

Report On
A comparative analysis between STD (Goods) of PPR 2008 and
SPD (Goods) of WB Procurement Guideline and lessons from WB
Procurement Guideline.

Submitted By

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An internship report submitted to the BIGD in partial fulfillment of the requirements for
the degree of MPSM

BRAC Institute of Governance and Development (BIGD)
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Declaration

It is hereby declared that

1. This internship report submitted is my original work while completing my degree at Brac University.
2. The report does not contain any content previously published or written by a third party, except where this is appropriately cited through full and accurate referencing.
3. The report does not contain contents which has been accepted, or submitted, for any other degree or diploma at a university or other institution.
4. I have acknowledged all main sources for help.

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Letter of Transmittal

Masud Akhter Khan
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Subject: Submission of Report Titled “A comparative Analysis between STD (Goods) of PPR 2008 and SPD (Goods) of WB Procurement Guideline and lessons from WB procurement Guideline.

”

Dear Sir,

I am grateful to submit herewith my report on “A comparative analysis between STD (Goods) of PPR 2008 and SPD (Goods) of WB Procurement Guideline”, as a partial requirement to achieve the degree of Master in Procurement and Supply Chain Management. It is my proud privilege to work under your active supervision and guidelines. I hope that the report will meet the desires. I have attempted my best to finish the report with the study of the Standard Tender Document of the Bangladesh Govt and the Standard Procurement Document of the World Bank with related acts and rules of Procurement.

I trust that the report will meet the desires.

Sincerely yours,

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Non-Disclosure Agreement

This agreement is made and entered into by and between the Bangladesh Election Commission Secretariat and the undersigned student Mohammad Ariful Islam at BRAC University. As I am currently working at this organization, I have access to the Organization's information that is confidential. I agree that I shall keep all the information strictly confidential and will not share it with anyone outside of the organization.

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CERTIFICATE

This is my pleasure to certify that the report entitled “A comparative analysis between STD (Goods) of PPR 2008 and SPD (Goods) of WB Procurement Guideline and lessons from WB procurement Guideline” is the original work of Mohammad Ariful Islam that is completed under my direct guidance and supervision. So far, I know, the report is an individual achievement of the candidate's efforts. I also certify that I have gone through the draft and final version of the report and found it satisfactory for submission to the BRAC Institute of Governance and Development, BRAC University in partial fulfillment of the requirements for the degree of Masters in Procurement and Supply Management.

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Executive Summary

Bangladesh is a country that has already graduated as a developing country. The Country requires robust and sustained economic growth to maintain that economic position. To this end, to bring discipline to the Public Procurement of Bangladesh, Public Procurement Regulation 2003 has been promulgated. Later on PPA- 2006 and PPR-2008 have been promulgated and the Public Procurement Regulation was abolished. The public procurement of Bangladesh has been regulated by PG-2006, PPR-08, STDs, and SRFPs. The provisions of these instruments keep changing based on reality. All the procuring entities in the public sector come under the same umbrella of those above-mentioned acts and rules. These acts and rules are very comprehensive and cover almost every aspect of national and international procurement for all nature of procurement.

In Public Procurement PPR will not be applied fully when development partners are involved and their guidelines will prevail. This can be said that the maximum guidance in the two guidelines is almost the same and there are some minor differences in some specific cases.

There are some differences between PPR and the World Bank Procurement guideline. The Standard Tender Document of the Bangladesh government is Prepared by following PPR and the Standard Procurement Document of WB is Prepared by following WB Procurement Guideline. Both two Regulations are Regularly updated by the relevant authority. After analysis of both tender documents of PPR and WB, this can be suggested that some issues can be included in PPR from WB guidelines for betterment of Public Procurement like Stans Still Period before NOA, Negotiation and BAFO for goods procurement, Cost of Ownership, Procurement Related Complain, abnormally low bid and proposal, Guideline for Value for money.

Keywords: procurement; Document; Guideline; goods; works; world bank; committees;

Evaluation criteria.

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Abbreviation/ Terms:

Abbreviation/ Term	Full Terminology/ Definition
ADP	Annual Development Plan
AA	Approving Authority
ACC	Anti-Corruption Commission
ADB	Asian Development Bank
ADP	Annual Development Program
APP	Annual Procurement Plan
Application	A document submitted by an Applicant in response to an invitation for Prequalification or Initial Selection.
BAFO	Best and final offer.
Bank	IBRD and/or IDA (whether acting on its account or in its capacity as administrator of trust funds provided by other donors).
BDT	Bangladesh Taka
Bid	This is an offer by a bidder as a response to providing goods, works or non-consulting services.
Bidder	A firm or joint venture that submits a Bid.
BIGD	BRAC Institute of Governance and Development
BIM	Bangladesh Institute of Management
BOO	Build, own, operate.
BOOT	Build, own, operate and transfer.
BOQ	Bill of Quantity
Borrower	A borrower is an entity who is involved in the implementation of a project financed by IPF.
BOT	Build, operate, and transfer.
BPPA	Bangladesh Public Procurement Authority
BRAC	Bangladesh Rural Advancement Committee
BREB	Bangladesh Rural Electrification Board
Business Day	Any day that is a working day of borrowers without holidays.
BWDB	Bangladesh Water Development Board

Abbreviation/ Term	Full Terminology/ Definition
CA	Contract administration
CAG	Comptroller and Auditor General
CAO	Chief Accounts Officer
CCGP	Cabinet Committee of Government Purchase
CCGP	Cabinet Committee on Government Purchase
CE	Chief Engineer
CIP	Carriage and Insurance Paid to (named place of destination) is a term of international commercial term.
CIPS	Chartered Institute of Procurement and Supply
CMSD	Central Medical Store Depot
COI	Conflict of Interest
Competitive Dialogue	A selection method for Goods, Works, or Non-consulting Services.
Complaint	A procurement-related complaint.
Consulting Services	Consulting Services is a service which is an advisory or professional service provided by a consultancy firm or individual.
Core Procurement Principles	The Bank's Core Procurement Principles are value for money, economy, integrity, fit for purpose, efficiency, transparency, and fairness.
CPAR	Country Procurement Assessment Report
CPI	Corruption Perceptions Index(of Transparency International)
CPTU	Central Procurement Technical Unit
CQS	Consultant's qualifications-based selection.
CSO	Civil Society Organization
CSOS	Community Service Organization Selection
DC	Design Contest
DG	Director General
DIMAPPP	Digitizing Implementation Monitoring and Public Procurement Project DFID
DOFP	Delegation of Financial Power
DP	Development Partner

Abbreviation/ Term	Full Terminology/ Definition
DPE	Directorate of Primary Education
DPHE	Department of Public Health Engineering
DPM	Direct Procurement Method
DPP	Development Project Proposal
e-CMS	Electronic Contract Management System
ECNEC	Executive Committee of National Economic Council e-GP
Emergency Situations	For these Procurement Regulations, Emergency Situations include those cases where the Borrower/beneficiary has an urgent need of assistance because of a natural or man-made disaster or conflict.
EOI	Expression of Interest.
EOI	Expression of Interest
ESCB	Engineering Staff College Bangladesh
ETC	Instructions to Consultants
FA	Framework Agreement.
FAPAD	Foreign Aided Project Audit Directorate
FBS	Fixed Budget Selection
FIMA	Financial Management Academy
G2G	Government to Government
GCC	General Conditions of Contract
GDP	Gross Domestic Product
GFR	General Financial Rules
GNI	Gross National Income
GoB	Government of Bangladesh
Goods	A category of procurement that includes: commodities, raw materials, machinery, equipment, vehicles, Plant, and related services such as transportation, insurance, installation, commissioning, training, and initial maintenance,
GPA	Agreement on Government Procurement
GPN	General Procurement Notice.
HOPE	Head of the Procuring Entity synonymously used as Head of

