



ROMANIA

Advisory Services Agreement on

Support to the Implementation of the Public Procurement Strategy

OUTPUT 2

Second stage of the Web-based Guide

December 2017



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This report has been delivered under the Advisory Services Agreement on *Support to the Implementation of the Public Procurement Strategy* signed between the National Agency for Public Procurement and the International Bank for Reconstruction and Development on September 1st, 2016. It corresponds to Output 2, under Component A “*Setting up a Web-based Guide – a primary source of guidance and in-depth practical information to the contracting authorities*”, Activity 1 “*Developing a Web-based Guide in line with the relevant European Directives*”, **stage 2** “*piloting the information wizard with initial priority content; development of additional content related to the open procedure including guidance, checklists, and templates for all phases of the procurement cycle and standard bidding documents for works and goods; and development of an interactive tool with an initial module on the new public procurement legislation*”, of the above-mentioned agreement.

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Web-based Guide Overview

In accordance with the RAS Agreement, Component A, the Web-based Guide will be developed in four stages, each having a corresponding output (see table 1), considering the priority needs expressed by the National Agency for Public Procurement (hereinafter called "ANAP"). Its structure and content is developed by taking into consideration:

- The relevant national legislation in force (see point II below);
- EC Directive 2014/24/EU, Art 83, paragraph 4: „Member States shall ensure that: [...] (b) support is available to contracting authorities with regard to planning and carrying out procurement procedures”;
- the National Public Procurement Strategy, as approved through GD 901/2015;
- studies and guidance issued by the Commission services related to the management of structural funds¹.

Throughout the four stages of developing the Web-based Guide, relevant content will be made available including associated legislation, regulation, standard documents (including a total of up to 10 standard bidding documents), templates, checklists, best practice case studies, etc.

In order to provide a platform for offering guidance, enabling shared working models among procurement stakeholders, and promoting capacity development, the Web-based Guide will consist of **three major modules**: (i) an **information wizard** with guidance for different procurement stakeholders, (ii) an **interactive tool** with instructions on the use of the Web-based Guide, and (iii) an **online collaborative forum** as platform for online meetings, discussions, and consultations.

Table 1 List of outputs of the Web-based Guide

Output	Description	Deadline
Component A: Setting up a Web-based Guide – a primary source of guidance and in-depth practical information to the contracting authorities		

¹ Information available at http://ec.europa.eu/regional_policy/ro/policy/how/improving-investment/public-procurement/.

Output	Description	Deadline
1	<p>First stage of the Web-based Guide:</p> <ul style="list-style-type: none"> - initial priority content for open procedure: guidance, checklists, templates for the procurement planning stage; - elaboration of one (1) set of standard bidding documents for the selection of consultants; - development of an information wizard of complete procurement cycle for contracting authorities and public procurement practitioners; 	<p>Website, including content, delivered on Dec. 16, 2016.</p> <p>Output 1 submitted for review on February 22, 2017. ANAP feedback received on March 20, 2017. Revised version submitted on March 29, 2017. Approval received on April 12, 2017.</p>
2	<p>Second stage of the Web-based Guide:</p> <ul style="list-style-type: none"> - development of additional content related to the open procedure including guidance, checklists, and templates for all phases of the procurement cycle (planning, including market consultation, contract management, performance evaluation); - elaboration of two (2) sets of standard bidding documents for works and goods; - piloting of the information wizard with initial priority content; - development of an interactive tool with instructions on how to use the Web-based Guide; - assessing ANAP`s existing on-line platform and providing recommendations to upgrade it to ensure the proper functioning of the Web-based Guide and the existing helpdesk; 	<p>Initial deadline April 30, 2017. As agreed with ANAP, priority was given to the appropriate review of the developed content, therefore observance of the initial deadline was not considered a priority.</p> <p>Analysis of existing on-line platform and recommendations for upgrade was submitted to ANAP on March 2, 2017. Revised on May 2017, following a technical meeting with ANAP IT representative. Final version of the technical report on ANAP IT infrastructure submitted on July 3, 2017.</p>

