GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF WATER RESOURCES

BANGLADESH WATER DEVELOPMENT BOARD

Terms of Reference

Individual Consultancy service for "**Selection of 1 (one) No. Individual Consultant (National) for BWDB's Procurement Post Review for the FY 2024-2025**

(Package No. CPC/PPReview-01/2024-25)

September, 2025

Terms of Reference

For
Procurement Post Review Consultant

Selection of 1 (one) No. Individual Consultant (National) for BWDB's Procurement Post Review for the FY 2024-2025 (Package No. CPC/PPReview-01/2024-25)

1. **Background:**

Bangladesh Public Procurement has been reformed since 2002, by establishing institutional & legal framework and institutional capacity building programs simultaneously. Through the last 20 years, it has made commendable progress in building the foundation for its public procurement system within the purview of the legal framework Public Procurement Act (PPA)-2006 and Public Procurement Rules (PPR)-2008. As institutional reform, the Bangladesh Public Procurement Authority (BPPA) which was namely the Central Procurement Technical Unit (CPTU) in IMED, Ministry of Planning is established and it is mandated to implement the reform to ensure transparency, efficiency, and accountability to acquire value for money in public expenditure.

Whereas, the Contract & Procurement Cell (CPC), Bangladesh Water Development Board (BWDB), Dhaka deals with all sorts of procurement aspects in BWDB under the direct control of the Director General (DG), BWDB, Dhaka. CPC acts as the focal point for ensuring economy & efficiency, cost-effectiveness, transparency and accountability in BWDB's government procurement; provides feedback/advice on various procurement matters of BWDB's in the light of PPA-2006, PPR-2008 & BWDB's Delegation of Financial Power (DoFP)-2016 (amendment if any); receives various explanations regarding public procurement from BPPA in the light of PPA-2006, PPR-2006 and e-GP Guidelines-2011; coordinates training programs on public procurement & e-GP; and provides assistance to BWDB in procurement planning/policy adoption and implementation of public procurement process in the light of prevailing laws/regulations, etc.

Section-24 of the PPA-2006 and Rules-45 & 46 of the PPR-2008, and accordingly BPPA, IMED, Ministry of Planning's circular memo no. 21.00.0000.364.22.019.21-004 dated: 17.01.2023 entrusted the Director General (DG) of BWDB as Head of Procuring Entity (HOPE) the responsibility to review and monitor the progress of implementation of the PPA and PPR in procurement management in Procuring Entity's. According to Rules, the records of procurement activities of any Procuring Entity (PE) shall be reviewed by the DG, BWDB using its resources by hiring Independent Consultants if the total procurement performed in a financial year is worth at least BDT 10.00 Crore in a PE.

As per Rule 46(1), the DG, BWDB may conduct procurement post-review of the contracts of PE on a sample basis and will carry out the procurement post-review. The Procuring Entities to be reviewed will be specified by the Superintending Engineer (SE), Contract and Procurement

Cell, BWDB, Dhaka in discussion with DG, BWDB and the Independent Consultant will verify the compliance of the provisions of the Act and Rules taken in the procurement process.

In view of the above background, BWDB plans to hire 01 (One) experienced individual as a '**Procurement Post Review Consultant**' to review the procurement contracts as per PPR Rule 46(1) on a sample basis. The Contract is National Lump-Sum basis.

2. Objectives of the Assignment:

The overall objective of the assignment is to check the compliance of the provision of Public Procurement Acts-2006, Public Procurement Rules-2008 (amended), and e-GP Guidelines-2011/2025 in the procurement process through a review of the records and other necessary documents related to the randomly selected contracts.

The specific objectives are to:

(a) determine whether the procurement processes and contracting proceedings are in accordance with the Public Procurement Acts and Rules, e-GP guidelines;

(b) review and assess the capacity of the Procuring Entity in handling procurement from preparation to contract implementation and documentation is maintained as per Rules & required standards;

(c) review and assess that the procurements made are being used for the intended purpose; and

(d) any other issues that may appear pertinent.

3. Scopes of the Services:

(i) The Individual Consultant will review the procurement contracts completed in the **financial year 2024-2025**. The Consultant will review and evaluate **five (5) procurement** contracts from each of **Six (6) Projects** under **Six (6) different Procuring Entities** of **BWDB**. In addition, the assignment shall cover **five (5) procurement contracts** from **two (2) different Procuring Entities** of BWDB under the **Operational Budget.The number of procuring entities may vary** as per the availability of projects and funds.