Abbreviation/ Term	Full Terminology/ Definition
	the Procuring Agency iBAS
IBRD	International Bank for Reconstruction and Development.
ICB	International Competitive Bidding
ICS	Individual Consultant Selection
IDA	International Development Association.
IFT/IFB	Invitation to Tender/Bid
IMED	Implementation Monitoring and Evaluation Unit
INCOTERMS	International Commercial Terms
Initial Selection (IS)	The shortlisting process is used before inviting requests for proposals in the procurement of Goods, Works, or Non-consulting Services.
Investment Project Financing (IPF)	The Bank's financing of investment projects that aim to promote poverty reduction and sustainable development.
ITC-ILO	International Training Centre International Labor Organization
ITEM	Open Tendering Method
KPI	Key Performance Indicator.
LC	Letter of Credit
LCC	Life Cycle Costing
LCS	Least-cost-based Selection method which follows the lowest price at the time of evaluation.
LD	Liquidated Damage
Legal Agreement	Each agreement with the Bank provides for a loan for a project, including the Procurement Plan and all documents incorporated by reference.
LGED	Local Government Engineering Department
LTM	Limited Tendering Method
MAPS	Methodology for Assessment Procurement Systems MDB
MOF	Ministry of Finance

Abbreviation/ Term	Full Terminology/ Definition
MOP	Ministry of Planning
MOPA	Ministry of Public Administration
MTBF	Mid-Term Budgetary Framework
NAPD	National Academy for Planning & Development
National Language	the language used nationwide in the Borrower's country.
NCB	National Competitive Bidding
NGO	Non-governmental Organization.
NOA	Notification of Award
OECD	Organization for Economic Co-operation and Development OTM
PAC	Public Accounts Committee
PCC	Particular Conditions of Contract
PCC	Particular Condition of Contract
PD	Project Director
PDS	Proposal Data Sheet
PE	Procuring Entity
PEC	Proposal Evaluation Committee
PEDP	Primary Education Development Program
PEFA	Public Expenditure and Financial Accountability(Assessment) PFM
PMS	Procurement Management System
PMU	Project Management Unit
POC	Proposal Opening Committee
PP	Procurement Plan
PPA	Public Procurement Act 2006
PPPA	Public Private Partnership Authority
PPR	Public Procurement Rules
PPRP	Public Procurement Reform Project
PPSC	Public Private Stakeholders Committee
PPW	Post Procurement Review

Abbreviation/ Term	Full Terminology/ Definition
PS	Performance Security
QBS	Consultants Quality-based Selection.
QCBS	Quality and Cost-Based Selection
RADP	Revised Annual Development Program
RDPP	Revised Development Project Proposal
REoI	Request for Expressions of Interest.
RFB	Request for Bids as a selection method.
RFP	Request For Proposal
RFP	Request for Proposals
RFQ	Request for Quotations
RFQM	Request for Quotation Method
RHD	Roads and Highways Department
RP	Review Panel
RTI	Right to Information
SAFTA	South Asia Free Trade Agreement
Sexual Exploitation and Abuse (SEA)	A prohibited practice as defined in the applicable Standard Procurement Documents (SPDs).
Sexual Harassment (SH)	This is a prohibited practice as defined in SPD.
Shortlist	The shortlisting process is used before inviting requests for proposals in the procurement of Consulting Services.
SIC	Selection of Individual Consultant
SOEs	State-owned Enterprise or institution.
SPN	Specific Procurement Notice.
SPSO	Selected Public Sector Organizations
SRFA	Standard Request for Application
SRFP	Standard Request for Proposal
SRFQ	Standard Request for Quotation
SSS	Single Source Selection
Standstill Period	This is a period before issue NOA waits for Complaints (if any)

Abbreviation/ Term	Full Terminology/ Definition
STD	Standard Tender Document
TCO	Total Cost of Ownership
TD	Tender Document
TEC/BEC	Tender/Bid Evaluation Committee TOC/BOC
TIB	Transparency International Bangladesh
TOP	Tender Opening Committee
TOR	Terms of Reference.
TS	Tender Security
TSTM	Two-Stage Tendering Method
UNCITRAL	United Nations Commission on International Trade Law
UNDB Online	UN Development Business online. www.devbusiness.com
USAID	United States Agency for International Development WTO
VRC	VendorReviewCommittee
VRM	VendorRegistrationandManagement
WLC	WholeLifeCosting

CHAPTER 1

Introduction

1.1 Background of the study

Sound procurement policies and practices are one of the essential elements of good governance in a country. Good practices of act and rules reduce costs and produce timely results; poor practices lead to waste and delays and are often the cause of allegations of corruption and government inefficiency. To ensure sound policies and practices, the government of Bangladesh and the World Bank has introduced Public Procurement Rules (PPR)–2008 and Procurement Guidelines respectively. There are three natures of procurement: goods, works, and services. Services are two types consulting services and non-consulting services. The procurement of goods is one of the most important and most discussed topics in procurement. There are Six methods for procuring goods in Public Procurements OTM, OSTETM, TSTM, RFQ, DPM, and LTM. The source of Procurement is two named National and International. In this research limitations and suggestions will be found for the Tender document used in PPR compared with the World Bank Document This research work has been conducted under the supervision of an academic supervisor.

1.2

The prime objective of this study is to make a critical review of the existing Standard Tender Document and Public Procurement Rules of the Bangladesh Government to improve its effectiveness by eliciting lessons from the World Bank Standard Procurement Documents and guidelines.

1.2.1 Specific Objectives

The specific objectives of the study are as follows:

- i. To provide an overview of the existing status and history of Standard Tender Document and public procurement rules in BD.
- ii. To critically examine the strengths and weaknesses of the PPR-2008 and Standard Tender Documents of goods.
- iii. To Identify and Suggest for Improvement of STD and PPR taken from the Standard Procurement Document of World Bank and WB procurement

Guideline respectively.

1.3 Questions of the analysis:

1. What is the current status of the Public Procurement rules of Bangladesh?
2. What are the strengths and weaknesses of PPR-2008 of Bangladesh as a key public procurement document?
3. What are the relevant lessons from the WB Procurement Guideline that can be drawn for improving the effectiveness of the Public Procurement Rules in Bangladesh?

CHAPTER2

Review of Procurement Document of World Bank and PPR

2.1 Standard Procurement Document (Goods), World Bank

Here Standard Procurement Document for Request for bid (Goods) in a one-envelope bidding process is discussed. This SPD can apply where the procurement of Goods is funded by IBRD or IDA-financed projects. This SPD is to be used for the procurement of goods through ICB using a Request for Bids (RFB) method, one (1) envelope process. This SPD is used where projects that are financed in whole, or in part, by the World Bank through Investment Project Financing.

Standard Procurement Document for Goods-Request for Bid Is a One Envelope Bidding Process in this document there are three Parts named (1) Bidding Procedure (2) Supply requirements (3) condition of contracts and contract forms. In the condition of contract and contract form's part general conditions and particular condition and contract forms are included which are used at the time of contract implementation.

In the bidding procedure part there are Instructions to Bidders (ITB), Bid Data Sheet (BDS), Evaluation and Qualification Criteria, Bidding Forms, Eligible Countries, Fraud, and Corruption are included which is used for the tenderer to submit a tender.

