



## **ROMANIA**

### **Reimbursable Advisory Services Agreement on**

### **Support to the Implementation of the Public Procurement Strategy (P158629)**

## **OUTPUT 4**

### **Final version of the Web-based Guide**

November 2019



MINISTERUL FINANTELOR PUBLICE  
AGENȚIA NAȚIONALĂ PENTRU  
ACHIZIȚII PUBLICE



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This report has been delivered under the Reimbursable 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 1<sup>st</sup>, 2016. It corresponds to Output 4, 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 provisions of the relevant European Directives*”, **stage 4** “*development of advanced guide content based on an in-depth assessment of user feedback including a survey; recommended updates on content and features of the Web-based Guide; and completion of roll out and provision of the final online guide*”, of the above-mentioned agreement.

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## List of Abbreviations

ANAP	National Agency for Public Procurement
CA	Contracting authority
EC	European Commission
EIB	European Investment Bank
EU	European Union
GD	Government Decision
RAS	Reimbursable advisory services
SBD	Standard bidding documents
WB	World Bank

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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 are 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 funds<sup>1</sup>.

Throughout the four stages of developing the Web-based Guide, relevant content will be made available including associated legislation, regulation, standard 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.

The first amendment of the legal agreement was signed by the WB on November 22, 2017 and by ANAP on January 25, 2018 with the scope to ensure the support during the consultation process for the finalization of the standard tender documents and during the dissemination sessions organized at the regional level. The scope of work for Stage 3 as well as the total number of the standard tender documents to be developed was therefore re-assessed as outlined in table 1.

Table 1: List of outputs of the Web-based Guide<sup>2</sup>

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

<sup>1</sup> Information available at [http://ec.europa.eu/regional\\_policy/ro/policy/how/improving-investment/public-procurement/](http://ec.europa.eu/regional_policy/ro/policy/how/improving-investment/public-procurement/)

<sup>2</sup> Content as agreed with ANAP during the implementation of each stage.

Output	Description	Deadline
1	<p>First stage of the Web-based Guide:</p> <ul style="list-style-type: none"> <li>- initial priority content for open procedure: guidance, checklists, templates for the procurement planning stage;</li> <li>- elaboration of one (1) set of standard bidding documents for the selection of consultants;</li> <li>- development of an information wizard of complete procurement cycle for contracting authorities and public procurement practitioners;</li> </ul>	<p>Website, including content, delivered on Dec. 16, 2016.</p> <p>Output 1 submitted for review on February 21, 2017. ANAP feedback received on March 20, 2017. Revised version submitted on March 29, 2017. Approval received on April 12, 2017.</p>
2	<p><b>Second stage of the Web-based Guide:</b></p> <ul style="list-style-type: none"> <li>- 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);</li> <li>- elaboration of two (2) sets of standard bidding documents for works and goods;</li> <li>- piloting of the information wizard with initial priority content;</li> <li>- development of an interactive tool with instructions on how to use the Web-based Guide;</li> <li>- 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;</li> <li>- 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);</li> </ul>	<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> <p>Output 2 was submitted for review on October 20, 2017 and approved on January 17, 2018 after one revision.</p>

<b>Output</b>	<b>Description</b>	<b>Deadline</b>
3	<p>Third stage of the Web-based Guide:</p> <ul style="list-style-type: none"> <li>- 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 -, as well as content related to the stages of the procurement portfolio;</li> <li>- development of standard bidding documents for design services;</li> <li>- provision of support during the consultations process and revision of the standard tender documents for works, goods and intellectual services;</li> <li>- provision of support during 10 dissemination and information sessions to be delivered to the contracting authorities at the regional level in order to promote the Web-based Guide and standard bidding documents.</li> </ul>	<p>Initial deadline: May 31, 2018. 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>
4	<p>Final version of the Web-based Guide:</p> <ul style="list-style-type: none"> <li>- development of advanced guide content based on an in-depth assessment of user feedback including a survey;</li> <li>- 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;</li> <li>- elaboration of four (4) sets of standard bidding documents;</li> </ul>	<p>September 1st, 2019 (as per Amendment no. 2)</p>

<b>Output</b>	<b>Description</b>	<b>Deadline</b>
	- recommended updates on content and features of the Web-based Guide; provision of the final Web-based Guide.	

