



The Procurement Life Cycle in country name

Dear Contributor,

On behalf of the World Bank Group, we would like to thank you for your participation in the *Benchmarking Public Procurement* project. The initiative is a global project that aims to measure transaction costs of complying with public procurement regulations globally. By highlighting existing good practices, the end goal of the project is to help governments undertake reforms to achieve better value from public procurement and create a more conducive environment for private sector suppliers.

For *Benchmarking Public Procurement 2017*, data will be collected in 189 countries and aggregated under two thematic areas. The *Procurement Life Cycle* indicator covers the four phases of public procurement ranging from preparing and submitting a bid to the systems for managing contracts.

We are honored to count on your expertise for *Benchmarking Public Procurement 2017*. We will acknowledge your contribution if you wish so. For that purpose, please provide your full contact information at the end of this questionnaire. Please note that your responses will be held in strict confidentiality and will not be attributed directly to you or your organization. Please also provide your full contact information, so we can acknowledge your contribution.

While responding to the survey, please note that we use standardized questionnaires in all countries to allow us to compare responses. Therefore, some questions are not always directly applicable for your country.

Please complete and return the survey no later than **two weeks** from the date of receipt. Should you have any question or need assistance with the survey, please do not hesitate to contact us.

We would like to thank you again for your invaluable contribution to the work of the World Bank Group.

Kind regards,

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Definitions: for the purpose of this questionnaire, the terms below carry the following meaning:

The “legal framework” encompasses all public procurement regulations, other legal texts of general application, judicial decisions and administrative rulings setting precedent in connection with national/federal public procurement.

“Time” is measured in calendar days; the minimum time for each procedure is 1 day. Time estimate should include wait time, if any, when no unofficial or unlawful payments or bribes are offered to accelerate the process.

“Cost” only includes official fees and charges. Cost exclude VAT. Cost does not include unofficial or unlawful payments or bribes. Professional fees (lawyers or other experts fees) are only included if the company is required to use such services by law.

“Tender documents” are documents presenting the terms of tender, the general conditions of the contract and the tender specifications.

The “method to assess bids” is the method the procuring entity uses to compare and assess submitted bids in relation to the evaluation criteria and technical specifications established for each procurement.

Survey instructions

A standardized case study (blue box below) was drafted in order to facilitate cross-country assessment. Complete as many sections of the survey as you and/ or your colleagues feel qualified to fill out. Please provide your responses to the following sections taking into account the case study assumptions.

The rules applicable to the tendering process, from the needs assessment phase throughout the completion of the work is governed by the national/federal legal framework in your country. The answers that you provide should be accurate as of June 1st 2016.

- The company, BuildCo, is a privately and domestically-owned Limited Liability Company, which operates in business-city. BuildCo is a medium-sized company. It generates an annual turnover of currency turnover, equivalent to 100 times the GNI per capita in country name.
- Up to this day, BuildCo has never responded to a public call for tender in your country.
- The procuring entity is an **authority in business-city** that is planning to resurface a road in country name. To this end, the procuring entity initiates a public call for tender, following an **open and competitive procedure**. The scope of the **work**, as presented in the call for tender, concerns the resurfacing with asphalt of a flat two-lane road for a value of currency GNI percentage or currency 2millionsUSD, whichever value is the highest. It does not include any other work (such as site clearance, subsoil drainage or bridge work or further routine maintenance).
- The call for tender attracts 3 offers, including BuildCo’s. BuildCo’s offer is complete and includes all required documents. It provides a price quotation free from mistake on the part of BuildCo.

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A. NEEDS ASSESSMENT, CALL FOR TENDER & BID PREPARATION

1. Please provide the title(s) of the laws, regulations and other binding materials that regulate public procurement in your country
Please provide the link(s) to access this material online

2. Does the procuring entity organize a consultation with the private sector to assess its needs (please refer to the case study above)?
<input type="checkbox"/> Yes <input type="checkbox"/> No [SKIP TO QUESTION 3]
2.1. Please indicate if the consultation occurs through (please select all applicable options):
<input type="checkbox"/> Project-customized questionnaires available on a public procurement website <input type="checkbox"/> Project-customized questionnaires distributed to targeted private companies <input type="checkbox"/> Meetings held with the private sector to discuss a particular project <input type="checkbox"/> Meetings held with targeted private companies to discuss a particular project <input type="checkbox"/> Public consultation on how to allocate funds for the coming fiscal year (cf. participatory budget) <input type="checkbox"/> Other. Please specify:
2.2. Is consultation with the private sector, if organized by the procuring entity, publicly advertised?
<input type="checkbox"/> Yes. <i>Legal basis, if any:</i> <input type="checkbox"/> No [SKIP TO QUESTION 3]
2.3. Where is the consultation advertised?