The consultant will but not be limited to-

a. verify the procurement and contracting proceedings executed by the procuring entity and identify non-compliance with the procurement Act and Rules;
b. verify whether PE has used Standard Tender Documents in its Procurement content & put the necessary information in the Tender Data Sheet and other formats correctly.
c. verify, to the extent possible, whether the Goods, Works, and Consulting Services contracted were supplied and/or completed according to the required specifications and technical standards;
d. identify inappropriate practices or questionable decisions and/or actions;
e. verify whether documentation and record-keeping systems that are in place are adequate for ensuring post-review requirements;
f. verify whether goods and works exist at intended locations and are being used for the purposes they were acquired;
g. determine remedies to correct the identified deficiencies;

(ii) For each contract package, the consultants will review the following key elements **(Annex-1-2):**

a. Procurement plan, budget, official cost estimate;
b. Procurement type, category, method, objective, financing arrangement (in case of DP's supported project);
c. Procurement opportunities (advertisements in the newspaper and on the website);
d. Tender/proposal submissions (no of sale/issuance of tender/proposal documents, no of participants, days allows for preparation and submission);
e. Formation of TOC/POC and TEC/PEC (no of members, external members);
f. Tenders/Proposals Evaluation (opening, days between opening and evaluation, responsiveness (responsive & non-responsive), recommendations of the evaluation committee);
g. Post qualification;
h. Approval of tenders/proposals (actual days between opening & evaluation and between evaluation & approval, approval authority as delegation of financial power, actual approval authority, actual days for issuance of NOA/contract signing/LOI);
i. Contract award (procurement processing lag & lead time);
j. Completion of contract (time specified for supply/execution/perform);
k. Complaints and appeal (reason of complaint, resolution of complaints, decision of review panel);
l. Contract amendment (no of amendment, contract time extension, variation/extra work/ repeat/additional delivery orders, etc.);
m. Contract disputes unresolved;
n. Action on corruption, fraudulence, collusive and coercive if identified;
o. Procurement management capacity (no of staff trained in procurement) etc.
p. identify and provide a detailed list of the audit objections related to the selected package and shall specify, the number of audit objections that have been resolved.

4. Methodology:

(i) The Procurement Post Review should follow three broad phases:

(a) Before undertaking the fieldwork, finalize the work plan, scope, and program of the Procurement Post Review, identify and obtain the essential information on contracts, and responsible staff;
(b) Fieldwork at offices of the Procuring Entity and on implementation sites; and
(c) Preparation of the Procurement Post Review report.

(ii) The consultant shall obtain the list of all contracts completed/executed by the PE in the financial year 2024-2025 and shall select a sample of contracts to be reviewed, taking care to have adequate distribution among different methods of procurement. If sufficient numbers of completed contract were not found, consultant may select ongoing contracts.

(iii) The consultant is expected to consider the notes on procurement sampling delivered by the SE, CPC, BWDB, Dhaka as broad guidelines for methodology **(Annex-3).** If the consultant intends to introduce variations or substantial changes, especially to the number, nature, and other aspects of contracts to be selected, it should be indicated in the technical proposal.

(iv) a dissemination workshop will be arranged at Pani Bhaban, BWDB, Dhaka and the consultant will present the DRAFT FINAL Procurement Post Review REPORT.

(v) the Procurement Post Review FINAL REPORT incorporating the comments/recommendations from the participants of the workshop will be submitted by the consultant.

5. Deliverables:

(i) The Consultant shall submit the Inception Report for acceptance by the Technical Committee and shall, in addition, prepare and present one Interim Progress Report, together with the relevant data collection, at the PE Office.

(ii) At the completion of the Procurement Post Review, the consultant must first present its preliminary findings to the BWDB in the form of a DRAFT FINAL Procurement Post Review report to be accepted by Technical Committee. **(Annex-4).**

(ii) The Procurement Post Review FINAL REPORT should focus on the review findings, statistical analysis, and recommendations. Details of the review methodology and procedures, evidence substantiating the review findings, and elaboration on the recommendations should be covered in annexes (according to the format delivered by BWDB).

