

# Transparency Charter





# Transparency Charter

According to the provisions of the Public Procurement Law No. 244, dated July 19, 2021

In accordance with the provisions of the Public Procurement Law No. 244/2021 issued on July 19 ,2021 specifically Article 102, which obliges the contracting authority\* to adhere to publishing the information specified in this law and its implementation decrees on its website, if any, and on the central electronic platform of the Public Procurement Authority ensuring transparency while taking into account the right of access to information.

The objective of this charter is to help the procuring entities understand the public procurement law and abide by the binding steps to ensure the principle of transparency and integrity when implementing the public procurement mechanism, as well as to motivate the procuring entities to implement the law by answering the following questions and mentioning any additional observations as a result of their experience.

This charter can be obtained as a hard or soft copy from Gherbal Initiative or Institut des Finances Basil Fuleihan.

\*Contracting authority:

Any public administration, municipality, federation of municipalities, public institution, security agency or military force (administrations and units thereof), regulatory body, company where controlling stakes are owned by the State and working in an absolute monopoly environment, public utility, any common law persons or diplomatic delegations abroad.



Transparency Charter		Yes	No	Remarks
<b>Administrative and Logistic Framework for Implementing the Public Procurement Law</b>				
1	Do you establish a procuring unit, consisting of trained employees, responsible for procuring procedures, commensurate with the volume and type of procurement?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you appoint one or more employees responsible for directly contacting and receiving communications from bidders regarding procurement procedures?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Have you subjected/are subjecting your employees to specialized, ongoing and mandatory training to enhance their integrity, raise awareness and develop their knowledge?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do all your employees and contractors apply the Code of Conduct, Professional Ethics and Good Citizenship, which includes provisions concerning integrity, transparency, prevention of conflict of interest, impartiality, knowledge, efficiency, and other provisions related to public procurement operations.	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you have a special website through which you publish all procedures related to procurement operations?	<input type="checkbox"/>	<input type="checkbox"/>	
6	In case you do not have a special website, do you publish the procedures on the central electronic platform of the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Do you keep a record in which you document public procurement related information?	<input type="checkbox"/>	<input type="checkbox"/>	
8	Do you form a Tender Committee with an odd number of members?	<input type="checkbox"/>	<input type="checkbox"/>	
9	Do you form the Acceptance Committee?	<input type="checkbox"/>	<input type="checkbox"/>	



Procurement planning		Yes	No	Remarks
1	Do you indicate your Administration's needs?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you prepare the annual plan for the next year <b>in conjunction</b> with the preparation of public expenditures, and in line with the required appropriations in your draft budget?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you prepare the plan based on the standard templates and procedures issued by the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Does your annual plan include, at least, the following information?			
	- The procurement subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	
	- The procurement category (supplies, works or services).	<input type="checkbox"/>	<input type="checkbox"/>	
	- The funding source and the estimated value according to range, when the announcement thereof is applicable, and the corresponding budget section.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Brief description of the procurement project.	<input type="checkbox"/>	<input type="checkbox"/>	
	- The procurement method.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Possible date, with reference to the month, of the commencement of the procurement proceedings.	<input type="checkbox"/>	<input type="checkbox"/>	
	- The range within which the estimated value of the procurement subject matter falls.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Comments and other useful information that would assist potential bidders to understand and prepare new proposals within deadlines.	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you send the annual plan to the Public Procurement Authority within <b>10 working days</b> from the date of approving the general budget?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Do you publish all amendments to the annual plan (in case of obtaining loans or grants) on your website, if any, and on the central electronic platform of the Public Procurement Authority, while respecting the deadlines?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Do you set the estimated value of the procurement projects in the plan based on real market prices, and inquire prices set by other administrations?	<input type="checkbox"/>	<input type="checkbox"/>	

Procurement planning		Yes	No	Remarks
8	Do you adopt sustainable public procurement in order to reduce the <b>environmental impact</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	
9	Do you check the economic and social objectives of your procurement to ensure a balance between the potential public benefit and the best value for the public funds' expenditure?	<input type="checkbox"/>	<input type="checkbox"/>	
10	Do you segmentate the procurement into lots and groups in order to encourage the participation of small and medium businesses, whenever possible?	<input type="checkbox"/>	<input type="checkbox"/>	
11	Do you grant local production and national expertise a preference in procurement projects?	<input type="checkbox"/>	<input type="checkbox"/>	



Procurement Procedures	Yes	No	Remarks
<b>Indicating the Procurement Subject Matter and the Bidding Document</b>			
1 Do you clearly indicate the descriptions of the procurement subject matter in the bidding document?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Do you include technical, functional and/or performance characteristics in accordance with national or international standards in the bidding document?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Do you set the criteria for evaluating the proposals, including the minimum requirements and their application method in the bidding document?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Do you stipulate the deadline of accepting proposals within the contract's terms?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Do you adhere to the specified evaluation procedures according to standards without rejecting any complying proposal?	<input type="checkbox"/>	<input type="checkbox"/>	
6 Do you adopt specifications commensurate with your required needs and avoid placing or drafting them in such a way as to illegally disqualify bidders?	<input type="checkbox"/>	<input type="checkbox"/>	
7 Do you add the expression "or equivalent", when failing to describe the subject matter of the procurement without referring to a particular trademark, trade name, patent, design, type, country of origin, or product?	<input type="checkbox"/>	<input type="checkbox"/>	
8 Do you grant proposals consisting of national supplies and service a %10 preference over those consisting of foreign supplies and service?	<input type="checkbox"/>	<input type="checkbox"/>	
9 Do you comply with the prohibition of including provisions, in the bidding documents, that lead to the exclusion of supplies manufactured in Lebanon or Lebanese intellectual and advisory services if they are competence with the required quality?	<input type="checkbox"/>	<input type="checkbox"/>	
10 Do you include the specified environmental characteristics by reference to a recognized eco-label, whenever possible?	<input type="checkbox"/>	<input type="checkbox"/>	