3. Are there internal market analysis guidelines during the phase of market research?
<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Is open tendering the default method of procurement in your country? (Open tendering is the tendering method under which the call for tender is published and every entity or person interested can participate i.e. submit a bid or show qualification in case of a two-stage process).
<input type="checkbox"/> Yes. <i>Legal basis, if any:</i> <input type="checkbox"/> No

5. Is there one or several procurement portal(s) (i.e. an official website(s) specifically and exclusively dedicated to public procurement) in operation in your country?
<input type="checkbox"/> Yes <input type="checkbox"/> No [SKIP TO QUESTION 6]
5.1. Please explain whether this (these) portal(s) operate at the (please select all applicable options):
<input type="checkbox"/> Supranational level. Please provide the link or name of the website: <input type="checkbox"/> National. Please provide the link or name of the website: <input type="checkbox"/> Sub-national. Please provide the link or name of the website: <input type="checkbox"/> Entity level. Please provide the link or name of the website:

6. Is the following material publicly accessible online? (please select all applicable options)
<input type="checkbox"/> Procurement plans <input type="checkbox"/> Public procurement laws and regulations <input type="checkbox"/> Notices of calls for tender <input type="checkbox"/> Tender documents [i.e. the terms of tender, the general conditions of the contract and the tender specifications.] <input type="checkbox"/> Notice of award / bidding results
<i>Legal basis, if any:</i>

7. Are the following elements included in the tender notice and/or tender documents? (Please select all applicable options)
<input type="checkbox"/> Technical and financial qualifications that bidders must meet <input type="checkbox"/> Grounds for exclusion of bidders <input type="checkbox"/> Amount of bid security, if any <input type="checkbox"/> Form(s) of bid security, if any <input type="checkbox"/> Criteria against which bids will be evaluated <input type="checkbox"/> Method used to assess bids (e.g. weight allocated to each criteria during the bid assessment.) <input type="checkbox"/> Main terms and conditions of the contract <input type="checkbox"/> Payment schedule under the procurement contract

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Legal basis, if any:

8. Are tender documents accessible for free?

Yes *Legal basis, if any:* No. Please specify the amount:

9. Do bidders have the opportunity to ask a question for clarification to the procuring entity (either through regular channels of communication or during a clarification meeting with bidders organized by the procuring entity)?

Yes No **[SKIP TO QUESTION 11]**

9.1. Is there a timeframe for the procuring entity to address bidders' questions?

Yes. Please specify the timeframe: No

Legal basis, if any:

9.2. Are answers provided by the procuring entity made available to all interested bidders (either by sending the responses to all bidders or publishing them or, if questions are addressed during a meeting, by making the minutes of the meeting available to all bidders)?

Yes No

10. Please provide additional information indicating the question you are referring to

B. BID SUBMISSION

11. Are bidders required to register on a government registry of suppliers?

Yes No **[SKIP TO QUESTION 12]**

11.1. Please provide the list of documents required to register, as well as the cost incurred and time to obtain them:

Document (i.e. certificate of incorporation, construction license etc.)	Cost (local currency)	Time (calendar days)	Frequency (i.e.: one-time requirement, annual, semi-annual etc.)

12. Are foreign firms¹ eligible to submit bids in response to calls for tender in country?

Yes No **[SKIP TO QUESTION 13]**

12.1. Please specify:

Foreign firms are always eligible to submit bids.
 Foreign firms are eligible to submit bids with the exception of few sectors such as defense.
 Foreign firms are eligible to submit bids only for procurements above a certain threshold or for certain contracts. Please provide the thresholds and/ or types of contracts

Legal basis, if any:

13. Is there a minimum period of time (calendar days) that the procuring entity must grant bidders for them to submit their bids?

¹ For the purpose of this questionnaire, and in accordance with the International Monetary Fund's definition (<https://www.imf.org/external/np/sta/di/glossary.pdf>), a foreign firm is a foreign-owned domestically incorporated enterprise (e.g. subsidiaries) in which a foreign investor owns 10 percent or more of the ordinary shares or voting power.

