

OUTLINE TERMS OF REFERENCE FOR PROCUREMENT ADVISOR

A. Objective

1. The objective to have a procurement advisor in place is to ensure that the appropriate procedures and scrutiny are in place to maintain the integrity of the procurement process. This is considered one of the best practices undertaken in certain countries.

2. An important role of the Procurement Adviser is to report any act or omission the Procurement Adviser observes in a procurement process that affects, or may affect, its integrity. The Procurement Adviser must have full and free access to all aspects of the process they are engaged to assess, including all relevant documentation (such as bids and bid evaluation reports) and meetings. The Procurement Adviser should ultimately report to, and have direct access to, Secretaries of the Ministry of Communications and the Ministry of Shipping; Chief Engineer of the Roads and Highways Department; Chairman, the Bangladesh Land Port Authority; any other authorities/committees concerned; and ADB; should matters worthy of comment arise.

B. Scope

3. The Procurement Advisor will undertake the following, but not limited to, the tasks:

- (i) Examine and evaluate information and processes
 - (a) Act as an independent observer and comment on all relevant aspects of the process from beginning to end, and at key stages throughout.
 - (b) Scrutinize the process to determine whether relevant ADB and government guidelines and appropriate policies are being followed, and that best practice is being followed.
 - (c) Ensure that the process is impartial and fair with no party being given advantage over another or unfairly discriminated against, and that confidential information is protected.
 - (d) Ensure that all relevant participants in the process are aware of their responsibilities to disclose conflicts of interest.
- (ii) Advise on the management of probity issues that may arise
 - (a) Conduct a risk assessment, identify possible probity issues, and prepare a probity plan that describes mitigation measures and responsibilities, prior to commencement of the procurement process.
 - (b) Prepare procedures for management of procurement processes (including evaluation of bids) to minimize the risk of probity issues.
 - (c) Providing advice to the agency and interested parties on how emerging issues can be resolved or managed (eg. conflicts of interest).
- (iii) Documentation and reporting to the agency
 - (a) Prepare an interim report of each stage (technical and financial evaluation) of each procurement process.
 - (b) Prepare a signed, written final report of each procurement process, describing any probity issues that arose, how those issues were managed, and agency's performance when conducting that stage or process.

4. The final report should present the purpose, scope and results of the procurement assessment and include an expression of the Procurement Adviser's opinion of the process. The report should highlight significant findings and recommendations and inform RHD, MOC, BLPA, MOS and ADB of any major deviations from the approved process and the reason for those deviations.

5. The relevant reports submitted by the Procurement Advisor should be appended to the documents/evaluation report submitted to the Procurement Committee of the Government and ADB.

C. Selection and Engagement

6. Procurement Adviser will be selected and engaged by ADB and should meet the following qualifications:

- (i) Demonstrated understanding of procurement and probity issues in a Government and ADB (or other Multilateral Development Banks) context;
- (ii) Proven experience in dealing with procurement and probity issues in a relevant field;
- (iii) Ability to analyze complex issues; and
- (iv) High level inter-personal and communication skills.

7. In addition, the Procurement Advisor must disclose any conflicts of interest it may be exposed to and also provide evidence of current professional indemnity insurance. The Procurement Adviser completes a Confidentiality and Conflict of Interest Declaration.

D. Staffing

8. The Procurement Advisor will be engaged for 10 months from December 2012 to October 2013, subject to the timing of the procurement process. International inputs of 6 person-months will be required on the intermittent basis.