Indicating the Procurement Subject Matter and the Bidding Document		Yes	No	Remarks
11	Do you provide the bidding documents for regular and pre-qualified bidders on your website (if any) and the central electronic platform of the Public Procurement Authority <b>in conjunction with</b> the announcement of the procurement?	<input type="checkbox"/>	<input type="checkbox"/>	
12	Do you impose, in the bidding document of the procurement project, the conditions for bidders' participation commensurate with the required works?	<input type="checkbox"/>	<input type="checkbox"/>	
13	Do you send all modifications and additions to the tender files or prequalification files to all bidders (whenever needed)?	<input type="checkbox"/>	<input type="checkbox"/>	
14	Do you publish this amendment on your website (if any) and on the central electronic platform of the Public Procurement Authority before the deadline for submission of proposals or prequalification requests?	<input type="checkbox"/>	<input type="checkbox"/>	
15	Do you negotiate information about the qualifications or bids with the bidder?	<input type="checkbox"/>	<input type="checkbox"/>	
16	Are you committed to forbidding any fundamental change in the qualifications of exhibitors?	<input type="checkbox"/>	<input type="checkbox"/>	
17	Are you committed to forbidding any price change as a result of a request for clarification from any bidder?	<input type="checkbox"/>	<input type="checkbox"/>	
18	In public work projects, do you carry out all legal procedures related to preparing the work sites (issuance of squatting decisions) <b>before</b> launching the procurement procedures?	<input type="checkbox"/>	<input type="checkbox"/>	
19	Do you include all correspondence related to qualifications and proposals in the procurement procedure record?	<input type="checkbox"/>	<input type="checkbox"/>	
20	Do you adhere to prevent segmenting the procurement into several segments with the aim of reducing the estimated value of the procurement project or with the intention of evading oversight or applying provisions?	<input type="checkbox"/>	<input type="checkbox"/>	



Announcing the Procurement		Yes	No	Remarks
1	Do you publish an invitation to procurement on your website (if any) and on the central online platform of the Public Procurement Authority and any other additional means?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you adhere to the announcement period, which should not be less than <b>21 days</b> from the deadline of proposal submission?	<input type="checkbox"/>	<input type="checkbox"/>	
3	When reducing the announcement period to <b>15 days</b> , do you issue a justified decision specifying the nature of the exceptional circumstances and record it in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you determine the estimated value <b>before</b> announcing the procurement project?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you update the estimated value <b>before</b> announcing the procurement project?	<input type="checkbox"/>	<input type="checkbox"/>	
6	When failing to update the estimated value, do you explain the reasons in a justified and clear manner?	<input type="checkbox"/>	<input type="checkbox"/>	



Announcing the Procurement		Yes	No	Remarks
7	Do you rely on real market prices and inquire about prices set by other administrations?	<input type="checkbox"/>	<input type="checkbox"/>	
8	Do you keep the estimated value of the procurement project confidential <b>before and after</b> the award?	<input type="checkbox"/>	<input type="checkbox"/>	
9	Do you adhere to the proposal validity period, which should not be less than <b>30 days</b> from the deadline for proposal submission?	<input type="checkbox"/>	<input type="checkbox"/>	



Bidders Pre-Qualification		Yes	No	Remarks
1	Do you invite bidders to pre-qualification session to ensure their technical, logistical, financial, administrative and human qualifications and capabilities?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you publish the invitation on your website (if any) and on the electronic platform of the Public Procurement Authority or any other means?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you adopt all the elements that should be mentioned in the announcement invitation?	<input type="checkbox"/>	<input type="checkbox"/>	

Bidders Pre-Qualification	Yes	No	Remarks
4 Do you publish a set of pre-qualification documents on your website (if any) and on the central electronic platform of the Public Procurement Authority <b>in conjunction with</b> the publication of the invitation?	<input type="checkbox"/>	<input type="checkbox"/>	
5 When issuing any clarification or amendment to the pre-qualification documents:			
- Do you extend the deadline for submitting requests or proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
- Do you communicate this extension to all bidders who have been provided with these documents or files?	<input type="checkbox"/>	<input type="checkbox"/>	
- Do you publish the extension on the central electronic platform of the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
6 Do you inform each bidder who submitted a pre-qualification request of his result; while justifying the reasons in case of a negative result?	<input type="checkbox"/>	<input type="checkbox"/>	
7 Do you maintain the security, safety and confidentiality of requests and proposals, and refrain from viewing their content until <b>after</b> opening them in accordance with the rules?	<input type="checkbox"/>	<input type="checkbox"/>	