(iii) Except as otherwise justified by the Consultant, the FINAL REPORT shall cover the structure as follows:

(a) Summary of findings and recommendations.
(b) Outline of the procurement post review:
  (i) objectives and Terms of Reference
  (ii) scope, approach, and Procurement Post Review sampling
(c) Findings on matters relating to:
  (i) the Procuring Entity
  (ii) sector-specific issues
  (iii) specific procurement and contract issues
  (iv) general issues.
(d) Recommendations (if any) for improvements.

(iv) Copies of the Procurement Post Review FINAL REPORT along with a soft copy will be submitted to the **SE, CPC, BWDB, and Dhaka.**

6. Qualification and Experience:

(i) The Procurement Consultant's qualification will be Bachelor of Science in Engineering, or Master in Business Administration, Economics, Statistics, Management, Accounting, Finance, Marketing or any relevant subject. Master in Public Procurement Management, Master in Procurement and Supply Chain Management, MCIPS will be preferred.

(ii) 15 (fifteen) years of working experience among which 10(ten) years in the field of public procurement or have had responsibilities with a substantial content of his/her position in the procurement area (e.g. use of internationally accepted contract documents for goods, works and consulting services; sound understanding of principles underlying procurement practices and international agencies' procurement guideline; understanding of GoB's procurement rules and procedure, ability in identifying and resolving procurement issues);

(iii) 3-Week Training in Public Procurement Management, and e-GP knowledge will be an added advantage;

(iv) Ability to work efficiently and effectively in a multi-disciplinary team;

(v) Fully conversant and possessing skills in Microsoft Office Programs e.g. MS Word, Excel, PowerPoint, etc.

7. Time Schedule:

(i) **The expected date of contract signing is 31 October 2025;**

(ii) The consultant shall select and finalize the samples of contracts to be reviewed within 7 **(Seven) days** calendar days of the signing of the contract and the consultant will submit the **Inception report within 15 (fifteen) days** of the signing of the contract. Also provide a **interim progress report** by **70 (seventy)** calendar days of the signing of the contract.;

(iii) The DRAFT FINAL procurement post review report shall be prepared and presented within **135 (One Hundred thirty five)** calendar days of the signing of the contract .

(iv) The procurement post review shall be completed and the FINAL REPORT shall be presented to the **Procuring Entity and BWDB** within **150 (one hundred fifty)** calendar days from the date of signing of the contract.

8. Data, Documents, Services, and Facilities:

(i) The consultant should work in close coordination with the staff of the Procuring Entity for procurement post review to be performed. As far as practical, the consultant should give the Procuring Entity and its subordinate offices advance notices for the information and documents which will be reviewed and to arrange for site visits if required.

(ii) The SE, CPC, BWDB will act as the contact person to facilitate the work of the consultant and provide liaison, assistance, and coordination with the Procuring Entities.

(iii) The Procuring Entity will not provide accommodation, transportation, office space or other facilities to the consultant.

(iv) Consultant will have access to all relevant project files, and documents related to the contract under review.

(v) The Consultant will be entitled to travel allowance only; no daily allowance will be incorporated.

9. Duration:

The duration of the assignment is five (5) months under a National Lump-Sum contract.

10. Reporting Authority

The Consultant will report to **the SE, CPC, BWDB, Dhaka** as authorized by DG, BWDB, Dhaka.

Annex-1

Tentative list of Documents that will be reviewed by the Consultants:

1. Total Procurement Plan in Project Document, Annual Procurement Plan, Official Cost Estimate	
2. Publication of Procurement Notice in the Press, BPPA website and other media	
	Invitation for expressions of interest notices Invitation for prequalification notices Invitation for tender notices
3. Service Contracts	
	Evaluation of shortlisting and approval Request for proposals to the short-listed consultants Evaluation of proposals Minutes of negotiation Approval of the proposal evaluation and draft contract Signed contract
4. Goods and Works Contracts	
Prequalification document	Clarifications requested and issued Addendum issued Pre-prequalification meeting
Prequalification Evaluation	Clarifications requested and received Approval of prequalified tenderers No. of prequalified tenderers
Tender document	Clarifications requested and issued Addendum issued Minutes of pre-tender meeting
Tender Evaluation	Tender Opening report Clarifications requested and received Complaints received and responses Copy of Evaluation report and approval Notification of Award (NOA) Signed Contract
5. Any other relevant information/documentation required by the independent consultant relating to Procurement Post Review such as audit objections related document of the selected package.	