## Final version of the Web-based Guide

The final version of the Web-based Guide is implemented following the working methodology agreed with ANAP, considering the need to ensure that the developed content is fully acceptable to ANAP representatives. As agreed with ANAP representatives during the coordination meeting of February 28, 2019, the scope of work under this stage includes:

- development of content related to the Design contest, Negotiated procedure and Partnership for innovation, including guidance, checklists, and templates;
- development of content related to the main stages of the Project: initiation, planning, coordination and control;
- elaboration of the standard bidding documents for: Cleaning services, Maintenance services, Repair works, Air travel services;
- recommendations for revision of the content (Stages 1 and 2 of the Web-based Guide) in accordance with the legal changes from 2018;
- analysis of the website of the Web-based Guide in terms of current functionalities, flow of information and design and issue recommendations for improvement, including the analysis of results following the survey launched by ANAP in April 2019;
- a 5-day study visit to Scotland in order to meet relevant stakeholders, including the ones in charge with the administration and management of the Scottish procurement guide ([www.procurementjourney.scot](http://www.procurementjourney.scot));
- support during the delivery of 3 dissemination sessions on the Web-based Guide for the contracting authorities, at regional level
- a video for presentation of the main features and opportunities the Web-based Guide offers to Contracting Authorities.

The output includes in annex all the materials and documents, as they were agreed upon with ANAP representatives. A pin drive with the mentioned content is attached to the report (annex 3).

### I. Content deliverables

This section includes details on the first bullet points mentioned above.

The final version of the Web-based Guide includes further content for **procurement process**, i.e. Design contest, Negotiated procedure and Partnership for innovation, and **four sets of standard tender documents for Cleaning services, Maintenance services, Repair works, Air travel services**. At the same time, the content related to the **Project** i.e. initiation, planning, coordination controlling was elaborated and agreed upon with ANAP representatives during this stage.

This stage also includes the **revision of the content developed during the first two stages of the Guide** in order to incorporate the changes in the Romanian procurement legislation adopted during the course of 2018.

The content deliverables were submitted for feedback to ANAP and agreed upon after several technical meetings. 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. Documents were refined in accordance with the feedback provided by ANAP on each set of the documents. Agreed content materials were finalized and will be uploaded on the website by ANAP designated staff.

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

Table 2: List of content materials

Nr.	Document	Date of approved final version <sup>3</sup>
<b>PROJECT</b>		
<b>Initiation</b>		
1	Flow & description of activities	25 September 2019
<b>Planning</b>		
2	Flow & description of activities	25 September 2019
<b>Coordination</b>		
3	Flow & description of activities	25 September 2019
<b>Controlling</b>		
4	Flow & description of activities	25 September 2019
<b>PROCUREMENT PROCESS</b>		
<b>Conduct the procedure</b>		
5	Conducting the Design contest - flow & description of activities	24 September 2019
6	Templates to be used for conducting the Design contest	24 September 2019
7	Conducting the Negotiated procedure - flow & description of activities	24 September 2019
8	Templates to be used for conducting the Negotiated procedure	24 September 2019
9	Conducting the Partnership for innovation - flow & description of activities	Revised version submitted by WB on 9 October 2019

<sup>3</sup> Date of agreement provided by ANAP on the mentioned content.

10	Templates to be used for conducting the Partnership for innovation	Revised version submitted by WB on 9 October 2019
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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.

The **content of all the SBDs - Cleaning services, Maintenance services, Repair works and Air travel services** - was developed following the same structure and approach 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 sets of SBDs for **Cleaning services, Maintenance services and Air travel services**, approved on September 16, 2019, are uploaded for consultation purposes at <https://www.achizitiipublice.gov.ro/matrix/10/1/true>. The SBDs for **Repair works** were approved by ANAP on October 3, 2019.

The first version of the **recommendations for revision of the content** (Stages 1 and 2 of the Web-based Guide) in accordance with the legislative changes from 2018 were shared with ANAP team on June 14, 2019 and ANAP sent the preliminary feedback on July 18, 2019. The WB team reviewed the proposed modifications and resubmitted the complete analysis of the content on September 26, 2019. The proposed modifications take into account the legislative changes without modifying the text which was not the subject of the respective changes. This approach was taken considering that agreement had already been reached on all content during the development stages. Identified errors were also corrected during the review and were marked in the document.

## II. Provision of the final Web-based Guide

This section provides details on the recommended updates of the Web-based Guide proposed by the WB team based on:

- analysis of the website of the Web-based Guide in terms of current functionalities, flow of information and design and issue recommendations for improvement, including the analysis of results following the survey launched by ANAP in April 2019;
- support during the delivery of 3 dissemination sessions on the Web-based Guide for the contracting authorities, at regional level;
- a 5-day study visit to Scotland in order to meet relevant stakeholders, including the ones in charge with the administration and management of the Scottish procurement guide ([www.procurementjourney.scot](http://www.procurementjourney.scot));
- a video for presentation of the main features and opportunities the Web-based Guide offers to Contracting Authorities.