Accepting Requests/Proposals		Yes	No	Remarks
1	Do you specify, in the pre-qualification invitation and relevant documents, the manner and place of submitting the pre-qualification requests and the deadline for submitting proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you provide the bidder with a receipt showing a serial number and the date of proposal receipt by hour, day, month and year?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you make sure that the bidder's file is sealed and that there are no distinguishing marks on it?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you maintain the security, safety and confidentiality of the proposal and refrain from viewing its content until <b>after</b> the bid-opening?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you refrain from opening any proposal submitted <b>after</b> the deadline for submitting proposals and comply with returning it sealed to the its submitter?	<input type="checkbox"/>	<input type="checkbox"/>	

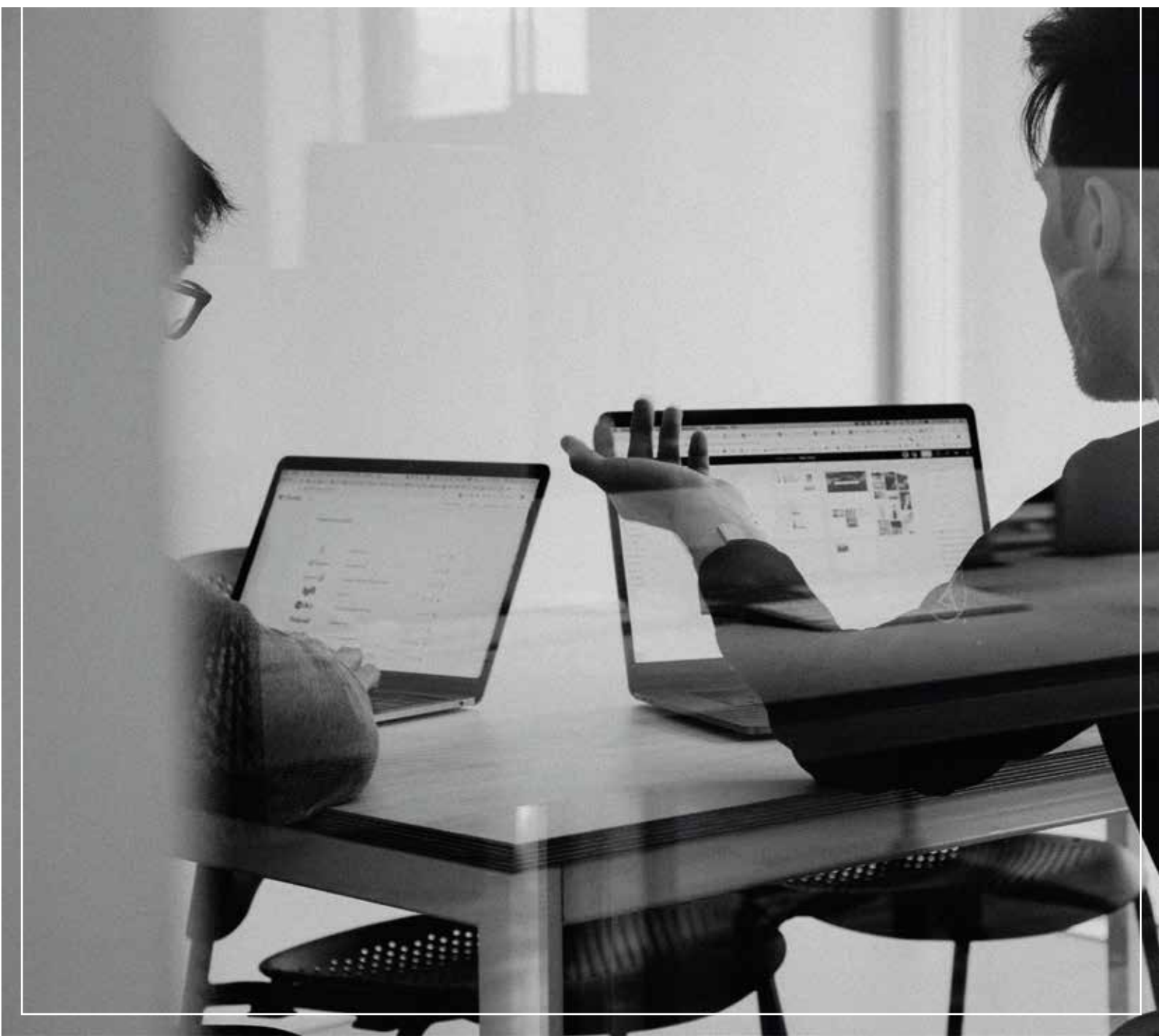


Bid-Opening	Yes	No	Remarks
1 Does the appointed Tender Committee open and evaluate the proposals and determine the most appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Do you open the proposals in a public session in the presence of the authorized persons mentioned in the tender file at the time, place and method specified in the said file?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Do you hold the bid-opening session <b>immediately</b> after the proposal submission deadline?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Do you make sure that the bidder has provided the guarantee of proposal? (An amount of money provided as a guarantee of proposal for a specific project or service)	<input type="checkbox"/>	<input type="checkbox"/>	
5 Do you record the facts of bid-opening in writing and sign the record by the Chairperson and members of the Tender Committee?	<input type="checkbox"/>	<input type="checkbox"/>	
6 Do you prepare an attendance list and sign it by the participants?	<input type="checkbox"/>	<input type="checkbox"/>	
7 Do you include all the information and documents related to the session proceedings in the procurement record?	<input type="checkbox"/>	<input type="checkbox"/>	