Annex 2

A: Individual Contract Review Format

Part-I: General

Date of Review	
Name of Reviewer	
Procuring Entity Name	
Contract Name and Reference no	
Contract Amount	**[BDT____________________________**
	(Foreign Currency (FC) expressed in equivalent)
Procurement Type	**NCT/ICT**
Category of Procurement	**Goods/Works/Services/PSN**
Method of Procurement	**OTM/LTM/OSTETM/TSTM/RFQM/DPM**
	QCBS/FBS/LCS/SSS/ICS/CQBS/DCS/QBS etc.
Objectives of Procurement	
Financing Arrangement of the Procurement	**Revenue/Development**

Part-2: Compliance with Act & Rules and Guidelines (e-GP & DP's)

Sl. No.	Descriptions		Applicable Provisions	Actual
1.0	**Procurement Plan**	:		
1.1	Approval Status of APP	:		
1.2	Official Cost Estimate			
2.0	**Procurement Opportunities**			
2.1	Advertised in the newspaper (NCT/ICT)	:		
2.2	Advertised in BPPAs website/ dg Market	:		
2.3	Tenders/Proposals followed PPR, 2008 or e-GP guideline	:		
2.4	Tenders/Proposals followed DP's Guidelines	:		
3.0	**Tenders/Proposals Submission**			
3.1	No. of Sale/Issuance of Tender/Proposal Documents	:		
3.2	No. of Tenderer/Consultant participated (Submission)	:		
3.3	Days allowed per Rule for Preparation and Submission	:		
4.0	**Formation of TOC/POC, TEC/PEC and OCEC**			
4.1	No. of members in TOC/POC	:		
4.2	No. of members in TOC/POC from TEC/PEC	:		

Sl. No.	Descriptions		Applicable Provisions	Actual
4.3	Approval date of TOC/POC	:		
4.4	No. of members in TEC/PEC	:		
4.5	No. of external members in TEC/PEC	:		
4.5	Authority approved TEC/PEC with date	:		
4.6	No. of members in OCEC	:		
4.7	Authority approved OCEC with date	:		
5.0	**Tenders/Proposals Evaluation**			
5.1	Days allowed in tender/proposal documents for preparation, submission, and opening	:		
5.2	Actual days between opening and completion/submission of evaluation	:		
5.3	No. of responsive tenders/proposals	:		
5.4	No. of non-responsive tenders/proposals with reasons	:		
5.5	Re-invitation of tenders/proposals recommended by TEC/PEC	:		
5.6	Procurement proceedings annulled/cancelled	:		
6.0	**Approval of Tenders/Proposals**			
6.1	Days actual between submission of evaluation and approval	:		
6.2	Approving Authority(AA) as per DoFP	:		
6.3	Authority approved	:		
6.4	Evaluation report was sent as per PPR to the AA	:		
6.5	Date of approval decision received by PE	:		
6.6	Date of issuance of NOA/PO/LOI	:		
6.7	Authority other than AA, if any, made additional review of the evaluation report	:		
6.8	Authority higher or lower than AA, if any, approved the Tenders/Proposals	:		
7.0	**Contract Award**			
7.1	Procurement processing lag/lead-time (i.e. Days actual between opening and issuance of NOA/PO/LOI)	:		
7.2	Days actual between IFT/RFP and issuance of NOA/PO/ LOI contract signing	:		
7.3	Contract award made within the initial tender/proposal validity period	:		
7.4	Publication of award in BPPAs website/PE's website/others	:		
8.0	**Completion of Contract**			
8.1	Days per original contract time specified for Supply/Execution/Perform	:		
8.2	Days actual for Supply/Execution/Perform	:		
8.3	Amount of LD imposed	:		
9.0	**Complaints and Appeal**			
9.1	Complaint, if any, lodged and reasons thereof	:		

