</tr>
<tr>
<td>RPC’s opinion (if applicable per the DAM)</td>
</tr>
<tr>
<td>SNFI Manager’s opinion (if applicable per the DAM)</td>
</tr>
</tbody>
</table>
Annex D: Guidance on Procurement Sampling

1. General Considerations

1.1 The Procurement Specialist (PS) is responsible for the selection of the contracts to be reviewed on the basis of the information provided by the Borrower and other sources. The number of contracts in the review sample does not necessarily have to lead to any statistically significant findings. The exercise needs to be sufficiently material to support demonstrable findings and credible recommendations.

1.2 The main criteria and considerations to be used in selecting the sample of contracts to be reviewed shall include the following:

- The sample should cover the various procurement methods provided for in the Financing Agreement’s (FA) Procurement Method (OCB - International/National, LCB, Direct Procurement), taking into consideration cases of prequalification and post qualification.
- Complexity (high, moderate, simple,) and value (high, medium, low).
- Major pieces of equipment, and commodities, including the installation and commissioning of equipment procured under the project;
- If there are a large number of small contracts, it may be possible to group a number of small contracts as one, for purposes of the review;
- Complaints/Protest/Disputes/Claims during bidding and contract execution and how these were addressed.
- Critical items for success of the project;
- Contracts awarded to the lowest evaluated bidder which met the qualification criteria; awarded to higher bids as the lowest bidder failed to meet the qualification criteria or for other reasons, etc.; and
- Contract Addenda/Change Orders/Variation Orders/ amendments.

1.3 In addition to these criteria, the PS should also do an initial cursory review of critical indicators (e.g., level of competition, bid prices, winners, etc.) for all of the contracts to which he/she has access. This review should broadly check the objectives and assumptions underlying the Bank’s Procurement Policy Framework, namely to achieve Value for Money (VfM) through economy, efficiency effectiveness, equity, in the procurement process by and ensuring transparency while providing equal access to eligible bidders, as well as fair and unbiased bidding conditions. These conditions are normally expected to result in wide participation/increased competition, reduced transaction costs, competitive bid prices and efficient contract implementation and achievement of VfM.

1.4 The above review of available data should be undertaken for contracts awarded to date under each project.

1.5 Distortions in the procurement process are frequently manifested in one or more of the following situations:
➢ Low participation of bidders and reduced competition;
➢ One or more bidders winning a disproportionate amount of contracts in a project over time;
➢ Bid prices consistently over cost estimates and/or current market prices;
➢ Significant number of changes from bid to contract award and to final completion; and
➢ Significant and recurring increases in the final contract price over the original bid price and/or the original contract price, due to contract addenda, amendments and change orders.

If patterns are identified in a series of contracts, which reflect any of the above distortions, one or more of the contracts in the series should be selected for more detailed review in the Audit sample.

1.6 The PS, during execution of the assignment, will have the flexibility to select, substitute or drop particular contract(s) if an alternative line of investigation is judged more effective in generating conclusions. However, it should not be the response to the lack of access to the required documentation.

1.7 In order to address the main areas mentioned above, it may be necessary to develop a set of ad hoc Audit techniques involving initial and final documentary reviews which are described in the sections following hereon.

2. Initial Documentary Review:

2.1 It may be useful to develop a standard "Contract Data Sheet" to perform the initial documentary review. For each of the selected contracts, key information should be gathered based on documents obtained from the Executing Agency (EA's) procurement methods and procedures (solicitation documents; pre-qualification questionnaires/ bids/ technical and financial proposals; evaluation reports; signed contracts; contract addenda, change orders, amendments, claims, payment certificates, acceptance certificates, etc.), as well as from the Bank Staff Project Appraisal Reports (PARs) and Financing Agreements (Loan Agreements/ Grant Protocol Agreements) available from the EA.

2.2 The aim of this initial review is not necessarily to find all the information which will be needed for the purpose of the Audit, but rather to collect and compile key procurement data to the greatest extent possible, based on documents made available to the PS. In some instances, specific contract information may not be found through the review. This may be retrieved during later phases or identified as a deficiency in the information trail of the project. In any similar situation, the PS will report on the absence of any documentation due to either a poor filing system, or to voluntary retention from the EA.