Evaluating Proposals		Yes	No	Remarks
1	Do you make a detailed study of the financial proposals <b>after</b> completing the audit and evaluation of the administrative and technical proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
2	In evaluating the proposals and determining the winning bid, do you <b>only</b> use the criteria and procedures mentioned in the tender files?	<input type="checkbox"/>	<input type="checkbox"/>	
3	What are the reasons that you rely on to consider the bidder ineligible?			
	- The provision of incorrect, false or erroneous information or the inclusion of a fundamental inaccurate or incomplete information regarding his qualifications.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Failure to meet the conditions for bidders participating.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Failure to demonstrate the availability of qualifications related to the pre-qualification.	<input type="checkbox"/>	<input type="checkbox"/>	
4	If the provided information or documents are incorrect or incomplete:			
	- Do you submit a written request to the concerned bidder to inquire about his proposal?	<input type="checkbox"/>	<input type="checkbox"/>	
	- Do you submit a written request to the bidder to provide or complete incorrect or incomplete information or documents within a specific period of time?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Why was the proposal rejected?			
	- The bidder is unqualified.	<input type="checkbox"/>	<input type="checkbox"/>	
	- The proposal did not comply with the requirements indicated in the tender file.	<input type="checkbox"/>	<input type="checkbox"/>	
	- The proposal is providing an unfair competitive advantage, offering benefits or because of a conflict of interest.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Other reasons.	<input type="checkbox"/>	<input type="checkbox"/>	
6	Do you draw-up a proposal evaluation minutes within a reasonable period compatible with the validity of the proposal and the nature of the procurement, and record the minutes in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Do you commit not to conduct negotiations with the bidders regarding the proposal submitted for public tender?	<input type="checkbox"/>	<input type="checkbox"/>	

Evaluating Proposals	Yes	No	Remarks
8 What are the reasons for excluding a bidder?			
- Has committed any violation or heinous crime or a crime subject to the Corruption Law (offences of power abuse, bribery...).	<input type="checkbox"/>	<input type="checkbox"/>	
- Do you notify the concerned bidder of his exclusion?	<input type="checkbox"/>	<input type="checkbox"/>	
9 Do you notify the concerned bidder of his exclusion?	<input type="checkbox"/>	<input type="checkbox"/>	
10 Do you note the exclusion decision and its reason in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	



Announcing the Winning Bid		Yes	No	Remarks
1	What was the reason for refusing a bid?			
	- Unqualified bidder.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Cancelling the procurement (due to unexpected fundamental changes to the proposal or to your budget, or due to the absence of the elimination of need for the procurement subject).	<input type="checkbox"/>	<input type="checkbox"/>	
	- Considering that the proposals value is abnormally low.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Excluding the bidder for offering benefits, offering an unfair competitive advantage or because of a conflict of interest.	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you ask the bidder whose bid was rejected to explain its details in writing; in case the price he offered was abnormally low compared to the subject matter of the procurement and its estimated value?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you notify the winning bidder?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you publish your decision to accept the winning bid in conjunction with notifying the bidder? Including the following information:			
	- The name and address of the bidder who presented the winning proposal (provisional bidder).	<input type="checkbox"/>	<input type="checkbox"/>	
	- The proposal's value (a summary of its features and advantages may be added).	<input type="checkbox"/>	<input type="checkbox"/>	
	- The duration of the standstill period	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you immediately notify the bidder whose proposal has been rejected of the rejection decision, its reasons and other clarifications?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Do you make a justified decision regarding your wish to contract with a single bidder after all of the following conditions have been met?			
	- The single bid should not be the result of exclusive conditions included in the bidding document of the procurement project.	<input type="checkbox"/>	<input type="checkbox"/>	
	- The need for the procurement subject is basic and urgent, and the price is in line with the estimated value.	<input type="checkbox"/>	<input type="checkbox"/>	
	- The publication of your decision to accept the winning bid (provisional bid) must include an express statement of the precedence of the accepted single bidder and the intention to contract with him.	<input type="checkbox"/>	<input type="checkbox"/>	



Cancelling the Procurement		Yes	No	Remarks
1	Do you document the decision to cancel the procurement and/or any of its procedures and the reasons for the decision in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you notify all participating bidders of the cancellation decision within <b>5 days</b> from issuing the said decision?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you publish a procurement cancellation notice in the same manner and place of publishing the original information on the award process?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you return the proposals that were not opened <b>at the time of</b> the cancellation decision, to the bidders?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you release the financial guarantees provided by bidders?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Do you open any proposal <b>after</b> making the cancellation decision?	<input type="checkbox"/>	<input type="checkbox"/>	