Sl. No.	Descriptions		Applicable Provisions	Actual
9.2	Resolution of complaints per Rules	:		
9.3	Modifications resulting from the resolution of complaints	:		
9.4	Appeal to Independent Review Panel	:		
9.5	Review Panel's decision and follow-on	:		
10.0	**Audit Objections**			
10.1	Number of audit objections and the details of each objection			
10.2	Number of audit objections resolved			
11.0	**Contract Amendment**			
11.1	No. of times contract completion period extended and with no of days	:		
11.2	Variation/Extra Work/Repeat/Additional Delivery Orders etc. made	:		
11.3	No. and amount of such orders	:		
12.0	**Contract Disputes unresolved**	:		
13.0	**Fraudulence and Corruption**	:		
14.0	**Procurement Management Capacity**	:		
14.1	HRD facilities	:		
14.2	No. of Staff trained in procurement	:		

B. Profile of Procurement Items Reviewed

B.1

	No. of procurements in review period									
Category	**OTM**	**LTM**	**RFQ**	**OSTETM**	**TSTM**	**DPM**	**Others**	**No. NCT**	**No. ICT**	**Total**
Works										
Goods										
PSN										
Total										

	No. of procurements in review period										
Services Category	**QCBS**	**LCS**	**FBS**	**CSOS**	**SSS**	**ICS**	**SBCQ**	**DCS**	**QBS**	**Others**	**Total**
Consulting firms											
Individual consultants											
Total											

B.2

No. of procurements reviewed										
Category	**OT M**	**LTM**	**RFQ**	**OSTETM**	**TST M**	**DPM**	**Others**	**No. NCT**	**No. ICT**	**Total**
Works										
Goods										
PSN										
Total										

No. of procurements reviewed											
Services Category	**QCBS**	**LCS**	**FBS**	**CSOS**	**SSS**	**ICS**	**SBCQ**	**DCS**	**QBS**	**Others**	**Total**
Consulting firms											
Individual consultants											
Total											

B.3

No. of Physical Inspections										
Category	**OT M**	**LTM**	**RFQ**	**OSTETM**	**TST M**	**DPM**	**Others**	**No. NCT**	**No. ICT**	**Total**
Works										
Goods										
PSN										
Total										

	No. of Physical Inspections										
Services Category	**QCBS**	**LCS**	**FBS**	**CSOS**	**SSS**	**ICS**	**SBCQ**	**DCS**	**QBS**	**Others**	**Total**
Consulting firms											
Individual consultants											
Total											

C. Post Reviews of Contracts Awarded Under Request for Quotations Method

Date of Review:	***Name of Reviewer:***
Contract name, number and Date:	***Contract Amount:***
Contractor's Name and Address:	

PROCUREMENT METHOD: International (Divisible Commodity)/National

Aspects	*Comments and Findings*
Solicitation Letter issued to firms and the number of firms to whom sent	
Time allowed for submission of quotations	
Verification (not evaluation) of existence of the quotations; Names of suppliers who gave quotations	
Quotation evaluation report and date; comments, if any	
Signed Contract/Purchase Order document	
Bill of lading , if any	
"Delivery Receipt" or "Store Receipt" or like instrument	
Actual Completion Date	
Timeliness of Payments	
Other matters	
Compliance with agreed Provisions- Yes or No (Explain)	

D. Post Reviews of Goods/Works Contracts

Date of Review:	*Name of Reviewer:*
Contract Name, Number and Date:	*Contract Amount:*
Contractor's Name and Address:	

PROCUREMENT METHOD: OTM/OSTEM/TSTM/LTM/DPM/Others, Specify:_
CATEGORY: Goods/Works

Aspects	*Comments and Findings*
Procurement Documentation (Filing)	
Advertising	
Pre/post qualification	
Time allowed for submission of Tenders.	
Tender opening & minutes of Tender opening	
Tender security records	
Tender Evaluation Report; verify existence of Tenders–Names of Tenderers.	
Contract document	
Reference to DPs and "no objection," if any (not required under Agreement)	
Advance payment guarantee details and records	
Per. security details and records	
Complaints and Appeals	
Contractual completion date	
Variations/Repeat Orders if any	
Actual completion date	
Bill of lading, if any	
Delivery receipt or like instrument.	
Liquidated damages, details and enforcement for delays.	
Timeliness of payments	
Other matters	
Compliance with agreed provisions- Yes or No (Explain)	

E. Post Reviews of Services Contracts

Date of Review:	***Name of Reviewer:***
Contract Name, Number, and Date:	***Contract Amount:***
Contractor's Name and Address:	

PROCUREMENT METHOD: QCBS/FBS/LCS/SSS/CSOS/ICS/SBCQ /DCS/QBS/Others, Specify:

CATEGORY: Firm / Individual (National/International)

Aspects	*Comments and Findings*
Procurement documentation (Filing)	
Advertising (REOI)	
Shortlist verify number, names, etc.	
Request for proposal	
Time allowed for submission of proposals	
Evaluation criteria as per SRFP	
Technical evaluation	
Evaluation report, and comments, if any (Verify existence of proposals)	
Financial envelop opening	
Combined quality and cost evaluation, approval	
Signed contract document	
Advance payment guarantee etc.	
Complaints and Appeals if any	
Contractual completion date	
Variations and/or replacement of Key Personals	
Actual completion date	
Outputs/Reports	
Timeliness of payments	
Other matters	
Compliance with agreed provisions- Yes or No (explain)	

F. Report on Physical Inspection

Procurement item name and number	
Location	
Date of visit	
Date of contract	
Contracted completion date (original)	
Actual completion date	
Contract value	
Final contract value	
Supplier/Contractor	
Arrival date at port (Goods)	
Arrival date at project site/warehouse Goods)	
Scope of work	
Materials (supply and quality)	
Workmanship quality	
Construction supervision	
Time overruns	
Cost overruns	
Deficiencies/defects observed	
Timeliness of payments to contractor	
Comments and recommendations	

Annex-3

Notes on Procurement Sampling

1. Selection of contracts for review

1.1 Based on the information provided by the BWDB's Procuring Entity and consultation with **the SE, CPC, BWDB, Dhaka,** and in discussion with DG, BWDB, the consultant is fully responsible for the selection of the contracts to be reviewed.

1.2 The Consultant shall select a minimum of five (5) contracts, excluding any study project(s).

1.3 The selected contracts for review should be representative of the overall procurement by size, nature, and complexity. Factors listed below are indicative only and may be used as a guide in the selection of the sample contracts. To the extent practical, an attempt should be made to cover most of the following categories/scenarios.

2. Main considerations

2.1 The main considerations to be used in selecting the review sample of contracts should include the following:

(i) procurement of goods, works, and related services contracts, including contracts involving supply and installation;
(ii) procurement of consulting services;
(iii) any other unique procurement
(iv) samples from both national and international procurement
(v) samples from both development and revenue budgets
(vi) samples from both funded by GoB and donors and in combination, if applicable
(vii) samples of very small/simple contracts, small/less complex contracts, and more elaborate/complex contracts;
(viii) the value of the contracts: low value, medium value, and high value;
(ix) the geographical spread of the contracts and select procurement involving contracts from different regions (if applicable);
(x) samples involving both Pre-qualification and Post-qualification (goods and works);
(xi) samples involving Expression of Interest, Short-listing (services)
(xii) method of procurement: Open Tendering, Limited Tendering, Request for Quotations, Direct Procurement, One Stage Tendering, Two Stage Tendering, and choose from both NCT and ICT;
(xiii) method of selection of consultants through Expression of Interest (shortlisting), Request for Proposal (RFP), and Single Source Selection; selection criteria (with or without price as a factor);
(xiv) the need to consider fair competition: was it lacking, was it adequate, or was there a high level of competition;
(xv) contracts awarded to the lowest evaluated tenderer which met the qualification criteria; awarded to higher priced tenders where the lowest tenderer failed to meet the qualification criteria or for other reasons, etc.;
(xvi) Package/Slice: single and multiple lots;
(xvii) Price Adjustment: with and without application;
(xviii) Protests/Claims: tendering and contract stages and how addressed;
(xix) Contract Modifications: with and without.

2.2. In addition to the above, the procurement post review consultant shall review project files with a special focus on the following aspects, documentation, and procedures:

(i) Procuring Entity's Capacity; Adequacy of Staff; Role of Procurement Agents/Consultants;
(ii) Procurement Plans and Monitoring;
(iii) Official cost estimate
(iv) Advertising;
(v) Pre/Post qualification, Short-listing;
(vi) Tender Opening, Proposal opening;
(vii) Tendering Documents, Modifications;
(viii) Tender Validity Extensions, Proposal Validity Extensions;
(viii) Evaluation, Proposal, Approval, and Awards;
(ix) Issuance of Notification of Award and suspension of procurement proceedings thereafter, if any;
(x) Signed Contracts;
(xi) Contract Amendments and Variation Orders;
(xii) Actual Contract Payments vs. Contract Award Amount;
(xiii) Securities (for Tender, Performance, Advances, Insurance, Liability, etc.);
(xiv) Contractor's Claims;
(xv) Damages and Penalties for Delays, non-compliance with Functional Guarantees, etc.;
(xvi) Protests from Tenderers/Contractors/suppliers/ Consultants;
(xvii) Reasons for Slow Progress of Completion;
(xviii) Delays in Payments, Imports, Customs, etc. if any;
(xix) Contractual Disputes and Their Resolution;
(xx) Other Relevant Matters etc.