2.3 The data sheet should include factual indicators related to the procurement of goods, works, non-consulting and consulting services for each bid or proposal and to the execution of the awarded contract. Presented in a comparative manner, this basic information provides the starting point for assessing performance and for identifying patterns, potential deviations or cases of non-conformities.
3. **Further Documentary Reviews**

3.1 For all contracts in the review sample, the PS would specifically review:

- Solicitation\textsuperscript{14} documents to assess the compliance of these documents with the Borrower’s procedures and the timeliness of the Procurement Plan;
- Prequalification, bid and proposals evaluation reports to verify the compliance of the EA’s evaluation with the solicitation documents and the timeliness of the decision process;
- Signed contracts to verify their consistency with the bidding documents;
- The time lags between key events to assess the time effectiveness of the procurement process in relation to the approved Procurement Plan in the FA. The requisite authority’s approval at each stage of the process should be specifically analyzed to assess the timeliness and comprehensives of the Borrower’s review, particularly regarding omissions or deviations in the Borrower’s documents which were picked up or missed; and
- OCB (International and National), LCB, other methods and procedures used in the project(s).

4. **Documentary Checks of Contract Performance**

4.1 In addition to the documentary review mentioned above, specific file checks should be performed at the EA’s premises. The main objective of this additional control is to evaluate the performance of contracts awarded and to assess their degree of compliance with agreed requirements and technical specifications (e.g., test, inspection certificates), payment terms and timely performance. This review should cover about half of the contracts reviewed and focus on the following items:

- **Quantitative and qualitative changes in contract scope**: Based on the information included in the contract data sheets, change orders should be reviewed in order to assess their compliance with the Borrower’s procedures;
- **Status of deliveries**: The dates of the different deliveries agreed in each contract should be checked and any discrepancy noted. In appropriate instances, the final destination of deliveries should also be verified;
- **Status of payments**: Evidences of payments by the EA for all the selected contracts should be checked. Payment information should also be used to cross check and to confirm the date of contract completion; and
- **Quality documentation**: The PS should also check the availability of quality documentation mentioned in each contract, such as certificates, inspections performed and laboratory tests.

\textsuperscript{14} Solicitation documents include prequalification and bidding documents, requests for proposals (RFPs), requests for quotations (RFQs).
5. Physical Verification of Goods and Civil Works

5.1 Physical inspections should normally cover about one third of the contracts reviewed and could include the contracts for which documentary/file checks were carried out. Depending on the type of goods, works and non-consulting services, the following types of inspections should be performed as appropriate:

- **Standard physical inspections of goods/installations**: Quality control (conformity with technical specifications stipulated in the contract) and confirmation that quantities were delivered;

- **Spot physical inspections of a sample of goods delivered**: Such inspections should be complemented by documentary checks to confirm the delivery of quantities specified in the contract and to assess quality compliance;

- **Spot physical inspections of goods/installations delivered**: Such inspections should be complemented by documentary checks on use/Installation of goods received and the different locations; and

- **On site visits to civil works**: Field visits should be undertaken to verify the status of works or to confirm their completion. Documentary checks (certificates of acceptance/completion, defects list, tests, etc.) should also be made.
Annex E: Sample Letter Announcing Procurement Post Review Mission (If not combined with the scheduled Supervision Mission)

BANK LETTERHEAD

Name of Executing Agency:
Address:

Date: .............

Dear Mr./Mrs. (Name):

Subject: Procurement Post Review (PPR)

Date of Reviews:

In accordance with the Financing Agreement, for (Names of Projects) the Bank intends to carry out a Procurement Post Review (PPR) of contracts below prior review sector thresholds (PRT) under these project/s.

The main objective of the review is to assess the procurement performance of the country portfolio project/s and to make recommendations, if any, for the improvement of procurement practices. Based on the procurement performance rating, the Bank, in consultation with the Government of (name of country), will consider the review of the sector thresholds for procurement review for these projects.

The review will cover the contracts below which you have entered into with providers for goods, works and consulting services, and which are financed in whole or in part from the Loan/Grant/TF. Kindly prepare details of all such contracts in accordance with the attached format and send the form as an email attachment together with the updated procurement monitoring report, by (deadline). This information should also be made available during the first day of review of the project/s.

In addition, the following documents must be made available in your offices for all contracts in the review sample:

- Withdrawal Applications (SOEs);
- Copies of Invitation for Bids/Quotations/EOI;
- No Objections for TOR (Consulting Services);
- No Objections for use of less competitive methods;
- Bidding Documents/RFQ/RFP;
- Clarifications requested and issued;
➢ Addenda to bidding documents RFP/RFP issued;
➢ Minutes of Bid/quotation/proposal opening;
➢ Bids/quotations/proposals received;
➢ Clarifications requested and received;
➢ Bid/quotation/proposal Evaluation Report;
➢ Complaints received and responses;
➢ Notification of Award/Letter of Acceptance/LPO;
➢ Signed Contracts;
➢ Securities (Mobilization/Performance);
➢ Payment certificates/Invoices;
➢ Goods received note/Delivery notes;
➢ Inspection Certificates/Acceptance Certificates/Certification of Completion;
➢ Progress Reports; and
➢ Publication of contract award (for NCB and consultants) if applicable.