Singing the Contract		Yes	No	Remarks
1	Do you notify the provisional bidder of the obligation of signing the contract within <b>15 days</b> from the expiration of the standstill period ( <b>10 days</b> from the date of publishing the decision to accept the winning bid)?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you or the competent authority sign the contract within 15 days from its signing by the provisional bidder?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you extend the deadline for signing the contract to 30 days in certain cases that were determined by the competent authority?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Does the implementation of contract start upon the signature of the provisional bidder and the competent authority?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Does the implementation of contract start within the standstill period?	<input type="checkbox"/>	<input type="checkbox"/>	
6	What are the measures taken in case the provisional bidder refuses to sign the contract?			
	- Confiscating the guarantee of proposal.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Cancelling the procurement.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Choosing the best bid among the other winning bids in accordance with the criteria and procedures specified in the tender file and the public procurement law.	<input type="checkbox"/>	<input type="checkbox"/>	



Implementation of Contract		Yes	No	Remarks
<b>The contract's value and the conditions of its amendment</b>				
1	When there is a need for additional quantities of works, supplies, equipment, technology or services from the same supplier or contractor, do you adhere to the allowed additional percentages that should not exceed: <ul style="list-style-type: none"> <li>● 20% of the essential value of supplies and services contracts.</li> <li>● 15% of the essential value of work contracts?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Supervision of implementation and disclosures</b>				
1	Do you assign a specialized and experienced supervisor, able to follow up on the execution of works, from within or outside your administrative body (when necessary)?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Does the supervisor submit periodic reports on the progress of work and the implementation details?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Does the supervisor notify you of every violation or behavior not conforming to the rules?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you receive and authorize disclosures of provided supplies and services or executed works from the bidder?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Implementation and acceptance of contracts</b>				
1	Do you receive a report from the Acceptance Committee within <b>30 days</b> from submitting the acceptance request by the bidder?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Have you extended the deadline for submitting the said report, provided that it shall not exceed <b>60 days</b> , while providing written justification and suggestions?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Does the Acceptance Committee clarify that the required works, supplies or services have been executed or provided in accordance with the terms of the contract and the approved proposal and the technical conditions and specifications indicated in the contract terms, that are free of defects, and that their quantities conform to the acceptance table?	<input type="checkbox"/>	<input type="checkbox"/>	

Termination of Contract		Yes	No	Remarks
<b>Termination of contract: What are the reasons for terminating a contract?</b>				
1	The death of the bidder, in case of a natural person			
	- Do you approve the continuation of contract implementation by the heirs?	<input type="checkbox"/>	<input type="checkbox"/>	
	- Do you accept to receive the executed works or provided services or supplies and fulfill the due amounts to the heirs?	<input type="checkbox"/>	<input type="checkbox"/>	
2	The bankruptcy or insolvency of the bidder or the dissolution of the company			
	- Do you temporarily confiscate the guarantee of performance for the benefit of the treasury?	<input type="checkbox"/>	<input type="checkbox"/>	
	- Do you organize a detailed statement of the executed works or provided supplies or services <b>prior</b> to the date of declaring bankruptcy, and organize a statement accordingly?	<input type="checkbox"/>	<input type="checkbox"/>	
	- Have you disbursed the value of the said statement in the name of the treasury?	<input type="checkbox"/>	<input type="checkbox"/>	
3	The bidder failed to perform any of his contractual obligations as a result of force majeure.	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Cancellation of contract: What are the reasons for cancelling a contract?</b>				
1	The issuance of a final verdict against the bidder regarding committing any crime of corruption, collusion, fraud, deceit, money laundering, terrorism funding, conflict of interest, forgery or fraudulent bankruptcy.			
	- In case the bidder offered any benefits or provided an unfair competitive advantage.	<input type="checkbox"/>	<input type="checkbox"/>	
	- If the bidder is disqualified.	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you redo the award procedure according to the rules?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you redo the award yourself?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you return the savings in costs resulting from the new award or implementation to the state treasury?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you ask the infringe bidder to fulfill the additional cost resulting from the new award or implementation?	<input type="checkbox"/>	<input type="checkbox"/>	

When cancelling the contract as a result of the bidder's infringement		Yes	No	Remarks
1	Do you officially warn the infringe* bidder to comply with all obligations within <b>5 to 10 days</b> ? (* The bidder is considered infringe if he violates the terms of contract implementation or the provisions of the bidding document).	<input type="checkbox"/>	<input type="checkbox"/>	
2	In case the bidder did not provide the requirements within the time limit, do you issue a justified decision regarding the infringement after obtaining the approval of the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you publish the cancellation decision and the reasons thereof on your website (if any) and on the central electronic platform of the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you redo the award procedure according to the rules?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you redo the award yourself?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Do you return the savings in costs resulting from the new award or implementation to the state treasury?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Do you ask the infringe bidder to fulfill the additional cost resulting from the new award or implementation?	<input type="checkbox"/>	<input type="checkbox"/>	