2.2 Brief History of PPA, PPR and STD in Bangladesh

Public procurement in Bangladesh embraces the government's activities of purchasing, hiring, or obtaining of goods, works, or services by any contractual means. The public procurement procedures and practices of Bangladesh have evolved over the years from the days of British and subsequently Pakistani rule.

A compilation of General Financial Rules (CGFR) originally issued under British rule. It was slightly revised in 1951 under Pakistani rule and was reissued in 1994 and again in June 1999 with very few changes.

The CGFR also refers to the Manual of Office Procedure (Purchase) for the purchase of goods and works.

The Government of Bangladesh, as part of the broad public sector reforms, has embarked upon managing implementation challenges aiming at improving the performance of public procurement progressively as part of strengthening overall sector governance.

To achieve its aim and objective, a permanent unit, named as Central Procurement Technical Unit (CPTU) was established in 2002 as an implementing unit in the field of procurement reform and reform implementation monitoring. The reform process was carried out with the ultimate outcomes of formulation and issuance of a unified procurement processing system (Public Procurement Regulations 2003).

From that time Implementation Procedures for PPR 2003, Public Procurement Processing and Approval Procedures (PPPA), and Revised Delegation of Financial Powers (DOFP) were used as tools of public procurement. Several Standard Tender Documents (STDs) and Standard Request for Proposal Documents were developed by CPTU for uniform documents of procurement for using goods, works, and services by the procuring entity.

After that, in 2006 Bangladesh Parliament passed the public procurement act named Public Procurement Act 2006. To implement PPA a set of rules named Public Procurement Rules (PPR) was published by the government in 2008. At 31 January 2008 PPA and PPR were active.

Now in Public Procurement of Bangladesh, all Procurement entity follows the Public Procurement Act 2006, Public Procurement Rules 2008, and Standard tender document/ Standard request for proposal. CPTU has updated time to time this entire instrument when an update is required.

To strengthen and sustain the public procurement reform, a new technical assistance project titled “Public Procurement Reform Project II (PPRP-II)” was approved by the GOB in June 2007 and was implemented by the CPTU/IMED.

Under this program, a few government officials from public sector organizations involved in major public procurement were selected to do further research on various procurement issues. Jointly organized by the Chartered Institute of Purchasing and Supply (CIPS), UK, and BRAC University, Dhaka- three levels of academic coursework (foundation diploma, advanced diploma, and graduate diploma) were completed by the participants of the program.

With the support of Additional Financing of PPRP-II, 25 officers took a master's in public procurement from Italy Turin University.

After completing the Additional Financing of PPRP-II on 30 June 2017 a new project named Digitizing Implementation Monitoring and Public Procurement Project (DIMAPPP) was taken by the government. On 29 August 2017, a Financing Agreement of US\$ 55 million was signed between the Government of Bangladesh and the International Development Association (IDA) of the World Bank Group at the Economic Relations Division (ERD) to implement the five-year (July 2017-June 2022) "Digitizing Implementation Monitoring and Public Procurement Project (DIMAPPP)". The project was implemented during the July 2017-June 2022 period by the Central Procurement Technical Unit (CPTU).

The DIMAPPP was four components:

1. Restructuring CPTU and Institutionalizing e-GP,

2. Enhancing Digitization of Public Procurement,
3. Professionalization Procurement and Citizen Engagement (CE)
4. Digitizing Project Implementation Monitoring.

A total of 32 Selected Public Sector Organizations (SPSOs) including the previous four target agencies (BREB, BWDB, LGED, RHD) that constitute the bulk of total public procurement have been part of procurement management, monitoring, and e-GP implementation. The expectation was that all procuring Public Sector Organizations (SPOs) have been registered with the e-GP system and conduct e-procurement as part of the government's plan to fully digitize public procurement in the country. The expectation has been successfully implemented by this project. Under this project, more 14 national trainers have been created in the national trainer pool.

Restructuring of CPTU into an Authority and institutionalization of e-GP system; Digitizing public procurement process to bring all government organizations under the e-GP system; Training of government officials and bidders to enhance capacity and professionalizing public procurement to increase the capacity of procurement management and e-GP system of government offices and Strengthen the capacity of Implementation Monitoring and Evaluation Division (IMED) for digital and modern monitoring of projects has been done by this project. The IDA of the World Bank contributed 40 million US dollars and the Gob contributed 5 million US dollars to the AF (Additional Financing). The duration of the AF was from July 2022 to December 2023. The Gob approved the revised TAPP in February 2021. Using this AF remaining/ incomplete tasks/ activities of the DIMAPP project have been implemented by CPTU/ IMED.

With an aim of better service delivery and further improvement in the public procurement environment in the country, the government has restructured CPTU into BPPA.

A bill named Bangladesh Public Procurement Authority Act 2023 was raised to the National Parliament by the Minister of Planning of Bangladesh. After the Bill was passed on September 10, 2023, it received the assent of the Honorable President on September 18 and the Bangladesh Public Procurement Authority Act 2023, was published for public information. By this act, the Bangladesh Public Procurement Authority (BPPA) has been established. Under this Act, through a circular the government appointed Chief Executive Officer of BPPA. All responsibilities and activities of CPTU have been transferred to BPPA by this act.

2.3 Standard Tender Document under PPR of Bangladesh

Summary of STD PG4 open tendering Method for goods (ICT)

STD PG4 is used for international tender when PE wants to buy goods and related services from the international market. In PG4 there is no threshold value used for the Open tendering Method and the lowest responsive tenderer gets a Notification of award in this method without any negotiation.

In STD there are notes in brackets with italics format for guidance of Procuring entity and tenderer. This note can help to prepare tender documents for the Procuring entity and tenderer for preparing a tender for submission to the Procuring entity.

Standard tender document PG4 contains the following eight sections: (1) Instructions to Tenderers (ITT) (2) Tender Data Sheet (TDS) (3) General Conditions of Contract (GCC) (4) Particular Conditions of Contract (PCC) (5) Tender and Contract Forms (6) Schedule of Requirements (7) Technical Specifications (8) Drawings.

2.4. Comparison between the Standard Procurement Document of WB and the Standard Tender Document of PPR, Bangladesh:

Srl no	Topic	STD of PPR	SPD of WB
1	Name of the Document	Standard Tender Document	Standard Procurement Document
2	Developed By	BPPA, IMED, Ministry of Planning	The World Bank
3	Latest Version/ Update	Updated Up to October 2019	Updated up to July 2023
4	Scope of Use	Gob Funded Procurement and Development Partner/ PA funded (Where allowed)	Funded by IBRD or IDA Financed Project
5	Related Act and Rules	PPA 2006 Act and PPR 2006	World Bank Procurement Regulations for IPF Borrowers 2020
6	Name of Competitor	Tenderer	Bidder
7	Name of 1st Notice for Procurement	IFT (Invitation for Tender)	Specific Procurement Notice
8	Name of Tender Document for Goods (International)	STD, PG4	Request for Bids Goods
9	Source of Fund	Govt Budget or Loan, Grants and Credit by DP	Financing from IBRD or IDA
10	JV Participation	JV is not Allowed in goods	JV allowed in goods
11	Standstill Period	No Standstill Period	The Standstill Period is 10 Business Day
12	Notification of Intention of Award	No such Notification of Intention of Award	Borrower issues Notification of Intention of Award
12	Time of NOA issue	7 WD within receiving Contract Approval	10 Business Days upon Expiry of Standstill Period
14	Procurement Related Complain	Tenderer/ Supplier needs to complain to a different level within a different time frame	Bidder can complain to only one single point for a bid/ proposal
15	Most Advantageous Bid	No Scope of Most Advantageous Bid	The borrower can follow the Most Advantageous Bid
16	Forms for JV	No form for JV in goods	Bidder's JV Member Information form is available
17	Forms for SEA and SH	No form for Sexual Exploitation and Abuse (SEA) and Sexual Harassment Performance Declaration	Form available for bidder Sexual Exploitation and Abuse (SEA) and Sexual Harassment Performance Declaration
18	Terms of Payment	The procuring entity can choose promptly after 30 to 60 days of submission of an invoice	Borrowers have to pay promptly within 60 days of submission of an invoice

Srl no	Topic	STD of PPR	SPD of WB
19	Force Majeure	Have to Notice within 14 days after the Party becomes aware	Promptly notify the purchaser in writing after being aware
20	Price Adjustment	Not Applicable Price Adjustment in goods	Price Adjustment can be applied

CHAPTER03

ANALYSIS AND FINDINGS

A review has been done for analysis of regulations and rules for comparison. The comparison has been done in the case of goods procurement. The analysis covers two dimensions e.g. guidelines/ rules, bidding / tender documents.