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<input type="checkbox"/> Yes. Please provide time: <i>Legal basis, if any:</i>	<input type="checkbox"/> No
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14. How can bidders submit their bids? (Please select all applicable options):
<input type="checkbox"/> In person <input type="checkbox"/> Via regular mail <input type="checkbox"/> Via email <input type="checkbox"/> Via an electronic procurement platform <input type="checkbox"/> Via fax

15. What instruments are used to guarantee bidders' offer (i.e., guarantee that bidders will not withdraw their offer before the procuring entity awards and sign the contract)? (Please select all applicable options)
<input type="checkbox"/> Bid security <input type="checkbox"/> Bid declaration <input type="checkbox"/> Other. Please describe: <input type="checkbox"/> Non applicable, bids are not guaranteed. [SKIP TO QUESTION 18]

16. If bidders are required to post bid security instrument along with their bid, how is the amount determined (please select the applicable option)?
<input type="checkbox"/> The legal framework provides that the procuring entity cannot request more than a certain percentage of the contract value or value of the submitted bid. Please specify the percentage: <input type="checkbox"/> The legal framework provides that the procuring entity cannot request more than a certain flat amount. Please specify the value: <input type="checkbox"/> The maximum amount of bid security is left at the discretion of the procuring entity <input type="checkbox"/> Other. Please specify: <i>Legal basis, if any:</i>

16.1. Based on the case study assumptions, what would be the amount of bid security instrument requested from bidders?

16.2. Which form(s) of bid security instrument can the procuring entity request from suppliers? (Please select all applicable options):
<input type="checkbox"/> Cash deposit <input type="checkbox"/> Personal guarantee <input type="checkbox"/> Bank guarantee <input type="checkbox"/> Insurance guarantee <input type="checkbox"/> Other. Please describe: <i>Legal basis, if any:</i>

16.3. Do suppliers have the choice regarding the form of bid security instruments?	
<input type="checkbox"/> Yes. <i>Legal basis, if any:</i>	<input type="checkbox"/> No

16.4. If bidders are required to post a bid security instrument, is there a timeframe (calendar days) for the procuring entity to return said instruments?	
<input type="checkbox"/> Yes. Please provide the time: <i>Legal basis, if any:</i>	<input type="checkbox"/> No

16.5. Under which circumstances can the procuring entity cash/collect the bid security instrument?
<i>Legal basis, if any:</i>

16.6. Is there a separate entity to oversee the procuring entity's decision to cash/collect the bid security instrument?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

17. Please provide additional information indicating the question you are referring to

C. BID OPENING, EVALUATION AND AWARD

18. Once the deadline for bid submission has been reached, when does the procuring entity proceed to the bid opening?
<input type="checkbox"/> Immediately (i.e. at the precise time/day of the deadline). <input type="checkbox"/> Not immediately <i>Legal basis, if any:</i>

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19. Are bids opened electronically (please refer to the case study above)?

- Always [SKIP TO QUESTION 21]
 Sometimes [SKIP TO QUESTION 21]
 Never [ANSWER QUESTION 20 AND SKIP TO 22]

20. If bids are not opened electronically, are the following individuals/entities allowed to attend the bid opening session? (Please select all applicable options)

- Bidders or their representatives
 Any other party. Please specify:

Legal basis, if any:

21. If bids are opened electronically, are the minutes of the opening session:

Published online?

Yes

No

Sent electronically to all bidders?

Yes

No

21.1. If No to both, can bidders request the minutes of the opening session from the procuring entity?

Yes

No

22. At the stage of bid evaluation, does the legal framework include any preferential treatment system for domestic firms?

Yes

No [SKIP TO QUESTION 23]

22.1. Does it include any of the following? (Please select all applicable options):

- A quota (or mandatory percentage) of procurement contracts must be awarded to domestic firms.
 The contract is awarded to the domestic firm when two firms have submitted equally competitive offers and one of them is domestic.
 If a system of points/weights is used during the bid assessment, domestic firms are awarded one or several extra points.
 A system of price discount is applied to domestic firms' offers, in order to make them more competitive (example: the price offered is discounted by 10%).
 The amount of bid security required from international firms is higher than the one required from domestic ones.
 Other. Please describe:

Legal basis, if any:

23. What are the criteria considered in order to evaluate the bids (please refer to the case study above)?

Price only

Price and other qualitative elements

24. Are unsuccessful bidders individually notified by the procuring entity that they did not win the contract award?

Yes

No

25. Can unsuccessful bidders obtain feedback on the reason(s) why they did not win the contract?

Yes [SKIP TO QUESTION 27]

No

25.1. If No, is there a debriefing for unsuccessful bidders to obtain feedback on these reasons or on how the bids were evaluated?