By end of May 2019, the Bank assisted ANAP in the dissemination of the Guide at regional level, to approximately 500 representatives of the CAs, with the scope to ensure the appropriate communication of the new operational approach, including of the tools and instruments of the

Guide. **Three additional sessions** were organized as part of the final stage of the Web-based Guide in order to ensure a wider dissemination of the tools and instruments:

- Bacău – September 13, 2019 – 84 participants;
- Târgu Mureș – September 24, 2019 – 57 participants;
- Oradea – October 4, 2019 – 66 participants.

In general, the Web-based Guide received positive feedback, however procurement officers consider that it contains a lot of information and that part of it is not relevant for their activity. It should be noted that less than half of the participants had the chance to navigate through the website and therefore they were not really familiarized with its content and the possible use in their activity. The feedback received showed that there is need for capacity building of the CAs in order to better understand the tools, instruments and templates provided within the Guide so that they are able to improve their processes in the interest of better outcomes.

From January 2017, the Web-based Guide was visited by more than 115,000 users, 25% being returning visitors. A **survey** was launched by ANAP in March 2019<sup>4</sup> to get user feedback on the functionalities and content of the Guide and determine the opportunities for future development. The results of the survey are presented in annex 4. From a total of 438 respondents, more than 34% have less than 3 years of experience in public procurement and about 62% of the total respondents consider that they have average knowledge of the public procurement legislation.

Users<sup>5</sup> of the Web-based Guide generally consider that the Guide is a useful tool for their activity that supports the quality of the public procurement process and which can be adapted to each specific need. They also appreciate the functionalities and usefulness of the content in their activity. The users considered the Guide generally clear and bringing clarity to the provisions of the procurement legislation. Nevertheless, some of the respondents find it difficult to follow (25%) or consider that legal provisions are insufficiently detailed (14%). At the same time, other respondents consider that it may be difficult for the beginners and that it needs to be constantly adapted to new legal provisions. Others would like a more practical approach in the presentation of the Guide, with more case studies and examples, eventually adapted to the size of CAs, specific category or complexity of the contract. Standardization for specific areas of activity, highlighting the most important provisions, more search filters or automatic notification of CAs when new content is uploaded are considered useful additions to the Guide.

Respondents' familiarity with the main planning tools of the Web-based Guide is quite limited, considering that 34% have never carried out a public procurement procedure specified by law<sup>6</sup>. More than 50% of the respondents never used or heard about SWOT analysis. Only about 7% and respectively a little over 9% frequently use the risk analysis tool and the stakeholder's analysis. About 20% of the respondents have never heard about these two instruments. Nevertheless, the

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<sup>4</sup> The survey was launched in March 2019 and published on ANAP's website as well as distributed through the e-procurement system, therefore it is expected that part of the users of the electronic system also provided feedback. The analysis was made based on the results received by May 2, 2019.

<sup>5</sup> It should be noted that part of the respondents mentioned in their open answers that they are not familiar with the Guide. However, it cannot be assessed the type of answers they provided as it is not possible to track the responses given by each user.

<sup>6</sup> Respondents generally conducted simplified procedures (about 79%) and open tender (more than 42%).

two instruments are considered useful or very useful for their activity (the stakeholder's analysis by 62% of the respondents and the risk analysis by about 73%) but difficult to understand or apply (around 40% of the respondents).

Most of the templates provided within the Guide are considered clear and easy to be applied by more than 80% of the respondents. The standard tender documents were also well received, however the two documentations for intellectual services and design services are considered less or not at all important in their activity by about 40% and respectively 29% of the respondents.

The results of the survey were taken into account in the **development of the recommendations for improvement of the website of the Web-based Guide** to complement the analysis conducted by the WB team (shared with ANAP on June 14, 2019). The recommendations for improvement were discussed with ANAP and the developer with the view to ensure that all technical elements have been taken into account. The minutes of the meeting were confirmed by WB and ANAP teams on October 24, 2019. The WB team, in collaboration with ANAP designated team, shall implement the agreed modifications with the scope to improve the users' experience, both final users and ANAP administrators (annex 5).

A **study visit** was organized during July 22-26, 2019 with the scope to learn about (i) the experience of the Scottish Government in reforming public procurement in line with the latest EU Public Procurement Directives and with international best practices and (ii) efficient and effective approaches to the roll-out of new procurement policies, guidance, and tools including the web-based guide which follows the same approach in both countries. The report of the study visit and materials are attached as annex 6.