Choosing the Procurement Method		Yes	No	Remarks
1	Do you adopt the public tender as a main rule?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you mention all the elements that shall be indicated in the procurement announcement invitation?	<input type="checkbox"/>	<input type="checkbox"/>	
3	In case you were unable to adopt the public tender due to the inaccessibility of its conditions and had to choose another method, do you issue an explicit and justified decision in this regard and include it in the procurement procedures record with mentioning the reasons and circumstances?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you adopt the <b>two-stage tender</b> as a procurement method? If yes, in which cases? (Mention the cases in the notes section)	<input type="checkbox"/>	<input type="checkbox"/>	
5	Did you obtain the prior approval from the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>At the first stage:</b>				
a	Do you invite bidders, at the first stage, to submit initial proposals that include their suggestions but <b>not</b> their financial proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
b	Do you hold discussions with bidders whose initial proposals were not rejected, with a commitment to equality and transparency?	<input type="checkbox"/>	<input type="checkbox"/>	
c	Do you document the discussions in writing, electronically or via two-way video sessions over the internet, in the minutes of meetings and sign it by participants?	<input type="checkbox"/>	<input type="checkbox"/>	
d	Do you prepare a detailed report on the events of the first phase on which you rely to prepare the final technical requirements?	<input type="checkbox"/>	<input type="checkbox"/>	
e	Do you publish the report and the minutes of discussions in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	

At the second stage:	Yes	No	Remarks
a Do you invite bidders, whose proposals were not rejected at the first stage, to submit final proposals including the technical and financial proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
b Do you edit the tender file's provisions and terms?	<input type="checkbox"/>	<input type="checkbox"/>	
c Do you amend any of the procurement subjects at the second stage?	<input type="checkbox"/>	<input type="checkbox"/>	
d Was the modification, partial deletion, or addition necessary?	<input type="checkbox"/>	<input type="checkbox"/>	
e Do you notify bidders to submit their final proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
f Do you provide the bidders with the final tender file after modification?	<input type="checkbox"/>	<input type="checkbox"/>	
g Do you reimburse the guarantee of performance to the bidders wishing to withdraw from participation in tender procedures?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Do you adopt the request for quotations as a procurement method only in procurement projects that do not exceed a specific financial ceiling of one billion Lebanese pounds?	<input type="checkbox"/>	<input type="checkbox"/>	
a Do you organize lists to identify suppliers or contractors and publish them in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	
b Do you invite the suppliers or bidders in a direct, quick and secure manner to participate in the competition?	<input type="checkbox"/>	<input type="checkbox"/>	
c Do you invite at least 3 suppliers?	<input type="checkbox"/>	<input type="checkbox"/>	
d Do you adhere to the deadline for submitting the request, which should not be less than <b>10 days</b> from the deadline for submitting proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
e Do you justify the decision on reducing the deadline for submitting the request to <b>5 days</b> in cases of urgency and include this justification in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	

Choosing the Procurement Method		Yes	No	Remarks
6	Do you adopt the <b>request for consulting services proposals</b> as a procurement method? If yes, in which cases? (Mention the cases in the notes section)	<input type="checkbox"/>	<input type="checkbox"/>	
a	Do you mention all the elements that shall be indicated in the procurement announcement invitation?	<input type="checkbox"/>	<input type="checkbox"/>	
b	Do you provide the suggestions' request on your website (if any) and the central electronic platform of the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
c	Do you examine and evaluate the technical, functional and performance characteristics of the proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
d	Do you conduct a detailed study of the financial aspects of the proposals <b>after</b> the completion of the examination and evaluation of the technical and functional characteristics of the proposal related to performance?	<input type="checkbox"/>	<input type="checkbox"/>	
e	Do you include the results of the examination and evaluation of the technical, functional and performance characteristics of the proposals in the procurement record?	<input type="checkbox"/>	<input type="checkbox"/>	
f	Do you notify the bidder whose proposal was rejected because his request did not meet the technical, functional and performance characteristics?	<input type="checkbox"/>	<input type="checkbox"/>	
g	Do you notify the bidder whose proposal has substantially complied with the technical, functional and performance requirements and characteristics?	<input type="checkbox"/>	<input type="checkbox"/>	
h	Do you invite the accepted bidders to a session in order to open the envelopes containing the financial aspects of the proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
i	Do you read the grades achieved by the technical, functional and performance characteristics for each proposal that met the requirements and the corresponding financial aspect of that proposal in the presence of the invited bidders?	<input type="checkbox"/>	<input type="checkbox"/>	



Choosing the Procurement Method		Yes	No	Remarks
j	Do you compare the financial aspects of the proposals that met the requirements and indicate the proposal with the best overall rating (technical and financial criteria)?	<input type="checkbox"/>	<input type="checkbox"/>	
k	Do you publish the award result in the procurement procedures record, on your website (if any) and the electronic platform of the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
7	Do you adopt the <b>procurement by invoice</b> as a procurement method? If yes, in which cases? (Mention the cases in the notes section)	<input type="checkbox"/>	<input type="checkbox"/>	
a	Do you request quotations from the largest possible number of suppliers or contractors, provided that their number should not be less than two?	<input type="checkbox"/>	<input type="checkbox"/>	
b	Do you notify each supplier or contractor of the inclusion of other elements when approving the procurement by invoice other than the price, such as transportation and insurance expenses?	<input type="checkbox"/>	<input type="checkbox"/>	
c	Do you make sure that the bidder submitted only one quotation and was not allowed to change his proposal?	<input type="checkbox"/>	<input type="checkbox"/>	
d	Do you conduct negotiations with the bidders regarding the quotation?	<input type="checkbox"/>	<input type="checkbox"/>	
e	Was the winning proposal the lowest priced that met your needs?	<input type="checkbox"/>	<input type="checkbox"/>	
8	Do you adopt <b>direct contracting</b> as a procurement method? If yes, in which cases? (Mention the cases in the notes section)	<input type="checkbox"/>	<input type="checkbox"/>	
a	What are the reasons for choosing direct contracting as a procurement method?	<input type="checkbox"/>	<input type="checkbox"/>	
b	Do you inform the Public Procurement Authority of your intention to conduct a direct contracting?	<input type="checkbox"/>	<input type="checkbox"/>	