3.1 Analysis of World Bank Procurement Regulations for IPF Borrowers

World Bank Procurement Regulations were published in November 2020 for IPF borrowers. Fit for purpose, integrity, economy, efficiency, transparency, fairness, and value for money is the core procurement principle of WB. Standard Procurement documents (SPD), Guidance, e-learning, and training are the complements of regulations.

Borrowers are procuring goods, works, and services every year for several billions using procurement regulations. In the world, all countries who are the borrowers of WB are using these regulations covering various challenging environments.

The regulations of WB do not apply in the following cases:

- a. Under Projects where the bank guarantees,
- b. loans made by eligible intermediaries to private borrowers.

Prior and Post review

Based on high value and high risk WB takes a prior review for procurement activities to follow the requirement of legal documents. Banks also use post review for procurement to be completed according to legal agreement or not. Supreme Audit Institute is used as a third party for post-review.

Independent Procurement Reviews:

By appointing an independent third party an independent procurement review is done by the bank. Borrowers will help and access all procurement documents to the review firms for review purposes.

Most Advantageous Bid/Proposal

The procuring entity can offer the bidder offering the most advantageous bid.

Procurement of Second-hand Goods

With the permission of the Bank, the borrower may procure second-hand goods. For that purpose this should be specified in the procurement plan and if it is economically logical to achieve the project development goal.

To procure second-hand goods following requirements shall apply:

- a. Any risk mitigation measures
- b. Second-hand goods shall not combine with new goods
- c. Technical specifications with minimum characteristics including age, and condition have clear
- d. Warranty will be specified.

Standstill Period:

In the WB guideline, there is a period that allows all participants to complain against the bidder who will get a Notification of the award. This is called Notification of intention to award. This duration is 10 business days. Within this, any bidder can complain against the winning bidder. The contract will not be awarded within this period or before this.

There shall be no need to follow this standstill period in the following cases:

- a. Only one bid was submitted in an open competitive bidding.
- b. Direct selection.
- c. Call-off process among firms
- d. Emergency situation recognized by the bank.

Best and final offer:

The bank may allow Best and Final offer (BAFO) in case of international competitive procurement with prior review. In this process, borrowers can invite responsive bidders to submit their best and final offer. This is used when there is a possibility to be benefitted by the bidder by reducing the price. Borrowers have to inform the bidders of the RFPP document:

- A. If BAFO is to be used
 - B. Bidders are not obliged to submit a BAFO
 - C. There will be no negotiation after BAFO
- If BAFO applies, the borrower has to use a probity assurance provider, agreed with the bank.

Public-Private Partnerships (PPPs)

PPP is a public-private partnership a type of contract in which a private organization takes some responsibility and invests some assets. The profit depends on the performance of contracts. PPP agreement may be built own operate, build operate transfer, build own operate transfer.

Electronic Reverse auctions:

This is a scheduled online event where prequalified or registered firms bid against each other on their price. This is called e-auction which is run electronically.

Performance-based contracts:

This is called an output-based contract where the following contractual relationship is run. Payment is done on output delivered. For higher quality of output in certain cases, premiums may be paid.

Performance-based contracts may be used in the following cases:

- a. Non-consulting services are to be paid based on output.
- b. Design, supply, construction, and commission contract
- c. Operation and maintenance of design, supply, and construction-related contracts.

Quality-based selection:

In this selection method, quality is a vital issue; cost is not used in case of evaluation.

The highest technically evaluated qualified firm's financial proposal is opened and evaluated for the Most Advantageous proposal. If an RFP requests to submit only a technical proposal, the firm with highest highest-ranked technical proposal is invited to submit a financial proposal for negotiation.

QBS is used in the following types of procurements:

- a. Complex and specialist contracts were not easy to prepare TOR and required input
- b. Contracts have a high downstream impact.

Procurement Agents:

A procurement agent is a firm that helps the borrower to handle procurement. Borrower appoints experienced resources for that purpose. QCB or LCS method is used to procure this type of agent. This firm works according to legal agreements and procurement plans as an employee of the borrower.

3.2 World Bank Published Procurement Guidance other than World Bank

Procurement Regulations for IPF Borrowers

World Bank Published Procurement Guidance other than World Bank Procurement Regulations for IPF Borrowers which is as follows:

1. A beginner's guide for Borrowers: Procurement under World Bank Investment Project Financing.
2. Competitive Dialogue: How to undertake a Competitive Dialogue Procurement Process
3. Contract Management: General Principles
4. Finding business opportunities and winning contracts
5. Standard Procurement Documents: An overview for practitioners
6. Framework Agreements: an overview of how to design establishes and operates a framework agreement in IPF.
7. Value for Money: Achieving VfM in Investment Projects Financed by the World Bank.

8. Sustainable Procurement: An introduction for practitioners to sustainable procurement in World Bank IPF projects.
9. Procurement-related Complaints: How to complain.
10. Project Procurement Strategy for Development (Guidance).
11. Project Procurement Strategy for Development: Long Form Detailed Guidance
12. Contract Management: Practice
13. PROCUREMENT GUIDANCE Conflict of Interest: How to identify and manage conflicts of interest in Evaluation Committees
14. Evaluation Criteria: Use of evaluation criteria for procurement of Goods, Works, and Non-consulting Services using RFB and RFP
15. Abnormally Low Bids and Proposals: Guide to the identification and treatment
16. Expert Panel How to select a contract of medical diagnostic imaging specialist consultant
17. Negotiations and Best and Final Offer (BAFO): Use of Negotiations and BAFO in the procurement of Goods, Works, and Non-consulting Services
18. Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) Prevention and Response Measures
19. Environmental, Health, and Safety Guidelines INDUSTRY SECTOR GUIDELINES
20. Summary of Procurement in Emergency Situations
21. Bank Guidance: Thresholds for procurement approaches and methods by Country
22. SUPPLY CHAIN MANAGEMENT PROCUREMENT GUIDANCE An introduction and practical toolset for procurement practitioners

3.3 Analysis of Public Procurement Rules-2008 and Public Procurement Act 2006:

Chapter-wise Main Provisions of PPA

PPA consists of 73 sections and nine chapters. The summary of the chapters is as follows:

Chapter one:

This chapter consists of a Short title, Commencement date, Definitions, Scope of Application, and act to override other laws.

Chapter two:

This chapter comprises of Preparation and issue of tender document, opening and evaluation committee for tender/ proposal, and approval of tender or proposal.

Chapter three:

This chapter indicates general guidelines, participation in the procurement process, Complaints and appeals, Joint ventures, conflict of interest, procurement plan, procurement-related document, tender validity, security deposit, preparation of specifications, and terms of reference.