We will communicate to you the schedule of appointments that would be required for the procurement post review in due course.

Yours Sincerely,

Name of Country Manager
Name of Minister:
Address of Ministry representing the Borrower:

Date: .............

Dear Honourable Minister,

**Subject: Name of Country - FY.... Procurement Post Reviews (PPRs)**

The African Development Bank’s procurement supervision uses a set of mandatory instruments (prior, post, and independent reviews) to fulfil its fiduciary mandate in a cost-effective manner. In line with this requirement, the Bank has carried out Procurement Post Reviews (PPRs) for the following project/s (name of project/s):

➢ Names of Project/s

As the attached summary and the detailed PPR reports for the projects show, procurement for a certain percentage of the sample contracts have shown some .......

In this regard, we would herewith like to emphasize the following generic issues as listed in the action plan and agreed during our meeting with ............ on ....................

*Copy and paste the action plan which has been agreed with target date during discussions between TM, PS, and Borrower’s EA.*

We trust that the project Executing Agency/ies will give due attention to the above-mentioned issues and recommendations listed in the action plan, and use them as an opportunity to improve their procurement management systems. The reports will serve as a basis for future PPRs and will be used to improve the applicable sector thresholds. This can be used to justify better use of your national procurement system.

We would appreciate your acknowledging receipt of this letter either via email to ........., cc. to .... or via letter confirming your agreement to implement the recommendations and the proposed action plan.

Yours Sincerely,

Name of Country Manager
Annex G: Procurement Supervision & Oversight Through PROCRAM

1. Methodology

1.1 PROCRAM goes beyond traditional review systems by dynamically evaluating fiduciary and developmental risks throughout the project cycle. It comprises a series of exercises seeking to identify, evaluate and monitor these risks and includes a series of assessments and reviews that, more specifically:

➢ identify procurement risks and assess capacity;
➢ specify risk mitigation measures to minimize fiduciary risks, through capacity building and through Bank’s and governments’ oversight using Procurement Audits, Prior Reviews or Post Procurement Reviews (PPRs) and Independent Procurement Reviews (IPRs) or Independent Fiduciary Reviews (IFRs).

1.2 It is based on a combination of several exercises executed during the various stages of the project cycle as follows:

➢ Step A: Assessment of Procurement Risks during project preparation, appraisal and preparation of the Project Appraisal Report (PAR);
➢ Step B: Identification and agreement on Risk Mitigation Measures during Negotiations and Board Presentation;
➢ Step C: Management of Procurement Risks during project execution, oversight, supervision and monitoring; and
➢ Step D: Evaluation of level of achievement project fiduciary and performance objectives at project closure and preparation of the Project Completion Report (PCR) –.

2. Step A: Assessment of Procurement Risks

2.1 SNFI staff, as part of the Project Team (PT), undertakes assessments of inherent procurement risks, during project identification and preparation which is finalized during the appraisal stage of the project cycle. The activity comprises:

➢ Reviewing the Borrowers’ procurement system using BPAR where it is available, or the Report on Assessment of Critical Indicators (RACI), which are based on the OECD/DAC MAPS;
➢ Reviewing the sector and the national industry with a specific focus on market analysis; and
➢ Defining risks-based on categorization of the nature and complexity of the project and transactions involved; and assessment of the EA’s capacity.

3. Step B: Identification and Agreement on Risk Mitigation Measures

3.1 Following from the outputs of the assessments in Step A, SNFI staff shall discusses with the PT to identify a series of risk mitigation measures nearing the end of the project
appraisal. The following activities are executed at this stage of the project or programme appraisal:

➢ Based on the country, sector, project and EA risk assessment\(^{15}\), the Bank agrees with the Borrower on which procurement regimes (BPS, Bank or Third Party PMPs) shall be used for each specific transaction or group of similar transactions under the project;

➢ Based on the assessment of the risks inherent in the sector, the national industry and the complexity of project design, the PT agrees with the Borrower on a series of risks mitigation measures which are included in the PAR and highlighted in the Financing Agreement (FA):

➢ Recommendations also include which parts of the agreed Procurement Development Action Plan (PDAP)\(^{16}\) to implement under the project and which part under the broad national programmes for building the soundness of the Borrower’s procurement system.

3.2 Details of the activities in Steps A and B, are provided in the OPM Part A Chapter B on “Assessments” and in the Annexes to that Chapter.

