

PROCUREMENT PLAN (Mandatory Requirements)

Project information: [Bangladesh] [BANGLADESH ENVIRONMENTAL SUSTAINABILITY AND TRANSFORMATION PROJECT (BEST)]

Project] [(P172817]

Project Implementation agency: [DEPARTMENT OF ENVIRONMENT]

Period covered by this Procurement Plan: Project Preparation Advance Period

Preamble

In accordance with paragraph 5.9 of the World Bank Procurement Regulations for IPF Borrowers, July 2016 [Revised in November, 2017 and in August 2018] (“Procurement Regulations”), the Bank’s Systematic Tracking and Exchanges in Procurement (STEP) system will be used to record all procurement actions for the Project, including preparing, updating and clearing its Procurement Plan, and seeking and receiving the Bank’s review and No-objection to procurement actions as required.

This textual part along with the Procurement Plan tables in STEP constitute the Procurement Plan for the Project. The following conditions apply to all procurement activities in the Procurement Plan. The other elements of the Procurement Plan as required under paragraph 4.4 of the Procurement Regulations are set forth in STEP.

The Bank’s Standard Procurement Documents: The Bank’s Standard Procurement Documents (SPDs) shall be used for goods, works and non-consulting services where international competition is required and for all consulting services, including their respective forms of contract.

National Procurement Arrangements: In accordance with paragraph 5.3 of the World Bank Procurement Regulations, when approaching the national market, as agreed in the Procurement Plan, the country’s own procurement procedures may be used. These procurement procedures shall be consistent with the Bank’s Core Procurement Principles and ensure that the Bank’s Anti-Corruption Guidelines and Sanctions Framework and contractual remedies set out in its Legal Agreement apply.

When the Borrower uses its own national open competitive procurement arrangements as set forth in the Public Procurement Act 2006 and the Public Procurement Rules 2008, such arrangements shall be subject to paragraph 5.4 of the Procurement Regulations and the following conditions:

- 1) Lottery in award of contracts shall not be allowed;
- 2) Bidders’ qualification[s]/experience requirement[s] shall be mandatory;
- 3) Bids shall not be rejected based on percentage above or below the estimated cost;
- 4) Model Bidding Documents agreed with the Bank shall be used for all national open competitive procurement;

- 5) The eligibility of bidders shall be as defined under Section III of the Procurement Regulations. Accordingly, no bidder or potential bidder shall be declared ineligible for contracts financed by the Bank for reasons other than those provided in Section III of the Procurement Regulations;
- 6) The request for bids/request for proposals document shall require that Bidders/Proposers submitting Bids/Proposals present a signed acceptance (in the form attached) at the time of bidding, to be incorporated in any resulting contracts, confirming application of, and compliance with, the Bank’s Anti-Corruption Guidelines, including without limitation the Bank’s right to sanction and the Bank’s inspection and audit rights.
- 7) *Procurement Documents include provisions, as agreed with the Bank, intended to adequately mitigate against environmental, social (including sexual exploitation and abuse and gender-based violence), health and safety (“ESHS”) risks and impacts.*

When the Borrower uses other national procurement arrangements (other than national open competitive procurement), such as limited/restricted competitive bidding, request for quotations/shopping, direct contracting), such arrangements shall be consistent with the above requirements.

As per paragraph 5.4 of the Procurement Regulations, the “*Letter of Acceptance of the World Bank’s Anticorruption Guidelines and Sanctions Framework*” as attached to this document shall form part of the Model Bidding Documents.

Leased Assets: Not Applicable.

Procurement of Second Hand Goods: Not Applicable.

Domestic preference: as specified under paragraph 5.51 of the Procurement Regulations (**Goods and Works**) as follows:

Goods: Applicable;

Works: Not applicable.

Hands-on Expanded Implementation Support (HEIS): Not Applicable.

Bank’s Procurement Prior Review Thresholds: contracts at or above the thresholds set out in table 1 below are subject to the Bank’s procurement prior review.

Table 1: Procurement Prior Review Thresholds (US\$ millions)

| Type of procurement | High risk | Substantial risk | Moderate risk | Low risk |
|----------------------------------------------------------------------------------|-----------|------------------|---------------|----------|
| Works (including turnkey, supply & installation of plant and equipment, and PPP) | 5 | 10 | 15 | 20 |

| | | | | |
|-----------------------------------------------------------|-----|-----|-----|-----|
| Goods, information technology and non-consulting services | 1.5 | 2 | 4 | 6 |
| Consulting services: firms | 0.5 | 1 | 2 | 4 |
| Consulting services: Individual | 0.2 | 0.3 | 0.4 | 0.5 |

Notes:

1. These thresholds apply to all procurement activities regardless of their procurement/selection methods. There is no automatic requirement to undertake prior review for direct selection for value less than these thresholds. Consultant services covers a range of services that are of an advisory or professional nature.
2. In addition to the provisions of Table 1 above, and irrespective of the contract value, the following procurement activities are subject to the Bank's procurement prior review:
 - (a) procurement processes involving contract negotiations, as described in Section VI, paragraphs 6.34-36, of the Procurement Regulations;
 - (b) competitive dialogue;
 - (c) sustainable procurement;
 - (d) selection of probity assurance providers, as described in Section III, paragraph 3.3 of the Procurement Regulations; and
 - (e) best and final offer.
3. The determination of whether a contract meets the procurement prior review threshold is based on the estimated value of the contract or the package -when the selection document contains more than one lot/slice-, including all taxes and duties payable under the contract.

Bid/ Proposal Evaluation Committee: *[Describe]*

Arrangement for CDD: *[Describe]*

Fraud and Corruption (F&C) Checklist: Fraud and Corruption (F&C) checklist, as developed and provided by the Bank, shall be properly filled in during the evaluation and be attached with the evaluation report in case of contracts following national competitive procurement and request for quotations.