Choosing the Procurement Method		Yes	No	Remarks
c	Do you publish a notice of procurement by direct contracting on the electronic platform of the Public Procurement Authority and your website (if any) at least <b>10 days prior</b> to the date of concluding the contract?	<input type="checkbox"/>	<input type="checkbox"/>	
d	Do the notice include, at least, the following information?			
	- Your name and address.	<input type="checkbox"/>	<input type="checkbox"/>	
	- A summary of the most important required provisions and terms in the procurement contract.	<input type="checkbox"/>	<input type="checkbox"/>	
	- That the contract will be conducted by direct contracting.	<input type="checkbox"/>	<input type="checkbox"/>	
9	What are the reasons for choosing the <b>framework agreement</b> as a procurement method?			
	- A need that is likely to repeatedly occur on uncertain dates.	<input type="checkbox"/>	<input type="checkbox"/>	
	- An urgent need for the subject of procurement during a certain period.	<input type="checkbox"/>	<input type="checkbox"/>	
a	What is the procurement method that you adopt to implement the framework agreement?			
	- Public tender.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Two-stage tender.	<input type="checkbox"/>	<input type="checkbox"/>	
	- Request for quotations.	<input type="checkbox"/>	<input type="checkbox"/>	
b	Do you notify the Public Procurement Authority of your intention to use the framework agreement at least <b>10 days prior</b> to the commencement of proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	
c	Do you include a statement of reasons and circumstances, to justify the use of this method, in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	
d	Do you adhere to the specified period of one to four years without extending, renewing and changing the terms?	<input type="checkbox"/>	<input type="checkbox"/>	
e	Do you conclude the agreement in writing and include the necessary information to facilitate the work effectively?	<input type="checkbox"/>	<input type="checkbox"/>	

Choosing the Procurement Method		Yes	No	Remarks
f	Do you commit to strictly award the procurement contracts to a supplier, contractor, consultant or service provider who was a party to the agreement in the second stage?	<input type="checkbox"/>	<input type="checkbox"/>	
g	Do you issue a written invitation regarding the submission of proposals?	<input type="checkbox"/>	<input type="checkbox"/>	
h	Do you send a notice of competition to all parties to the agreement <b>at the same time</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	
i	Do you evaluate all proposals and determine the winning bid according to the evaluation criteria and procedures mentioned in the invitation?	<input type="checkbox"/>	<input type="checkbox"/>	



Financial Guarantees and Dues		Yes	No	Remarks
<b>Guarantee of Proposal</b>				
1	Do you calculate the value of the guarantee of proposal in a way that guarantees the seriousness of the bidder on the basis of the value and importance of the project without limiting the competition, noting that it shall be a lump sum, provided that it does not exceed <b>3%</b> of the estimated value of the procurement project?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you impose a guarantee of proposal on projects which estimated value exceeds <b>500 million LBP</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you determine the validity of the guarantee of proposal by adding twenty-eight days to the validity of the proposal?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you reimburse the guarantee of proposal to the bidder when providing a guarantee of performance?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you reimburse the guarantee of proposal to the losing bidders within a maximum period of contract entry into force?	<input type="checkbox"/>	<input type="checkbox"/>	



Guarantee of Performance		Yes	No	Remarks
1	Do you calculate the value of the guarantee of proposal at a percentage not exceeding <b>10%</b> of the contract value?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you exempt contracts concluded by direct contracting and procurement by invoice from the guarantee of performance?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you comply with receiving the guarantee of performance within the period specified in the contract terms, provided that it does not exceed <b>15 days</b> from the date of contract entry in force?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you confiscate the guarantee of proposal in case the bidder failed to provide the guarantee of performance within the specified period?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Do you invite the bidder to complete the amount within a specified deadline if a certain amount was incurred during the implementation of the contract and consider him an infringe if he fails to do so?	<input type="checkbox"/>	<input type="checkbox"/>	
6	Do you deduct from the guarantee of performance if a certain amount was incurred by the winning bidder during the execution of the contract?	<input type="checkbox"/>	<input type="checkbox"/>	



Fulfilling the Contract Value	Yes	No	Remarks
<b>1</b> Do you fulfill the contract value <b>after</b> its implementation, provided that it does not exceed <b>90%</b> of the due amount, while the other <b>10%</b> remains in the treasury until the final acceptance?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2</b> Do you stop withholding the remaining <b>10%</b> when the provided guarantees cover the risks that may occur from implementing the rest of the contract?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3</b> Do you request to replace the reserved <b>10%</b> with an equivalent guarantee?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>4</b> Is the deduction of the necessary amounts taken into consideration when fulfilling the advanced payments?	<input type="checkbox"/>	<input type="checkbox"/>	