Chapter four:

In public procurement, there are various types of procurement methods for procuring goods and works. In this chapter methods of Domestic and international Procurement in the case of goods and works have been discussed. The framework contract is also discussed in this chapter.

Chapter five:

There are various methods for the procurement of intellectual and professional services. Domestic procurement and International procurement methods in the case of intellectual and professional services have been discussed in this chapter.

Chapter six:

In this chapter Advertisement, Prequalification for Procurement of goods, works, etc, and Processing of tendering for Procurement of goods, works, etc have been discussed in this chapter. Steps of procurement like submission, opening, evaluation, Approval, NOA; and Contract signing is the part of this chapter.

Chapter seven

In the procurement process, various types of complaints can be raised. In this chapter professional misconduct, offenses, etc have been discussed on how parties involved in procurement can get remedy of any offenses and complaint.

Chapter eight

All countries are switching online procurement day by day. For public procurement in Bangladesh use of electronic processing systems in public procurement, etc has been discussed in this chapter.

Chapter nine:

Chapter Nine of the Public Procurement Act is comprised of sections as follows: Concession contract, responsibilities of the government of monitoring, urgent national need, protection of action taken in good faith, power to make rules, power of government to remove complications, authentic English text, repeal, and savings.

Chapter-wise Main Provisions of PPR

PPR consists of 130 rules, nine chapters, and fourteen schedules. The chapter summary is as follows:

Chapter one

These rules are used in case of Procurement of goods and related services, works and physical services, and intellectual and professional services using public funds, funds of any government or semi-government, or any statutory body established by the law, or any loan, grants or credit given to any organization through government. This chapter consists of the following sections, namely:

Rule 1-Title of the rule and commencement

Rule2-Definitions

Rule 3- Application of the rules.

Chapter two

This chapter comprises the details of the preparation of the tender/proposal and the formation of different committees. There are four types of committees in the PPR-2008, namely, TOC or POC, TEC or PEC, Technical Sub-committee, and Official Cost Estimate Committee. TOC or POC consists of three members, one of whom shall be the chairperson. TEC or PEC shall comprise a minimum of Five or seven members out of whom two members will be from the other external organization. For any evaluation report to be valid, the signature of two external members is mandatory. In PPR rule number 4 says that procurement-related documents, published by CPTU have to be used by the Procuring Entity if the fund is a public fund. The document list is described in schedule1 of the PPR Chronological list of this chapter is presented below:

Rule 4: Tender documents and content of the tender document.

Rule5: Tender price

Rule6: Maintaining records

Rule7: Tender/proposal opening committee

Rule8: Evaluation Committee (EC)

Rule9: Appointment of external members

Rule 10: Chairmanship of the EC

Rule11: Approval

Rule12: Delegated procurement.

Chapter three

This chapter indicates the major principles of public procurement. It is divided into two parts, namely, general guidelines, tender validities, and security deposits which range from section number 13 to section number 60. For undertaking any public procurement, it is to be

included in the procurement plan. The procuring entity can update the Procurement plan on a quarterly basis. The provisions under Chapter Three are mentioned below:

Rule 13: Public accessibility of Public Procurement Act.

Rule14: Communications

Rule15: Procurement planning (PP)

Rule 16: PP preparation.

Rule17: Splitting

Rule 18: Competition in the public procurement.

Rule19: Validities

Rule 20: Time limit of evaluation of tenders.

Rule21: Extension of validity

Rule22: Tender Securities(TS)

Rule23: Extension of validity

Rule24: Verification of TS

Rule25: Forfeiture of TS

Rule26: Return of TS

Rule27: Performance security (PS)

Rule28: Retention money

Rule29: Specification

Rule30: Terms of reference (ToR)

Rule 31: Restrictions on disclosure

Rule32: Safe custody

Rule33: Rejections of tenders

Rule 34: Actions to be taken.

Rule35: Informing reasons

Rule36: Approval procedure

Rule37: Publication of NOA.

Rule38: Contract administration (CA)

Rule39: Works-CA

Rule40: Goods-CA

Rule41: Service-CA

Rule42: Termination

Rule 43: Maintaining records of procurement.

Rule44: Availability of records

Rule 45: Procurement post review (PPW)

Rule 46: PPW by an independent auditor.

Rule47: Non-discrimination

Rule48: Qualifications of persons

Rule49: Documentary evidence

Rule50: Amendment of specific requirements

Rule51: Pre-qualification (PQ)

Rule52: List of qualified suppliers.

Rule53: Subcontractor

Rule54: Joint venture

Rule55: Conflict of interest

Rule56: Right to complain

Rule57: Submission of complaint,

Rule58: Review panel

Rule59: Suspension of NOA

Rule 60: Disposal.

Chapter four

This chapter incorporates the methods of procurement (National and International) related to goods and works and ranges from section number 61 to section number 89. As per PPR-2008, OTM is recognized as the preferred method for the procurement of goods and works. Seven other methods can be used with the approval of the HOPE if the prevailing circumstances allow. In case of following direct procurement method (DPM) can be used:

- a. Direct contracting; or
- b. Additional deliveries and repeat orders; or
- c. Variation order; or
- d. Extra work order; or
- e. Direct cash purchase; or
- f. Force account.

As per the latest amendment, additional deliveries of goods and repeat orders, variation and extra work orders for works and physical services shall be generally limited to a maximum of 15% of the original contract price. But with the approval of the HOPE, that limit can be

extended up to 50%. The rules related to the methods of procurement are cited below per order of the text:

Rule 61&62: open tendering method (OTM) in case of national procurement

Rule 63&64: National-limited tendering method (LTM National)

Rule 65-68: Two stage- tendering method (TSTM)

Rule 69-73: National-request for quotation (RFQ)

Rule 74-82: National-direct procurement method (DPM)

Rule 83-88: International procurement

Rule 89: Framework contract

Chapter five

This chapter takes into cognizance of the processing of procurement which ranges from rule 90 to 102. The spirit of these rules is to ensure free and open competition. To this intent, it is expected to advertise the tender or EOI widely, if applicable, internationally. All the tenders or proposals received duly are opened by the TOC or POC as per the provision of rule 97. Then those tenders or proposals are sent to TEC or PEC, formed under rule 8 to rule 12 for evaluation. The evaluation committee evaluates the tenders or proposals based on the pre-disclosed objective criteria. Lottery is allowed in goods or work procurement. The lottery is allowed in LTM only therefore, negotiation is allowed only for DPM, and for the procurement of professional and intellectual services. Following the recommendation of the PEC, the NOA is issued to the responsive successful tenderer.

Rule 90: Advertisement

Rule 91: PQ for goods and works

Rule 92: Opening of PQ.

Rule 93: Evaluation of PQ applications.

Rule 94: Issue of tender document (TD)

Rule 95: Modifications of TD.

Rule 96: Preparation and submission of tender.

Rule 97: Opening

Rule 98: Evaluation

Rule 99: No negotiation
Rule100: Post qualification.
Rule 101: Approval process.
Rule102: NOA and contract signing.

Chapter six

This chapter includes the provisions relating to procurement of professional and intellectual services which also range from section 103 to section 126. Section 103 to section 112 speaks about the methods and procedures. There are eight specific methods for the procurement of intellectual and professional services. In that case, either time based or lump-sum contract is followed. Among the existing eight methods, there are only two preferred methods, namely, QCBS and FBS. As per rule 62 other methods can be used with the prior approval of the HOPE.