Output	Description	Deadline
3	<p>Third stage of the Web-based Guide:</p> <ul style="list-style-type: none"> - development of guidance for contracting authorities and public procurement practitioners as well as other operational instruments and methods related to other procurement procedures: simplified, restricted, competitive dialogue; - elaboration of up to four (4) sets of standard bidding documents, out of which one for design services; - an online collaborative forum (implemented during Stage 2, as per Output 2); - link the Web-based Guide to the Recipient's existing help desk (implemented during Stage 1, as per Output 1); 	May 31, 2018
4	<p>Fourth stage and final version of the Web-based Guide:</p> <ul style="list-style-type: none"> - development of advanced guide content based on an in-depth assessment of user feedback including a survey; - development of guidance for contracting authorities and public procurement practitioners as well as other operational instruments and methods related to other procurement procedures: design contest, negotiated procedures, partnership for innovation; - elaboration of three (3) sets of standard bidding documents; - recommended updates on content and features of the Web-based Guide; - provision of the final Web-based Guide. 	May 31, 2019

Second stage of the Web-based Guide

The second stage of the Web-based Guide was implemented by September 30, 2017, following the working methodology agreed with ANAP, considering the need to ensure that the developed content is fully acceptable to ANAP representatives, and includes:

- the development of an interactive tool with instructions on the use of the Web-based Guide which includes specific functionalities agreed with ANAP, freely accessible at <https://www.achizitiipublice.gov.ro/matrix>;
- the development of an online collaborative forum, freely accessible at <https://forum.achizitiipublice.gov.ro/home>;
- development of additional content related to the Open procedure including guidance, checklists, and templates for all phases of the procurement cycle: planning, including market consultation, contract management, performance evaluation;
- development of content related to the Contract execution & monitoring and Performance evaluation of the procurement process;
- elaboration of two (2) sets of standard bidding documents for works and goods;
- The assessment of ANAP's existing on-line platform with the view to provide recommendations to upgrade it to ensure the proper functioning of the Web-based Guide and the existing Helpdesk

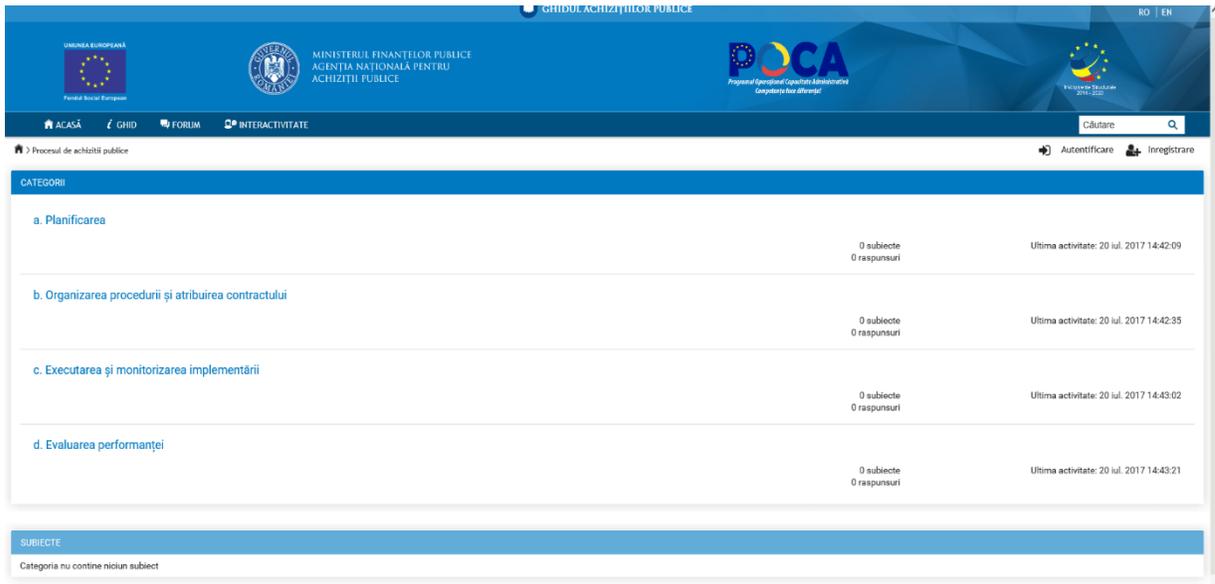
The present report summarizes the development of the software component as well as of the content which was published on the website. The output includes in annex all the materials and documents, as they were agreed upon with ANAP representatives. A pin drive with the relevant Source codes and content is attached to the report (annex 4).