2.3. Distortions in the procurement process are frequently manifested in one or more of the following situations:

(a) low participation of tenderers and reduced competition;
(b) one or more tenderers winning a disproportionate amount of contracts in a project over time;
(c) tender prices consistently over cost estimates and/or current market prices;
(d) a significant number of changes from tender to contract award and finalize completion; and
(e) significant and recurring increases in the final contract price over the original tender price and/or the original contract price.

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

3. Procurement post review process

3.1. During the procurement post review, the consultant will have the flexibility to select, substitute, or drop particular contract(s) if an alternative line of investigation is judged more effective in reaching conclusions.

3.2. To address the main areas mentioned above, it may be necessary to develop a set of ad hoc procurement post review techniques.

3.3 Initial documentary review

It may be useful to develop a standard "procurement post review data sheet" to perform the initial documentary review. For each of the selected contracts, key information should be gathered based on documents obtained from the Procuring Entity (tendering procedures, prequalification/tendering documents, pre-qualification/tender evaluation reports, signed contracts, change orders, claims, payment certificates, acceptance certificates, etc.).

In some instances, specific contract information may not be found through the review. This may be retrieved during later phases of the procurement post review or identified as a deficiency in the information trail of the project.

The data sheet should include factual indicators related to the procurement of goods/works/services for each tender and to the execution of the awarded contract. Presented comparatively, this basic information provides the starting point for assessing performance and for identifying patterns, potential deviations, or cases of non-conformities.

3.4 Further documentary review

For all contracts included in the review sample, the consultant should specifically review:

(a) the prequalification and tendering documents to assess the compliance of these documents with the Regulations and standard documents issued by BPPA;

(b) the prequalification and tender evaluation reports to verify the compliance of the Procuring Entity's evaluation with the prequalification/tendering documents;

(c) the signed contracts to verify their consistency with the tendering documents;

(d) the time lags between key procurement activities to determine the effectiveness of the procurement process;

(e) non competitive tendering procedures used;

3.5 Documentary checks of contract performance

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

(a) <u>qualitative and quantitative changes in contract scope</u>: based on the information included in the contract data sheet, change orders should be reviewed to assess their compliance with the Regulations;

(b) <u>status of deliveries</u>: the dates of the different deliveries agreed in each contract should be checked and any discrepancy noted. In appropriate instances, the final destination of deliveries should also be verified;

(c) status of payment: evidence of payments by the Procuring Entity should be checked. Payment information should also be used to cross-check and confirm the date of completion; and

(d) quality documentation: the procurement post review consultant should also check the availability of quality documentation mentioned in each contract, such as certificates, inspections performed, and laboratory tests.

3.6. Physical inspections
These should normally cover contracts of each category of Goods, Works, Supply and Installation, Services, etc., and for as many contracts as possible. Depending on the type of goods/works, the following types of inspections should be performed as appropriate:

(a) standard physical inspections of goods/installations: quality control (conformity with technical specifications stipulated in the contract) and confirmation that quantities were delivered;

(b) spot physical inspections of a sample of goods delivered: such inspections should be complemented by documentary checks to confirm the delivery of quantities specified in the contract and to assess quality compliance;

(c) spot physical inspections of goods/installations delivered: such inspections should be complemented by documentary checks on the use /installation of goods received at different locations; and

(d) on-site visits to works: field visits should be undertaken to verify the status of works or to confirm their completion. Documentary checks (certificates of acceptance/ completion, defects list, tests, etc.) should also be made.

3.7 Review of costs and price verification
Cost analysis/price verifications should be performed for goods, works, and services, wherever realistic and practical. To this end, the following methods should be used as appropriate:

(a) Documentary price comparisons: based on technical specifications agreed in the contracts, the quoted prices of a selected number of items should be verified. The review should aim to determine whether the supplier's final invoice corresponds within reasonable limits to the export market price generally prevailing in the country of supply under comparable terms and conditions.