Yes

No

26. Please provide additional information indicating the question you are referring to.

D. CONTENT AND MANAGEMENT OF THE PROCUREMENT CONTRACT

27. Can the supplier (i.e. the winning bidder) sign the procurement contract through an online platform?

Yes

No

28. Are there model contracts with standard clauses that the purchasing entity uses when awarding a contract?

Yes

No

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29. Once the contract for the procurement is awarded and signed, can the following elements be renegotiated?
(Please select all applicable options)

- Price. Please specify:
 Timeframe for delivery. Please specify:
 Financial aspects (e.g. schedule of payment). Please specify:
 Other. Please specify:

Legal basis, if any:

29.1. If contract variations are allowed once the contract is signed, are there any specific procedures to follow for contract variations?

- Yes. Please specify: _____ | No

30. Does the purchasing entity have the obligation to:

- Inform the other bidders of the post-award contract variations. *Legal basis, if any:*
 Publish post-award contract variations. *Legal basis, if any:*

31. Can the purchasing entity unilaterally modify the terms of the contract during the contract implementation phase (i.e. during the execution of the terms of contract)?

- Yes. Please specify: _____ | No

Legal basis, if any:

32. Are there specific procedures in place for the acceptance of the completion of works?

- Yes. *Legal basis, if any:* _____ | No

33. Are there specific procedures in place for the termination of the contract?

- Yes | No [SKIP TO QUESTION 35]

33.1. Please indicate whether these procedures are provided in:

- The legal framework. *Legal basis, if any:*
 The procurement contract
 None of the above. Please explain:

34. Please provide additional information indicating the question you are referring to

E. PERFORMANCE GUARANTEE

35. How is the failure to perform contract obligations monitored by the purchasing entity?

36. In the case of procurement of works, is the supplier required to provide performance guarantee deposit that will ensure a source of compensation in case of failure to perform its contract obligations?

- Yes | No [SKIP TO QUESTION 37]

36.1. Does the legal framework provides the method to determine the amount of performance guarantee that can be requested from the supplier?

- Yes. *Legal basis, if any:* _____ | No

36.1.1. Is the amount of the performance guarantee fixed or is it a percentage of the value of the contract?

- Fixed amount | Percentage of the value of the contract

36.2. Does the supplier have the choice regarding the form of the performance guarantee?

- Yes | No

36.3. Please select the possible forms of the performance guarantee:

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<input type="checkbox"/> Certified check	<input type="checkbox"/> Certificate of deposit	<input type="checkbox"/> Performance bond
<input type="checkbox"/> Insurance guarantee	<input type="checkbox"/> Letter of credit	<input type="checkbox"/> Other. Please describe:
36.4. Is the performance guarantee conditional (i.e. actionable only if the purchasing entity proves that the supplier has defaulted on his commitments)?		
<input type="checkbox"/> Yes. Please specify:	<input type="checkbox"/> No	
36.5. Is there a timeframe (calendar days) for the purchasing entity to return the performance guarantee?		
<input type="checkbox"/> Yes. Please specify the timeframe: <i>Legal basis, if any:</i>	<input type="checkbox"/> No	
36.6. Are there circumstances related to the contract performance under which the purchasing entity can cash/collect the performance guarantee?		
<input type="checkbox"/> Yes. <i>Legal basis, if any:</i>	<input type="checkbox"/> No	
36.7. Is there a separate entity to oversee the purchasing entity's decision to withhold the performance guarantee?		
<input type="checkbox"/> Yes. <i>Legal basis, if any:</i>	<input type="checkbox"/> No	

37. Are other instruments in place to guarantee the quality of the supplier's performance? (Please select all applicable options)
<input type="checkbox"/> Penalties accruing once performance has been assessed and proven non-compliant with terms of the contract. <input type="checkbox"/> Percentage of the payment systematically withheld and kept by the government in case of poor performance from the supplier. <input type="checkbox"/> Other. Specify:

38. Please provide additional information indicating the question you are referring to

F. PAYMENT OF SUPPLIERS

39. Would the supplier have the possibility, through an online platform (an e-procurement platform or an online payment system), to request a payment online?
<input type="checkbox"/> Yes <input type="checkbox"/> No

40. Does the legal framework provide a time within which the purchasing entity must process the payment?
<input type="checkbox"/> Yes. Please specify the timeframe: <i>Legal basis, if any:</i> <input type="checkbox"/> No [SKIP TO QUESTION 42]
40.1. Does it mention that the mandated timeframe to process the payment starts running from the submission of the invoice by the supplier?
<input type="checkbox"/> Yes. <i>Legal basis, if any:</i> <input type="checkbox"/> No

41. In case the invoice is contested by the purchasing entity, how long would it take for the supplier to be informed about it (in calendar days)?