Rule103: Methods
Rule104: Other methods
Rule105: Selection under QCBS method.
Rule106: Fixed budget method
Rule 107: Least cost selection method
Rule108: SBCQ method
Rule 109: CSOs method
Rule110. SSS method
Rule111: DC method
Rule112: SIC method
Rule113: EOI submission
Rule114: EOI opening
Rule115: Short listing
Rule116: TOR
Rule117: RFP
Rule118: Submission and opening
Rule119: TP Evaluation
Rule120: RFP evaluation
Rule 121: Combined evaluation

Rule122: Provisions for negotiation
Rule123: Failure
Rule124: Approval
Rule125: Signing contract
Rule126: Completion
Rule127: professional misconduct
Rule 128: Electronic procurement
Rule129: Concession contract
Rule130: Responsibility for monitoring

The following schedules are described in PPR which is also part of PPR.

Serial	Schedule number	Details of schedule
1	Schedule 1	Table1. List of Standard documents for procuring goods and related service Table 2: List of Standard documents for procuring Works and Physical service Table 3: Intellectual and Professional Service and No consulting Service Table 4: Opening and Evaluation related formats and PPPR (Procedure for Post procurement Review)
2	Schedule 2	Limit of time and threshold of money for related all rules
3	Schedule 3	Part1: Procurement Processing and Approval time table Part2. OTM goods Flow chart Part2 (2). OTM Works Flow chart Part3. LTM Flow chart Part4. TSTM Flow chart Part5. OSTETM Flow chart Part6. RFQ Method Flowchart Part7. DPM Flow chart Part8. QCBS Method Flowchart Part8. SFB Method Flowchart Part9. LCS Method Flowchart Part8. SSS Method Flowchart Flow chart for tendering methods

4	Schedule 4	Part1: Procurement Processing and Approval Procedure for goods or works Part2: Procurement Processing and Approval Procedure for Services (Firms) Part3: Procurement Processing and Approval Procedure for Services (Individuals) Part4: Steps for Opening Tenders
5	Schedule 5	Part1: Total Procurement Plan for Development Project/ Programme Part2: Annual Procurement Plan for Development & Revenue Budget Part3: APP Revenue and Development for Goods Part4: APP Revenue and Development for works Part5: APP Revenue and Development for Services
6	Schedule 6	Format for reporting Contract Award
7	Schedule 7	NOA for Goods or Works
8	Schedule 8	Part1: Records of Procurements to be maintained by a PE Part2: Records and Documents to be maintained
9	Schedule 9	Part1: Consultant Conflicts of interest: Range of possible cases Part2: General Considerations for the employment of consultants Part3: General Considerations for employment of Bangladeshi Nationals as Individual consultants in Aided Projects Part4: Terms and Conditions of employments of Government servants and employees of statutory bodies, local authorities, etc
10	Schedule 10	Sample formats: Part1: Invitation for Enlistment Part2: Invitation for pre-qualification (Single lot) Part3: Invitation for pre-qualification (Multiple lot) Part4: Invitation of tender (Single lot) Part5: Invitation of tender (Multiple lot)
11	Schedule 11	REOI (Firms) format
12	Schedule 12	Part1: Tender Submission form ` Part2: Financial Proposal Submission form Part3: Technical Proposal Submission form
13	Schedule 13	The Code of Ethics for Public Procurements
14	Schedule 14	Format for CCGP Proposal

3.4 Analysis of WB Standard Procurement Documents:

Borrowers may use Standard procurement documents issued by the bank. At the time of repairing the document, WB guidelines were followed with minimum changes acceptable to the bank. Where no relevant SBDs have been issued, the borrower shall use other internationally recognized Special conditions of contract and contract forms acceptable to other banks.

There are many Standard procurement documents for procuring Goods:

1. Request for Bids Textbooks and Reading Materials Standard Procurement Document.
2. Request for Bids Textbooks and Reading Materials Standard Procurement Document (without rated Criteria)
3. Standard Procurement Document for Procuring Health Sector Goods (Pharmaceuticals, Vaccines and Condoms)
4. Design, Supply, Installation IT System Standard Procurement Document
5. Procurement of Management Services Standard Procurement Document
6. Water loss reduction Standard Procurement Document
7. Design Build Operation of water treatment plant and wastewater treatment plant Standard Procurement Document

The bidding documents shall furnish all information necessary to prepare a bid for goods to be provided.

The following are the major considerable features of bidding documents;

- (i) Bidders shall be required to quote unit prices or lump sum prices, and such prices shall include all duties, taxes, and other levies.
- (ii) Bidding documents shall state either that (a) bid prices will be fixed or (b) that price adjustments will be made if changes in major cost components of the contract.
- (iii) Price adjustment provisions are usually not necessary in simultaneous contracts involving delivery of goods or completion of works within 18 (eighteen) months but shall be included in contracts that extend beyond 18(eighteen) months.
- (iv) The bidding documents shall indicate when bidders are allowed to submit alternative bids, how alternative bids should be submitted, and the basis on which alternative bids shall be evaluated.
- (v) Provisions for liquidated damages in an appropriate amount shall be included in the conditions of the contract when delays in the delivery of goods to meet performance requirements.

Provision may also be made for a bonus to be paid to suppliers for completion of delivery ahead of the time specified in the contract.

3.5 Analysis of Standard Tender Documents of PPR

STD (PG4) can be applied when a Procuring Entity wishes to select a Tenderer (a Supplier) for the supply of Goods and Related Services. This PG4 is used for the Open Tendering Method (OTM) in international competitions. Contract award is being determined based on the lowest evaluated responsive Tenderer. Guidance notes in brackets and italics are used for both the Purchaser and the Tenderer. Purchasers should carefully decide what notes need to remain or not. PE keeps those notes which will assist the Tenderer in preparing its Tender Submission for Tendering process.

A standard tender document provides all the information that a Tenderer needs to prepare and submit a Tender. This should provide a sound basis on which a Purchaser can fairly, transparently, and accurately run an evaluation process on the Tenders submitted by the Tenderer.

3.6 Review/ Comparison Findings of World Bank Regulations and PPR-2008:

There are all arrangements for resolving Complaint and Appeal issues in sections 29-30 of PPA and rules 56-60 of PPR. But this is a problem for the Tenderer/ Supplier that he has to complain at various levels within various time frames. Another is an issue that in section 29 (2) of PPA in the following cases, there will be no allowed complaints:

- (1) Selection of Procurement Method
- (2) Nonresponsive from short listing Process
- (3) Non-responsive from application/tender/quotation/proposal Pre-Qualification
- (4) Against of Approval from CCGP

PE can misuse section 29(2) by declaring non-responsive or disqualified of responsive and qualified applicant/ tenderer. This should be updated in PPA2006.

In section 24 of PPA and rules 45-46 there is a provision that PE and CPTU have to take a Post procurement review which is started by CPTU in a minimum volume but not started by PE. In section 31 (3) there is a sub-section added that "in case of Works national Procurement if quoted price exceeds +-10% of official cost estimate the tenderer will be non-responsive" Using this sub-section PE can be misused in selecting Tenderer. Here is a problem is that the estimated cost is not disclosed before the opening of the tender so confidentiality is an important issue here.

In the case of LTM works lottery is introduced for Tie tenderer which is not in Word bank Procurement Guideline. In PPR rules 52(4) for LTM works up to 3 crores taka tenderer no need previous experience which is not allowed in WB procurement Guideline. In LTM works if the bidding price exceeds +-5% the tenderer will be non-responsive.

In PPR rules 54 described Joint Ventures for only works and services, not goods.

But in WB procurement guidelines there is scope for Goods, works, and services.