Attachment 1

Letter of Acceptance of the World Bank's Anticorruption Guidelines and Sanctions Framework¹

Date: _____

Invitation of Bids/Proposals No. _____

To: _____

We, along with our sub-contractors, sub-consultants, service providers, suppliers, agents (whether declared or not) consultants and personnel, acknowledge and agree to abide by the World Bank's policy regarding Fraud and Corruption (corrupt, fraudulent, collusive, coercive, and obstructive practices), as set out and defined in the World Bank's Anti-Corruption Guidelines² in connection with the procurement and execution of the contract (in case of award), including any amendments thereto.

We declare and warrant that we, along our sub-contractors, sub-consultants, service providers, suppliers, agents (whether declared or not), consultants and personnel, are not subject to, and are not controlled by any entity or individual that is subject to, a temporary suspension, early temporary suspension, or debarment imposed by a member of the World Bank Group, including, inter alia, a cross-debarment imposed by the World Bank Group as agreed with other international financial institutions (including multilateral development banks), or through the application of a World Bank Group finding of non-responsibility on the basis of Fraud and Corruption in connection with World Bank Group corporate procurement. Further, we are not ineligible under the laws or official regulations of *[Insert name of Employer as per bidding document]* or pursuant to a decision of the United Nations Security Council.

¹[Drafting note: This document shall be signed by bidders/proposers/consultants and submitted as part of their bids/proposals. In addition, this document shall be signed by the winning bidder/consultant and incorporated as part of the contract.]

²Guidelines on Preventing and Combating Fraud and Corruption in Projects Financed by International Bank for Reconstruction and Development Loans and the International Development Agency Credits and Grants, dated October 15, 2006, and revised in January 2011 and July 2016, as they may be revised from time to time.

We confirm our understanding of the consequences of not complying with the World Bank's Anti-Corruption Guidelines, which may include the following:

- a. rejection of our Proposal/Bid for award of contract;
- b. in the case of award, termination of the contract, without prejudice to any other remedy for breach of contract; and
- c. sanctions, pursuant to the Bank's Anti-Corruption Guidelines and in accordance with its prevailing sanctions policies and procedures as set forth in the Bank's Sanctions Framework. This may include a public declaration of ineligibility, either indefinitely or for a stated period of time, (i) to be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;³ (ii) to be a nominated⁴ sub-contractor, sub-consultant, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank-financed contract; and (iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in the preparation or implementation of any Bank-financed project.

We understand that we may be declared ineligible as set out above upon:

- a. completion of World Bank Group sanctions proceedings according to its prevailing sanctions procedures;
- b. cross-debarment as agreed with other international financial institutions (including multilateral development banks);
- c. the application of a World Bank Group finding of non-responsibility on the basis of Fraud and Corruption in connection with World Bank Group corporate procurement; or
- d. temporary suspension or early temporary suspension in connection with an ongoing World Bank Group sanctions proceeding.

For avoidance of doubt, the foregoing effects of ineligibility do not extend to a sanctioned firm's or individual's execution of its ongoing Bank-financed contracts (or its ongoing sub-agreements under such contracts) that are not the subject of a material modification, as determined by the Bank.

We shall permit, and shall cause our sub-contractors, sub-consultants, agents (whether declared or not), personnel, consultants, service providers or suppliers, to permit the Bank to

³ For the avoidance of doubt, a sanctioned party's ineligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification or initial selection), expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

⁴A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the bidding document) is one which has been: (i) included by the bidder in its pre-qualification or initial selection application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid; or (ii) appointed by the Borrower.

inspect⁵ all accounts, records, and other documents relating to the procurement process and/or contract execution (in the case of award), and to have them audited by auditors appointed by the Bank.

We agree to preserve all accounts, records, and other documents (whether in hard copy or electronic format) related to the procurement and execution of the contract.

Name of the Bidder/Proposer/Consultant: _____

Name of the person duly authorized to sign the Bid/Proposal on behalf of the Bidder/Proposer/Consultant:

Title of the person signing the Letter: _____

⁵Inspections in this context are usually investigative (i.e., forensic) in nature: they involve fact-finding activities undertaken by the Bank or persons appointed by the Bank to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data, and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third-party verification of information.

| Activity Reference No. / Description | Loan / Credit No. | Component | Review Type | Method | Market Approach | Contract Type | Actual Amount (US\$) | Process Status | Teams of Reference | | Invitation to Identified/Selected Consultant | | Draft Negotiated Contract | | Signed Contract | | Contract Completion | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------|-------------|---------------------------------|-----------------|---------------|----------------------|------------------------|--------------------|--------|----------------------------------------------|--------|---------------------------|--------|-----------------|--------|---------------------|--------|
| | | | | | | | | | Planned | Actual | Planned | Actual | Planned | Actual | Planned | Actual | Planned | Actual |
| BD-DOE-190838-CS-INDV / Financial Management Specialist (FMS) will be hired for managing the financial issues of Preparation Project and review the costings and cost items aligned with GoB Economic Code and procedures (Detail described in ToRs of FMS). | / | | Post | Individual Consultant Selection | Open | | 0.00 | Pending Implementation | 2020-09-03 | | 2020-10-06 | | 2020-10-20 | | 2020-11-03 | | 2021-12-31 | |
| BD-DOE-190862-CS-INDV / Procurement Specialist (PS) will be hired for procurement and contact management of BEST Preparation project and review the procurement plans, bidding document of BEST DPP (As per TORs of PS) | / | | Post | Individual Consultant Selection | Open | | 0.00 | Pending Implementation | 2020-08-31 | | 2020-09-28 | | 2020-10-05 | | 2020-10-19 | | 2021-12-31 | |