42. In practice, how long does it take the purchasing entity to start processing the payment once the invoice is submitted (in calendar days)?
<input type="checkbox"/> Between 0 and 30 <input type="checkbox"/> Between 31 and 90 <input type="checkbox"/> Between 91 and 180 <input type="checkbox"/> More than 181

43. How long does it take the supplier to actually receive payment once the invoice is submitted (in calendar days)?
<input type="checkbox"/> Between 0 and 30 [SKIP TO QUESTION 46] <input type="checkbox"/> Between 31 and 90 <input type="checkbox"/> Between 91 and 180 <input type="checkbox"/> More than 181
43.1. If it takes more than 30 calendar days for the supplier to actually receive payment, please specify the

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reasons for delay (Please select all applicable options):	
<input type="checkbox"/> Important number of internal procedures to follow <input type="checkbox"/> Inability to pay on time due to budgetary constraints <input type="checkbox"/> Limited staff and resources of the procuring/purchasing entity <input type="checkbox"/> Other:	

44. Are there any interests and/or penalties payable to suppliers in case of delays in payment?	
<input type="checkbox"/> Yes. <i>Legal basis, if any:</i>	<input type="checkbox"/> No
44.1. If interests and/or penalties are payable to suppliers in case of delays in payment, how is their amount determined?	
44.2. If interests and/or penalties are payable to suppliers in case of delays in payment, are they automatically paid without a request from the supplier?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

45. Please provide additional information indicating the question you are referring to.

G. ADDITIONAL INFORMATION

46. Are there any incentives to increase the share of procurement of goods, services and works by the following categories of suppliers?	
<input type="checkbox"/> Small and Medium Enterprises (SMEs) Please provide further information: Legal basis, if any:	<input type="checkbox"/> Minority-owned businesses Please provide further information: Legal basis, if any:

47. Are you aware of any reforms (in practice or in laws and regulations) related to public procurement that took place in 2015, are ongoing and/or planned to be adopted BEFORE June 1, 2016?	
<input type="checkbox"/> Yes. Please specify:	<input type="checkbox"/> No

48. In your opinion, what is the biggest impediment that firms face throughout the procurement life cycle in your country?

49. Please describe your expertise in public procurement, specifying whether you or your company has responded to public calls for tender or advised another individual or company to respond to a call for tender in the past 2 years. If so, please provide a specific number.

Thank you very much for participating in this project and completing the survey. We greatly appreciate your contribution!

Please note that your contact information will be published, so that we can recognize the contributors who participated in this survey. However, none of your responses will be attributed directly to you or your organization. Please check the information you do not want us to publish. We do not publish mobile phone numbers.

Primary Contributor Information: Please check the box next to information you do not want us to publish.

	Name	
	Title (Mr., Ms., Dr.)	[]
Do not publish <input type="checkbox"/>	First name	[]
	Last name	[]



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<i>Never published</i>	Position (e.g. manager, associate, partner)	[]
	Profession (e.g. judge, lawyer, architect)	[]
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Additional Contributor(s): If there are more people whom you would like us to acknowledge, kindly send us an e-mail.

Name	Occupation	Email	Phone	Address
[title] [first name] [last name]	[firm] [position] [profession]	[]	[phone] [mobile]	[street] [state/province] [city/country]
[title] [first name] [last name]	[firm] [position] [profession]	[]	[phone] [mobile]	[street] [state/province] [city/country]
[title] [first name] [last name]	[firm] [position] [profession]	[]	[phone] [mobile]	[street] [state/province] [city/country]

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Referrals: Please help us expand our list of contributors by referring us to other public procurement experts in the private sector (lawyers, academics, public officials, etc.) who could respond to the Bidding for a Public Procurement Tender questionnaire.

First name	Last name	Position	Firm	Address	Phone	E-mail
[]	[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]	[]