I. Forum and Interactive tool

The functionalities and content of the two modules of the Web-based Guide were agreed upon with ANAP, in accordance with the technical and coordination meetings and following extensive consultations.

Module 2 Forum became fully operational on September 4, 2017 and includes the main categories (Fig. 1) which are based on the structure of **Module 1 Guide**.

Fig. 1 Example of Forum categories



Module 3 Interactive tool (fig. 2) is presented as a dashboard with several configurable buttons which include additional information related to the public procurement area, in the format of text, videos, matrix, downloadable files. The Interactive tool encompass flexible functionalities, so that ANAP may have the possibility of populating it with virtually any type of content and the buttons and information behind them can be adapted based on the needs and priorities established by ANAP, the interactive tool being fully configurable.

Fig. 2 Interactive tool



The modules related to the new public procurement legislation are **Case studies / Best practices**, **Topics of interest** or **Standard tender documents templates**. Additionally, the Interactive tool

includes buttons on **How to use the guide**, **Case library**, **Database of PP experts** within the Contracting authorities, **Registry of service providers in the PP area**, **Glossary of terms**, **Questionnaires**, as well as content developed by EIB in a parallel assignment related to the support for the implementation of the PP strategy – **Conflict of Interest**, **Preventive financial control**, **Internal managerial control**.

Training sessions were organized with ANAP staff nominated for the administration and maintenance of the Web-based Guide (having roles of administrator/moderator/IT) which included several demo sessions for the use of the Admin section created for each Module.

II. Content deliverables

The second stage of the Web-based Guide includes further content for **procurement process stages** (planning, including market consultation, conducting the Open procedure, contract management, performance evaluation), and draft **standard tender documents for execution of works and for goods**, as agreed with ANAP during the coordination meetings.

The second stage also included **further development of several materials related to the planning stage**, submitted as draft versions during the First stage, however, following ANAP request, their finalization was postponed with the view to ensure that content is gradually assimilated by the market and in certain cases, considering the need to align with the work performed in parallel by EIB. These include specific guidance on the planning of the procurement portfolio & process and standard tender documents for intellectual services.

Content materials for the interactive wizard during the **second stage** (component A.1.b) of the RAS Agreement) include tools, documents, templates etc. which were completed after consultations with the main stakeholder ANAP and EIB.

The content deliverables were submitted for feedback to ANAP and translated into English. The quality assurance was implemented by a diligent review of the WB, considering its experience in public procurement throughout the world in general, and in Europe & Central Asia in particular, and also with the scope to ensure consistency with the EU Directives. EIB was also part of the review process having in view their experience in EU-funded projects mainly and also considering the need to coordinate activities under to WB and EIB contracts.. Documents were refined in accordance with the feedback provided by ANAP on each set of the documents and discussed during technical meetings. Agreed content materials were finalized and uploaded on the website at the corresponding activity by WB experts for part of the content but also by ANAP designated staff, assisted by WB expert, for other topics in order to ensure the smooth transition and ownership of the instrument.

The **content deliverables** associated to the second stage of the Web-based Guide, as agreed with ANAP, and **currently publicly available**² (Romanian version), are listed in Table 2 (brief description of content materials and complete documents are provided in Annex 1).

² Documents related to Open procedure were uploaded by ANAP designated staff, assisted by WB experts.

Table 2 List of content materials

Nr. crt.	Document	Date of approved final version ³
PROCUREMENT PORTFOLIO		
Planning		
1	Information on establishing the estimated value	September 20, 2017
2	Description of type of procedure and associated method	September 20, 2017
3	Rules and recommendations for setting the type of contract	September 20, 2017
PROCUREMENT PROCESS		
Planning		
4	Guidance on establishing the contact clauses on contract price and payment method	September 20, 2017
5	Market consultation: flow & description of activities	July 20, 2017
6	Templates to be used for market consultation	July 20, 2017
Conduct the procedure		
7	Conducting the open procedure phase - flow & description of activities	August 23, 2017
8	Templates to be used for conducting the open procedure	August 23, 2017
Contract execution and monitoring		
9	Contract execution and monitoring – flow & description of activities	September 20, 2017
10	Templates to be used for contract execution and monitoring	September 20, 2017

³ Date of agreement provided by ANAP on the mentioned content.