The following points were identified as key areas of focus to be further analyzed and developed in appropriate tools and policies:

- Procurement tools – how the various tools work in practice, possibly with interactive sessions or “walks through” of examples and case studies.
- The Procurement Academy – in particular how standards are set, trainers are secured, the curriculum developed and accreditation acquired.
- Innovation versus risk aversion – looking at how to manage expectations around risk that will encourage and stimulate innovate approaches to public policy challenges.
- Audit and accountability – linked to the learning point around control and collaboration, how government oversight can be coupled with local accountability and transparency in public spend.
- Sectoral versus geographical specialization – comparing the opportunities and challenges of sectoral centers of expertise as opposed to geographical centers.
- Communication and change management - identifying simple and compelling messages of change, and recruiting key influencers to champion procurement reform.
- Measuring outcomes – reviewing developing good practice in identifying baskets of indicators that allow progress towards outcomes to be captured in a meaningful way.

The above measures are complemented by a **video of presentation of the Web-based Guide** with the view to further present and promote the tools and instruments developed under the RAS. The video is presented in Annex 7.

## **Communication arrangements**

The World Bank team is 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 were discussed, improved and agreed upon with the ANAP counterpart team during technical meetings and confirmed during the coordination meetings, where the case.

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, 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 after the finalization of each set of documents. At the same time, the upload task was completely transferred to ANAP staff in charge with the administration of the website.

## Annex 1: Brief description of content materials

Path	Deliverable	Tool type	Description
Project	<b>Initiation: flow and description of activities</b>	File	The flow chart and the activities to be performed for the initiation stage.
	<b>Planning: flow and description of activities</b>	File	The flow chart and the activities to be performed for the planning stage.
	<b>Coordination: flow and description of activities</b>	File	The flow chart and the activities to be performed for the coordination stage.
	<b>Controlling: flow and description of activities</b>	Files	The flow chart and the activities to be performed for the controlling stage.
Procurement process	<b>Conducting the Design contest: flow &amp; description of activities</b>	File	The flow chart for conducting the Design contest 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.
	<b>Templates to be used for conducting the Design contest</b>	File	The forms to be used and instructions on how to fill the in.
	<b>Conducting the Negotiated procedure: flow &amp; description of activities</b>	File	The flow chart for conducting the Negotiated 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.
	<b>Templates to be used for conducting the Negotiated procedure</b>	File	The forms to be used and instructions on how to fill the in.
	<b>Conducting the Partnership for innovation: flow &amp; description of activities</b>	File	The flow chart for conducting the Partnership for innovation 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.
	<b>Templates to be used for conducting the Partnership for innovation</b>	File	The forms to be used and instructions on how to fill the in.

Standard Bidding Documents	<b>SBDs for Cleaning services</b>	Set of files	The documentation includes: Scope of Work (terms of reference) Form of technical proposal Form of financial proposal Form of contract General conditions of contract Specific conditions of contract Inspection list Workplan
	<b>SBDs for Air travel services</b>	Set of files	The documentation includes: Scope of Work (terms of reference) Centralized table Form of technical proposal Form of financial proposal Rebidding stage related templates Catalogue of evaluation factors Forms for selection criteria Framework agreement - Form of contract Framework agreement - General conditions of contract Framework agreement - Specific conditions of contract Subsequent contract
	<b>SBDs for Maintenance services</b>	Set of files	The documentation includes: Scope of Work (terms of reference) Form of technical proposal Form of financial proposal Catalogue of evaluation factors Form of contract General conditions of contract Specific conditions of contract
	<b>SBDs for Repair works</b>	Set of files	The documentation includes: Scope of Work (terms of reference) Centralized table Form of technical proposal

			Form of financial proposal Rebidding stage related templates Framework agreement - Form of contract Framework agreement - General conditions of contract Framework agreement - Specific conditions of contract Subsequent contract
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## Annex 2: List of technical and coordination meetings

<b>Technical meetings</b>	<b>Coordination meetings</b>
September 23, 2019	September 11, 2019
June 20, 2019	June 20, 2019
<i>Other ad-hoc meetings</i>	June 13, 2019
	February 28, 2019
	February 12, 2019

**Annex 3: Delivered content materials (PIN drive & shared folder)**

# Annex 4: Market survey



Analysis market  
feedback.docx

## Annex 5: Website analysis and recommended modifications



Analysis on IT  
solution - layout & :01.10.2019



Minuta intalnire  
:01.10.2019 Analiza c

## Annex 6: Study visit report



ANAP study tour  
report.docx



Study Visit  
Programme v2.docx

# Annex 7: Video Web-based Guide



Video Web-based  
Guide v6.mp4



RO\_Script video  
Web-based Guide 0



Script video  
Web-based Guide 0

**Competence makes a difference!**

Project selected under the Administrative Capacity Operational Program, co-financed by European Union from the European Social Fund