No standstill period in PPR but in WB guideline there is scope of standstill period. This can be included in PPR.

In PPA and PPR, there is no scope for negotiation in OTM with the lowest bidder. There is no scope for BAFO (best and final offer). So, in PPR we have to think of the lowest bidder, with no scope for the most advantageous bidder. The joint venture is a good idea but in PPR it is not allowed in Goods procurement. In some cases, Price adjustment can be necessary for international goods procurement but has no scope in PPR. There is a selection arrangement in WB Procurement guideline of Public Private Partnership agencies. There is a provision for e-reverse auction in the WB procurement guideline. An option where the Borrower requests Best and Final Offers which is called BAFO. This allows the Borrower to conduct a negotiation with the Bidder with the most advantageous Bid.

- BAFO and Negotiation are mutually exclusive i.e., you cannot use both in the same procurement
- to apply competitive pressure, financial proposals are not opened in public
- to maintain integrity, and the financial proposals are opened in front of a Probity Assurance Provider.
- BAFO or Negotiations may be used with the Bank's prior concurrence

The following provisions of World Bank guidelines for contracting of Goods are exceptional from PPR-2008:

- (i) Lottery in a ward of contracts shall not be allowed;
- (ii) bidders' qualification/ experience requirement shall be mandatory;
- (iii) Bids shall not be invited based on a percentage above or below the estimated cost.

Chapter 4

Strengths and Weaknesses of Bangladesh Public Procurement

4.1 Current Strength of Public Procurement of Bangladesh:

1. The Public Procurement of Bangladesh has a legal framework that is composed of PPA (Public Procurement Act) and PPR (Public Procurement Rules). There was a unit under the Ministry of Planning that worked as a nodal unit of procurement named CPTU. CPTU is now converted to Bangladesh Public Procurement Authority (BPPA) by the act BPPA Act 2023. Now BPPA is the nodal procurement policy organization that has a widely used, freely accessible, and regularly updated website providing all procurement-related information, policy, and functional documents including SPDs. e-GP system is managed by BPPA. In the e-GP system from APP to contract management all are online including tender evaluation and file processing related to tenders. Now tender opening, evaluation, bid security, approval, and payment are in the e-GP system not manually.
2. In the Financial year 2019, US\$ 15 billion worth of procurement contracts representing 62% of public procurement expenditure in the country were processed through the e-GP system. As of Financial year 2019, 1,325, out of 1,362 public organizations in Bangladesh 65,559 bidders have been registered in the e-GP system. The e-GP system is governed by e-GP guidelines establishing the security aspects of the system. The responsibility of e-GP users at different levels, operation, and maintenance protocols of the system, copyright, registration process; etc is maintained by the e-GP system. BPPA manages an e-GP help desk with 24X7 functionality.

Overall, Strengths:

- Single legal framework (PPA2006/PPR2008) that governs the entire public procurement system across the country.
- Well-functioning nodal procurement policy Authority named BPPA (Ex-name CPTU).
- BPPA (Ex-name CPTU) has a widely used website and updates regularly (www.cptu.gov.bd).
- A widely used Electronic Government Procurement (e-GP) System managed by BPPA.
- 62% of procurements of the country by value were processed through e-GP in FY19.
- The e-GP system is a self-sustainable system that earns revenue.
- There is a comprehensive e-GP Guidelines.
- Standard tender documents for Goods, Works, and Services are freely accessible from the CPTU website.

- The capacity development program is available for procurement-related expertise.
- Well-defined procurement methods are available in PPR.
- The preferred method is OTM in PPR and alternative methods need justification. 80% of goods and works contracts were processed through OTM in FY19.
- In PPR there is a provision for Conflict of interest and impartiality certificate requirements by the Tender Evaluation Committee (TEC) members.
- BPPA has a functional complaint system with an appeal mechanism to review panel.
- There is a separate Authority for maintaining the Public Private Partnership (PPP) Act and Guidelines.
- e-GP system and ibas++ of the Finance division integrated, so payment from PE to Supplier/ Contractor is now online.
- BPPA has taken initiatives for the tenderer database which is a great step for verifying tenderer payment certificates and experience for all PE.
- International tender in e-GP has been started this is a great initiative for BPPA.
- e-CMS has been developed and implemented by BPPA. so, e-GP contract implementation is now online so for data analysis, payment certificates, debarment, and experience certificates all can be generated from the e-GP system.
- An Audit Module has been developed by BPPA for audit purposes in e-GP which will be used by the audit team of govt.

4.2 Major Weaknesses and Possible Solutions of PPA and PPR:

1. Use of price cap in OTM National for works (rejecting bids more than 10% below or above the estimated cost), The Procuring Entity is misusing this for the Award of contract to his targeted contractor. The qualified tenderer is derived from this price cap.

The solutions would be to:

–(i) remove $\pm 10\%$ cap from the National OTM for works procurement, and (ii) include alternative solutions in PPR to tackle the issue of abnormally low bids.

2. The Limited Tendering Method (LTM) for national works procurement is targeted at SMEs and new tenderers. The lottery is used to determine the winner in the case of the tied bid. Not requiring any experience is not consistent with international procurement practices of goods. As a result sometimes failed constructions, delays, and cost-overruns occur. From the PPR amendment of 2009, these provisions have been introduced. The purpose was to encourage small and new bidders. But small and new bidders are not getting these advantages as large bidders are participating in this bidding.

Possible solutions can be as follows–(i) remove and lottery from the Limited Tendering Method; (ii) assess how the Limited Tendering Method can be used to give preferential treatment to small and medium bidders and start-ups;

3. The sanction/debarment process lacks independent review (the decision by the

head of the procuring entity is final) except by way of appeal to the judiciary. A procuring entity can debar any tenderer or bidder inconsistently. Possible solutions would be to – (i) introduce an independent debarment process with the provision of temporary suspension by the HOPE, and (ii) prepare detailed guidelines on debarment procedures including feedback on fraud and corruption issues from the Anti-Corruption Commission (ACC).

4. Continuously increasing demand for e-GP services. Developing the in-house institutional and technical capacity of CPTU (with a set of qualified, experienced, and adequate number of trained technical officials), and gradual lessening of dependency on external support is a challenge for the newly formed BPPA.
5. Approval of large-value procurements' tender/proposal evaluation reports at levels higher than procuring agencies requires 45-60 days from the date of receipt of the tender evaluation report from the procuring agency. This causes delays in the implementation of development projects. Possible solutions would be to – (i) increase procurement approval thresholds at the agency and ministry level with enhanced accountability; (ii) increase the use of framework agreements; and (iii) create provisions for electronic catalogues/e-marketplace.
6. Most of the contracts (70%) are not completed on time causing delay cost overrun, and compromise in achieving value-for-money. Possible solutions would be to; (i) scale up citizen monitoring of contract implementation; (ii) undertake a capacity development program on contract management; and (IV) strategic procurement analysis and planning at the organization level.
7. Procuring entities do not record information on complaints and their resolutions systematically. The procurement complaint system is lengthy and takes 2-3 months to exhaust the entire process. There are a lot of records of corruption in public procurement but monitoring is inadequate. Potential solutions would be to – (i) enhance e-GP's complaint handling module with facilities to track complaints and their resolution status; (ii) reduce the 4-tier complaint handling process to a 2-tier process consisting of review only at the procuring entity and review panel levels; (iii) include provision to earmark corruption related to public procurement in ACC database.
8. E-GP is now limited to Goods and Works procurement. Procurement of consulting services needs to be incorporated into the e-GP system. For that purpose, the first consulting service module has to develop and start with a pilot basis for trial and error basis after that it has to deploy for all PE.