Performance evaluation		
11	Performance evaluation - flow & description of activities	July 20, 2017
12	Templates to be used for the performance evaluation	July 20, 2017

The approach used to develop the content materials was presented under Output 1 and is applicable to all four stages of development of the Web-based Guide.

Two sets of **Standard Bidding Documents (SBDs)** were elaborated during the Second stage: **execution of works and goods**. The content of the SBDs was developed so as to secure a common interpretation, the same set of clear, coherent, structured and complete reference for all stakeholders involved in a procurement process related to information on *what we buy* and from *whom we buy*. The general approach of the Standard Bidding Documents was presented under Output 1 (figure 7).

The first version of the **SBDs for works** were submitted for review on March 29, 2017. A revised version was sent on June 19, 2017, following ANAP feedback. Several technical meetings were organized, however there is still need to correlate the documents with the guidance developed by EIB on the ex-ante activities. On the other hand, with the view to ensure the unitary approach, it will be necessary the correlation of the contract conditions, part of the standard bidding documents, with the National Contract for execution of works, elaborated by the EIB team, once it is finalized. Based on ANAP request and in view to receive market's feedback on the proposed approach, the SBDs for works, including the contract model and contract conditions, were uploaded for consultation purposes at <https://achizitiipublice.gov.ro/matrix/cell/72/1> on August 31, 2017.

The first version of the **SBDs for goods** were submitted on March 30, 2017, the complete set being submitted on July 21, 2017, which incorporated horizontal issues already agreed with ANAP as part of the technical meetings on the other sets of SBDs. ANAP feedback was received on September 4, 2017 and a technical meeting was organized on September 28, 2017. The SBDs for goods, including the contract model and contract conditions, were uploaded for consultation purposes on the website on September 30, 2017 and is available at <https://www.achizitiipublice.gov.ro/matrix/cell/76/1>.

Both sets include the following templates:

- Scope of Work (terms of reference)
- Form of technical proposal
- Form of financial proposal
- Catalogue of evaluation factors
- Forms for qualification criteria
- Form of contract
- General conditions of contract
- Specific conditions of contract
- Bid data sheet – as the model is included online in SEAP
- Specific forms attached to the Bid data sheet

It is expected however that the two sets of SBDs mentioned above will be further developed in order to incorporate market's feedback, as expressed by ANAP during the coordination meeting from September 6, 2017.

Regarding the SBDs for **intellectual services**, in accordance with ANAP's feedback provided during the technical meeting that took place on January 17, 2017 and coordination meeting from January 18, 2017, on the need to be consistent with the approach agreed between ANAP and EIB for the development of the guidance for the ex ante control activities, this set of SBDs was further developed (becoming more standardized) and discussed with ANAP and EIB teams during several technical meetings.

The complete set of revised (standardized) tender documents for intellectual services was submitted to ANAP for feedback on May 4, 2017. The final version was sent on May 29, 2017 which received ANAP agreement on June 7, 2017. The set was uploaded on the website on June 9, 2017 and includes the following templates:

- Scope of Work (terms of reference)
- Form of technical proposal
- Form of financial proposal
- Catalogue of evaluation factors
- Forms for qualification criteria
- Form of contract
- General conditions of contract
- Specific conditions of contract
- Bid data sheet⁴ – as the model is included online in SEAP
- Specific forms attached to the Bid data sheet

Based on the discussions held with ANAP on the need to ensure the assistance throughout the public consultation process organized by ANAP, including the revision following the consultations of the standard tender documents elaborated so far (intellectual services, works, goods, design services), and the dissemination of the Guide at the level of contracting authorities, the World Bank team analyzed the options for revision of the RAS agreement. The amendment, elaborated in accordance with the option agreed with ANAP management, was submitted to ANAP for analysis and signature on November 27, 2017.

III. Technical report on ANAP IT Infrastructure

The WB assessed ANAP's existing on-line platform with the view to provide recommendations to upgrade it to ensure the proper functioning of the Web-based Guide and the existing Helpdesk. The Technical report contains the necessary requirements for purchasing the information technology hardware and software required to operate the Web-based Guide. The draft version of the Report was submitted to ANAP on March 1, 2017, this being discussed and further improved, in accordance with

⁴ ANAP decided that the document on General information associated to the bid data sheet which was submitted with the same set is not published, considering that the information contained therein is very similar to the one included under the Bid data sheet.