(b) Inter-contract comparisons: a comparative analysis of a selected number of unit prices/rates should be undertaken. This review should aim to compare prices for similar items between similar contracts.

3.8. In all cases, a check should be made of the pre-tender cost estimates, tender price, contract price, and final contract payment wherever such information is documented and available.

Annex-4

SAMPLE FORMAT FOR PROCUREMENT POST REVIEW REPORT

Procuring Entity

Project

Financial Year

Procurement post review conducted by
Date

Executive Summary

Provide a brief description of Procurement Post Review objective, methodology, key findings/issues, and recommendations with proposed actions.

Post Review Objective:
Methodology:
Key Findings/Issues:
Recommendations:

1. Introduction

2. Discussion on the Selection of the Contract Samples Reviewed:

Provide a brief description of the selection of the contract sample and a summary list of the contracts reviewed, including procurement category, procurement method, contract number contract date, short contract description, name of contractor/supplier/consultant, and contract amount.

Selection of Contract Sample:

Summary List of Contracts Reviewed:

3. Procurement Post Review of Selected Contracts

4. Findings on the Review of Procurement Processes

Provide a brief description of findings on procurement processes, including procurement planning, publications, tendering, evaluation, complaints handling, awards, and timeliness of procurement.

Findings on Procurement Processes:
Procurement Planning:

Publications:
Tendering:
Tender Evaluation:
Complaints Handling:
Awards and timeliness of Procurement:

5. Findings on the Review of Contract Administration & Management

Provide a brief description of findings on contract administration, including implementation, payments, dispute resolution, and compliance.

Findings on Contract Administration:
Implementation:
Payments:
Disputes Resolution:
Compliance:

6. Indication of Possible Governance Issues

Provide a brief description of any findings that could indicate possible fraud or corruption related to the procurement processes, contract administration, or any other related issues at the contract.

Procurement Processes:
Contract Administration:
Any other Related Issues:

7. Findings on the Review of the Procuring Entity's Capacity

8. Mitigating Measures or Corrective Actions

9. Recommendations and Proposed Actions

10. Conclusions

Annexes

Visit implementation sites.

SUMMARY OF INDIVIDUAL CONTRACT REVIEW FORMAT (GOODS & WORKS)

Ministry/Agency Name:

Review Financial Year **Month of Review**

Sl No.	PE ID & Name	Total Procurements		Contracts Reviewed																	
		No.	Value	Total				Percent by Methods Goods/Works (NCT/ICT)									
								OTM		LTM		RFQM		OSTETM		Others	
				No.	%	Value	%	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value

Comments of the committee on compliance with the Act and Rules:

SUMMARY OF INDIVIDUAL CONTRACT REVIEW FORMAT (Services)

Ministry/Agency Name:

Review Financial Year **Month of Review**

Sl No	**Procuring Entity ID & Name**	**Total Procurements**						**Contracts Reviewed**							
				Total				**Percent by Methods (NCT/ICT)**							
								Services							
								QCBS		FBS		LCS		Others	
		No.	**Value**	No.	%	Value	%	No.	Value	No.	Value	No.	Value	No.	Value

<u>Comments of the committee on compliance with the Act and Rules</u>:

ANNEX B: Consultant's reporting Obligations & Payment Schedule

The reporting Obligations & Payment Schedule are as follows. The payment will be made on a lump-sum basis:

Sl. No.	Reports	Date/days Due from the signing of the contract	Contents of the Report	Payment Schedule
1	Inception Report	15 days	Approach, methodology, and work plan of the assignment	10 % of the contract value will be paid upon submission and acceptance of the report.
2	Interim Progress Report (First Status Report)	70 days	Selection & finalization of samples of contracts to be reviewed and progress status report	20 % of the contract value will be paid upon submission and acceptance of the report.
3	DRAFT FINAL REPORT	135 days	As per scopeof the services	30 % of the contract value will be paid upon submission and acceptance of the report.
4	FINAL REPORT	150 days	As per scope of the services	40 % of the contract value will be paid upon submission and acceptance of the final report.

N.B.: AIT and VAT will be deducted from each payment at source as per prevailing government rules.