CHAPTER05

CONCLUSION AND RECOMMENDATION

5.1 Conclusion

This report is about the comparison of the WB Standard Procurement Document and PPR Standard Tender Document and a lesson from the WB procurement Guideline. This comparison does not cover all Sections or all the clauses of the tender Documents and procurement guidelines. This only covers those parts of the guidelines which are related to Goods Procurement. The two guidelines have almost the same features except for some insignificant differences. That means all the guidelines have provided almost the same instruction regarding the procurement procedure of goods.

It is mandatory for all the public sector procuring entities to follow the standard tender documents prepared by the BPPA (Ex-name CPTU). According to World Bank guidelines, Borrowers shall use the appropriate Standard Bidding Documents (SBDs) issued by the Bank. Borrower shall use bidding document with minimum changes, acceptable to the Bank. Borrower shall use other internationally recognized standard conditions of contract and contract forms where there is no relevant SPD acceptable to the Bank.

Many sample bidding documents have been prepared to facilitate the procurement process for various types of goods and various types of methods. On the other hand, PPR-2008 does not prepare standard procurement documents depending on the category of goods.

For Procurement of Goods in the World Bank all types of needed guidance are published by the World Bank which is used by the Procuring entity in case of procurement in various stages. But in Bangladesh public procurement only PPA-2006 and PPR 2008 published by Bangladesh govt.

In response to the questions of research, some suggestions have been received from the survey that the current Public Procurement Rules-2008 need to incorporate some additional guidelines/ rules/directives from the World Bank guideline/ guidance/ directives for enriching the PPR of Bangladesh.

5.2 Recommendation for PPA and PPR:

Sl.	Recommendations for PPA/ PPR	Required legal changes
1.	Remove $\pm 10\%$ cap from the Open Tendering Method(NCT)for works	PPA/PPR/S TD
2.	Include the Standstill Period before NOA	PPA/PPR
3.	Include JV in Goods Procurement	PPA/PPR
4.	Include Price Adjustment in International Goods Procurement	PPA/PPR
5.	Include solutions to tackle the issue of abnormally low bids as follows: • Incorporate abnormally low bid identification formula and increase PG • Impose milestone-based LD for delay of contract implementation.	PPR/ STD
6.	• Remove $\pm 5\%$ cap and lottery from the Limited Tendering Method • Assess how the LTM method can be used to give preferential treatment to SME and women-led enterprises. • Update PPR to include provisions for promoting SMEs and women-led enterprises. • Introduce enlistment for LTM based on qualification/experience.	PPA/PPR/ STD
7.	Introduce suppliers/contractor development programs in every ministry.	PPR
8.	Clearly define emergency. Streamline emergency procurement provision including complete delegation of the procurement responsibility to the implementing agencies.	PPR/ STD
9	In the case of Delegated works Executing Agency should be specified in PPR rule 12.	PPR
10.	Include Quality-Based Selection (QBS) method in the PPA 2006 and PPR2008	PPA/PPR/S TD

Sl.	Recommendations for PPA/ PPR	Required legal changes
11.	- provision of temporary suspension by the HOPE should be introduced in PPR for debarment - Detailed guidelines on debarment procedures should be introduced in PPR with the provision of including feedback from the Anti-Corruption Commission (ACC) with fraud and corruption.	PPA/PPR
12.	- English versions of PPA 2006 and PPR 2008 documents should be published on the BPPA website for international use. - all standard procurement documents should be finalized, as listed in Schedule 1 of PPR 2008. - All formats should be finalized as listed in the schedule 1 of PPR 2008. - Bangla-translated versions of all standard tender documents and report formats should be finalized and published on the BPPA website. - Prepare a detailed procurement manual for Goods, Works, and Services for all methods of procurement. - Update e-GP user manual and manual on registration process incorporating recent changes for PE and tenderer. - The video tutorial site of e-gp should be live 24/7 online for Tenderer and PE.	PPR/ STD
13.	The provision of evaluating tender based on the "most advantageous bid" instead of the current "lowest evaluated bid" should be introduced in PPR.	PPA/PPR
14	Develop Guidance for Procurement in situations of Emergency needs	PPR
15	Develop Environmental, Health, and Safety Guidelines for public procurement	PPR
16	Develop a Supply Chain Management Guideline for public procurement	PPA/ PPR
17	Include BAFO in Procurement like WB	PPA/ PPR
18	Develop guidelines for the use of Negotiation and BAFO in procurement.	PPA/ PPR/ STD

Sl.	Recommendations for PPA/ PPR	Required legal changes
19	Develop a Contract Management details Guideline including all situations for procurement of Goods, Works, Services, and non-consulting Services	PPA/ PPR
20	Develop various types of templates which yet not be developed in case of public procurement.	PPA/ PPR
21	Develop a guideline of value for money for use in procurement	PPR
22	Develop module for Procurement of Consulting Service in e-GP	PPA/ PPR
23	Introduce Electronic reverse Auction in PPR.	PPA/ PPR
24	Introduce Performance-based contracts in PPR	PPA/ PPR
25	Remove sub-sections 2(kha) and 2(a) (i) of section 29 of PPA 2006 which can be misused to exclude from the shortlist and pre-qualification list.	PPA

The Above Recommendations can be included in PPA and PPR for the betterment of public procurement in Bangladesh which will play a role in implementing Smart Bangladesh.

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APPENDIX A-QUESTIONNAIRE

Title of Report: **A comparative analysis between STD (Goods) of PPR 2008 and SPD (Goods) of WB Procurement Guideline and lessons from WB procurement Guideline.**

[This is a survey questionnaire for analyzing the Comparison Tender Document of PPR 2008 and World Bank Guideline for goods procurement. It is a requirement for the fulfillment of the degree 'Masters in Procurement and Supply Management at the BRAC Institute of Governance and Development (BIGD), BRAC University. Your honest response is valuable for the researcher. The researcher does assure that the information given by you will be kept confidential and will be used only for academic purposes.]

Questionnaires		
1		General
	1.1	Name:
	1.2	Name of the Organization:
	1.3	Designation:
2		Information Regarding the Organization's Procurement
	2.1	Annual volume of procurement? (in approx. Lac Taka)
	2.2	Type of procurement (Goods, works, services, or non-consulting services with %)
3		Information Regarding Procurement Rules/Guidelines
	3.1	What are the similarities and dissimilarities of PPR and WB Procurement guidelines?

	3.2	What types of limitations are present among them?
	3.3	What Could be the possible scope of improvement in STDs of Goods, PG4?
	3.4	Are there any weaknesses of PPA/PPR which can be used for use in case of corruption? If yes, Please Explain.
	3.5	What Could be the possible scope of improvement in PPA and PPR?
	3.6	For Improvement of Public Procurement which can be taken from World Bank Procurement Guideline.
	3.7	Are STDs well Harmonized with the Act (PPA-2006) and Rules (PPR-2008) and the processes and Procedures of tendering followed under aforesaid act and rules?
	3.8	Which Standard Tender document is easy to fill up for Procuring Entity PG4 or World Bank document of good? Describe with proper logic.
	3.9	Please share some challenges you encounter in your procurement activities
	3.10	Do you follow any environmental policies or guidelines in your procurement? If yes, please specify.
	3.11	Do you put any criteria for ethical labor practices in the tender documents (i.e., terms & conditions, health & safety, equality, diversity, compliance, etc.)?
	3.12	What is the annual volume of procurement at your office/department? (in approx. Taka)
	3.13	Would you please suggest PPR, which can be included in PPR from WB guideline/ manual/template/ Standard procurement document from your practical experience?