ANAP request of April 24, 2017, in view to detail the necessary requirements for the IT infrastructure to be procured by ANAP. Revised versions were submitted on May 31, 2017 and on July 3, 2017 (final).

The Technical report is attached as annex 2.

Communication arrangements

The World Bank team is in charge with providing advisory services to help ANAP implement selected priority measures envisaged in the Public Procurement Strategy and meet ex-ante conditionalities in the public procurement area.

All content materials and site developments were discussed, improved and agreed upon with the ANAP counterpart team during technical meetings and confirmed during the weekly coordination meetings (list of technical and coordination meetings is presented in Annex 3).

Weekly and ad-hoc technical level meetings took place between the World Bank and European Investment Bank (EIB) in order to ensure a unitary approach in the development of the tasks assigned to each of the parties, with consistency and high quality of the outputs. In addition, EIB staff was included as peer reviewer of the deliverables under Stage 2 of the Web-based Guide.

A communication mechanism for content development was agreed and implemented by the parties for quality assurance purposes, as presented within Output 1 (Table 3) with the difference that the review process at ANAP level was longer than during the 1st Stage, as agreed by the parties, in order to allow for as many review sessions as considered necessary by ANAP experts in charge with the component. As such, formal approval of ANAP on the content materials was received before the upload of the information on the website. At the same time, it was agreed that the upload task is gradually taken over by ANAP staff in charge with the administration of the web-site.

Annex 1: Brief description of content materials

Path	Deliverable	Tool type	Description
Procurement portfolio	Rules and recommendations for setting the type of contract	File	Establishing the category of the contract – if goods, works or services.
	Information on the establishing the estimated value	File (doc. + xls.)	The documents provides information on how to establish the estimated value of a contract.
	Description of type of procedure and associated method	File	The document provides information on how (the main elements) to decide upon the type of public procurement procedure to be used.
Procurement process	Guidance on establishing the contract clauses on contract price and payment method	File	Information on how to establish the contractual clauses relating to the expression of the contract price and the way payments are made in the public procurement contracts.
	Market consultation: flow & description of activities	File	The flow chart of the market consultation and the activities to be performed while consulting the market and the related forms to be used.
	Templates to be used for Market consultation	File	The forms to be used and instructions on how to fill the in.
	Conducting the open procedure: flow & description of activities	File	The flow chart for conducting the open procedure and the activities to be performed with a description of each step to take, the stakeholders to be involved and the forms to be used.
	Templates to be used for conducting the open procedure	File	The forms to be used and instructions on how to fill the in.
	Contract management: flow & description and activities for contract execution and monitoring	File	The description of the activities to be performed, the flow chart, the forms (memo meeting, meeting agenda and management plan) to be used.
	Performance review: flow & description and activities	File	The description of activities to be performed, the flow chart and the form to be fill in with instructions.

	Templates to be used for performance review	File	The forms to be used and instructions on how to fill the in.
Standard Bidding Documents	SzBD for goods	Set of files	The documentation includes: Bid Data Sheet, Forms and Contract conditions
	SzBD for works	Set of files	The documentation includes: Bid Data Sheet, Forms and Contract conditions
	Reviewed set of SzBD for intellectual services	Set of files	The documentation includes: Bid Data Sheet, Forms and Contract conditions

Annex 2: Technical report on ANAP IT Infrastructure

Annex 3: List of technical and coordination meetings

Technical meetings	Coordination meetings
February 7, 2017	January 11, 2017
March 27, 2017	January 18, 2017
March 31, 2017	January 25, 2017
May 2, 2017	February 7, 2017
<i>Other ad-hoc technical meetings for discussing the content on Module 1, no minutes recorded</i>	February 15, 2017
	February 22, 2017
	March 8, 2017
	March 30, 2017
	April 26, 2017
	May 10, 2017
	June 7, 2017
	June 21, 2017
	July 5, 2017
	July 20, 2017
	September 6, 2017

Annex 4: Source codes and Content (EN + RO)

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