Advanced Payment		Yes	No	Remarks
1	When allowed by the contract, do you grant the bidder advanced payments that do not exceed 20% of the contract value, provided that it does not exceed one billion LBP?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you grant the bidder advances in return for bank guarantees when exceeding the 20%?	<input type="checkbox"/>	<input type="checkbox"/>	
	- Do you do so <b>after</b> informing the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Do you reimburse the bank guarantee to the bidder when deducting all advances?	<input type="checkbox"/>	<input type="checkbox"/>	
Exclusion				
1	Do you notify the excluded bidder of the exclusion decision?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do you publish the exclusion decision on your website (if any) and the central electronic platform of the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	



Reviews	Yes	No	Remarks
<b>Objection</b>			
1 Do you refrain from signing the contract or the framework agreement as soon as you electronically receive a request for reconsideration or an objection from the Complaint Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Do you refrain from signing the contract or the framework agreement as soon as you were notified of the review submitted before the State Council through any of the approved notification methods?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Request for Reconsideration</b>			
1 Do you issue a written decision regarding the request within <b>5 days</b> of receiving the electronic referral from the Complaint Committee? (Otherwise, it shall be considered as an implicit refusal decision)	<input type="checkbox"/>	<input type="checkbox"/>	
2 Do you refer the decision issued regarding the request for reconsideration to the Complaint Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Do you cancel any decision or measure you have already taken or correct, amend or confirm this decision in writing?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Do you include your decisions regarding the request for reconsideration and the referrals received from the Complaint Authority in the procurement procedures record?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Filing a Complaint before the Complaint Authority</b>			
1 Do you allow the Complaint Authority to actually view all documents in your possession related to the procurement procedures as soon as it receives a notice of the complaint content?	<input type="checkbox"/>	<input type="checkbox"/>	



Evaluating the procurement process		Yes	No	Remarks
<b>Internal Audit</b>				
1	Do you appoint one or more of your employees to conduct the internal audit, in accordance with the importance, number and value of your contracts?	<input type="checkbox"/>	<input type="checkbox"/>	
2	Do your internal audit staff immediately report any violations or negligence as a result of the internal audit to the Public Procurement Authority and the competent regulatory authorities and deposit a copy to the Head of the administration?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Regarding the internal audit, do you follow the standards and principles set by the Public Procurement Authority?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Do you notify the competent regulatory authorities of the violations committed by your employees, in order to take the necessary measures according to the laws and regulations in force?	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Employee Evaluation</b>				
1	Do you periodically evaluate your employees who are responsible for applying and implementing public procurement procedures?	<input type="checkbox"/>	<input type="checkbox"/>	



Communication	Yes	No	Remarks
1 Do you commit to receiving written clarification requests submitted by the bidder <b>10 days</b> before the date of submission of proposals or pre-qualification requests?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Do you answer the bidder when submitting a written request for clarification <b>6 days</b> before the deadline for submitting proposals or pre-qualification requests without indicating the identity of the applicant?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Do you send the clarification to <b>all the bidders</b> to whom you provided the tender files, at the same time, without indicating the identity of the applicant?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Do you request clarifications from the bidder concerning his qualifications or proposals and correct pure arithmetic errors?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Do you immediately communicate the corrections to the bidder?	<input type="checkbox"/>	<input type="checkbox"/>	
6 Do you set a specific date for potential bidders to view the work site when necessary?	<input type="checkbox"/>	<input type="checkbox"/>	



Communication			Remarks
<p>7 Whether upon your own initiative or as a result of a request for clarification from one of the bidders, do you modify the tender files or the pre-qualification files by issuing an addendum? And do you immediately send these amendments to all bidders to whom you provided the tender or pre-qualification files?</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8 Do you publish the amendments on your website (if any) and on the central electronic platform of the Public Procurement Authority?</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>9 If, as a result of clarification or modification, the information published in the tender files or the pre-qualification files became substantially different, do you release the modified information in the same manner and place as the original information?</p>	<input type="checkbox"/>	<input type="checkbox"/>	



Communication	Yes	No	Remarks
10 Do you duly extend the deadline for submitting proposals or pre-qualification requests?	<input type="checkbox"/>	<input type="checkbox"/>	
11 When holding a meeting for bidders, do you issue a minutes in which you mention the clarification requests and the responses without indicating the identity of the applicant?	<input type="checkbox"/>	<input type="checkbox"/>	
12 Do you communicate the minutes to all the bidders who were provided with the tender files?	<input type="checkbox"/>	<input type="checkbox"/>	
13 Do you use Arabic and/or English or French in your procurement documents to set the technical specifications or terms of reference?	<input type="checkbox"/>	<input type="checkbox"/>	
14 Do you maintain the confidentiality of information related to the protection of the main security of the state during the procurement process?	<input type="checkbox"/>	<input type="checkbox"/>	



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This guide has been prepared by the Gherbal Initiative in collaboration with Institut des Finances Basil Fuleihan.