4. Step C: Monitoring and Evaluation (M&E)

4.1 Procurement oversight, supervision and monitoring activities carried out during project implementation comprise Prior reviews, Post-Procurement Reviews (PPRs), Procurement Audits (ProcAs) and Independent Procurement Reviews (IPRs) or Fiduciary Inspection Reviews (FIRs) including monitoring and updating action plans. This is an important part of the Bank’s procurement oversight function and it is essential to monitor, reduce risks and improve project implementation. Thus, the PT must fully integrate these activities including the monitoring of mitigation measures and action plans, into project supervision.

4.2 This is undertaken through PROCRAM and the objectives are:

➢ To optimize project or programme oversight, supervision and monitoring;

➢ To monitor and supervise the implementation of ProcA, PPR and IPR recommendations and action plans;

➢ To adapt and/or amend the risk mitigation plan, if needed; and

➢ To provide the basis for adapting, modifying and improving project procurement methods and procedures to obtain FfP procurement an achieve VfM through FfP.

4.3 PROCRAM’s dynamic approach allows use of the monitoring of procurement risk mitigation action plans, as an interface with the following Bank activities:

➢ Bank Procurement Assessment Reports (BPARs);

➢ Report on Assessment of Critical Indicators (RACI);

\(^{15}\) This assessment can be carried out at the country level or any Borrower of the country using its own procurement system.

\(^{16}\) Procurement Capacity Development Action Plan (PDAP).
➢ Country Portfolio Performance Reviews (CPPRs);
➢ Input to Country Strategy Paper (CSP);
➢ Project Concept Notes (PCNs);
➢ Rating of Procurement Risk and Capacity Assessment (PRCA); and
➢ Updating Procurement Risk during project supervision.

4.4 In terms of procedure, based on the findings from (i) project supervision missions; (ii) ProcAs; (iii) PPRs; and (iv) IPR-IPSRs, which include recommendations and actions plans, the PT reviews progress made in implementing correctives measures related to:
➢ systemic procurement issues;
➢ project execution delays;
➢ lack of EA experience and management capacity;
➢ consistency and adequacy of actions for implementing the anti-corruption action plan; and
➢ areas where the Bank might adjust its policy and procedures to better fulfil its fiduciary and development obligations.

4.5 From there, the PT undertakes the following to improve project execution:
➢ Reviews actions to improve EA’s management capacity, in particular in updating PP, identifying obstacles and resolving bottle necks;
➢ Reviews measures to improve EA’s capacity of personnel – training, coaching, Technical Assistance and/or additional staff;
➢ Determines whether PRTs are appropriate and amends them as necessary;
➢ Strengthens the anti-corruption plan, if needed;
➢ Increases the frequency or scope of ProcAs, PPRs or IPRs or launch Independent Procurement Special Reviews (IPSRs); and
➢ Discusses with the national PPOB their role in exercising a stronger oversight of procurement carried out by the EA.

4.6 Monitoring the implementation of action plans should be undertaken annually (paragraph 4.1.19). As much as possible this may jointly be done with the national PPOB, or through temporary technical assistance, if needed.

5. Step D: Project Closure (post implementation):

5.1 The major activity executed at the time of project closure is preparation of the Project Completion Report (PCR) which:
➢ Determines level of achievement of the project’s fiduciary and developmental objectives;
➢ Evaluates and provides information on the performance and conformity of procurement activities;
➢ Verifies the accuracy of the Bank’s Readiness Review;
➢ Draws lessons for future projects/programmes; and
➢ Identifies where further capacity development is needed.

6. The Dynamic Process

6.1 Essentially, PROCRAM is a live document that the Bank;
➢ develops as it carries out project preparation, appraisal, loan negotiation and proceeds to Board approval;
➢ updates throughout project implementation oversight and supervision; and
➢ finalizes at project closure to measure achievement of VfM.

6.2 It provides a dynamic tool to the PT for monitoring mitigation actions, changing risks when such actions are taken, and updating the risk profile, if other risks emerge. Thus, it enables the fine tuning of procurement methods and procedures to arrive at FfP procurement that leads to the Borrower achieving VfM in accordance with the Bank’s Procurement Vision.

6.3 The PS for a given project or programme in a country shall be responsible for reviewing the procurement performance for that operation on an annual basis using PROCRAM to update the project risk and mitigation situation as part of Implementation Supervision Reporting. This shall be the major activity in his/her project programme oversight.

6.4 The nuts and bolts of PROCRAM are contained in SNFIs “Guidance Note on Procurement Risk Assessment and Management (PROCRAM)”17 which forms part of the Procurement Toolkit to which the reader is referred.

---

17 “Guidance Note on Procurement Risk Assessment and Management (PROCRAM), Fiduciary Services and Inspection Department.