

Procurement Capacity Assessment

September 2016

TAJ: Water Resources Management in Pyanj River Basin

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ABBREVIATIONS

ADB	–	Asian Development Bank
ALRI	–	Agency of Land Reclamation and Irrigation
CAB	–	Central Authorized Body
CIS	–	Chubek Irrigation System
EA	–	executing agency
GOT	–	Government of Tajikistan
IA	–	Implementing Agency
IFI	–	International Financing Agency
MEWR	–	Ministry of Energy and Water Resources
MLRWR	–	Ministry of Land Reclamation and Water Resources
NGO	–	non-government organization
PCA	–	procurement capacity assessment
PFM	–	Public Finance Management
PIU	–	Project Implementation Unit
PMO	–	Project Management Office
PMU	–	Project Management Unit
PRB	–	Pyanj River Basin
SIPMC	–	State Investment and Property Management Committee
WB	–	World Bank

I. THE PROJECT

1. The proposed Water Resources Management in the Pyanj River Basin Project (the Project) will improve institutional and physical capacities of water resources management system in Pyanj River Basin (PRB) of southern Tajikistan. The impact of the proposed project are (i) the irrigated land in good condition and food security increased, and (ii) the efficiency of water resources used increased by 2020.
2. The main project outputs are:
 - (i) Output 1. Water resources in Pyanj River Basin better managed;
 - (ii) Output 2. Modernized and climate-proofed Chubek Irrigation System Water Resources Management fully operational; and
 - (iii) Output 3. Farm management capacity and water use skills increased.
3. The Agency for Land Reclamation and Irrigation (ALRI) will be the executing agency (EA) to manage Outputs 2 and 3 while the Ministry of Energy and Water Resources (MEWR) will be the EA responsible to manage Output 1.
4. Consulting firms will be recruited to support ALRI and MEWR to implement Output 2 and 1 respectively, while an NGO will be recruited to provide consulting services to support ALRI to implement Output 3.

II. OVERVIEW OF PUBLIC PROCUREMENT IN TAJIKISTAN

5. The Government of Tajikistan (GOT) introduced a set of “Rules on bid opening applicable to procurement of goods, works, and services within the context of state investment projects” (Rules) in January 2011, which were amended in 2013. In Tajikistan, all procurements are routed through the State Committee for Investments (SCI), established under a Presidential Decree. According to the Rules, the State Investment and Property Management Committee (SIPMC) is the designated “Central Authorized Body” (CAB) to centralize the bid opening process under state investment projects financed by various donors and international financing agencies (IFIs), including World Bank (WB) and the Asian Development Bank (ADB). However, the process and procedures followed by ADB supersedes the State Procurement Rules.
6. The Rules require that all bids and bid evaluation reports for procurement under such projects be cleared by the CAB before these reports are submitted to the financing institution concerned.
7. With participation of ADB, WB’s Operational Services and Quality Unit of Europe and Central Asia Region prepared, in May 2013, a report “Tajikistan Country Procurement Status Review.” The key findings of the review, related to this specific project, are as follows:
 - (i) Procurement is not a profession in Tajikistan, and, therefore, the responsibility assigned to public officials lacks sufficient skills for effective procurement. The skills of public officials in contracts management needs to be enhanced for efficient project implementation;
 - (ii) In addition to seriously affecting the ownership and accountability of implementing agencies for the outcomes of the investments, this arrangement has unnecessarily increased the time for completion of the bidding process and appears to duplicate the bid evaluation process since the CAB is conducting its

- own separate bid evaluation;¹ and
- (iii) For donor-funded projects, separate bid evaluation by CAB delays the procurement process and may not add value to the evaluation done by the IAs.

8. Project-hired consultants assist the project management offices (PMOs) in the preparation of the bidding documents. Completed bidding documents are then submitted to the EA and SCI for approval. The approved bid documents are then submitted to ADB for final approval.

9. The performance of three past ADB funded projects in water resources sector, viz. Agricultural Development Project (Loan-1980-TAJ), Irrigation Rehabilitation Project (Loan 2124-TAJ) and Khatlon Province Flood Risk Management Project (Loan 2356-TAJ) is rated to be satisfactory.² These projects were implemented by the former Ministry of Water Resources Management and Land Reclamation (MWRMLR) which has now been restructured to ALRI. ALRI, for all projects, established a PMO in Dushanbe headed by a full time project director and supported by project implementation units (PIUs) in project provinces. The procurement specialist and engineers were hired from the market on project basis by the PMO and their services were available only during the project implementation period. Such arrangement did not contribute to capacity development of the EA on a sustainable basis.

10. MEWR (the former Ministry of Energy and Industry [MEI]) has established a central PMO of project implementation group (PIG) to manage all their projects funded by external agencies. All PIG staff are regular employees of the Ministry and their procurement specialists have gained good experience in procurement for ADB-financed projects. This has enhanced the capability of the central PMO on a sustainable basis.

III. PROCUREMENT OF GOODS, WORKS AND CONSULTING SERVICES

11. All procurement of goods and works will be undertaken in accordance with ADB's *Procurement Guidelines*. The procurement plan indicates review procedures, goods, works and consulting service contract packages and national competitive bidding (NCB). International competitive bidding (ICB) procedures will be used for civil works contracts estimated to cost \$1 million or more while NCB procedures for contract costing below \$1 million. Similarly, ICB procedures will also be used for goods contracts estimated to cost \$1 million or more while NCB procedure for contracts costing below \$1 million. Shopping will be used for procurement of small works and equipment worth less than \$100,000.

A. Expected Procurement

12. Procurement under the Project will consist of (i) a major civil works contract for the modernization and rehabilitation (M&R) of the pumping units and sediment excluding basin with a total cost estimate of \$13.6 million following ADB's single-stage one-envelope international competitive bidding (ICB) procedure with post-qualification; (ii) three civil works contracts for the M&R of I&D infrastructures each estimated at \$1.7 million following ADB's single-stage one-envelope ICB procedure with post-qualification; (iii) three consulting services contracts to support (a) project management and monitoring estimated to cost \$2.4 million; (b) establishment of a Joint Afghanistan-Tajikistan PRB Commission and support of ongoing water sector reform

¹ World Bank. 2013. *Tajikistan Country Procurement Status Review Report by World Bank*. <http://documents.worldbank.org/curated/en/2013/05/17752520/tajikistan-country-procurement-status-report>.

² ADB. 2013. *Validation Report for Tajikistan Irrigation Rehabilitation Project (Loan 2124-TAJ PCR)*. <http://www.adb.org/sites/default/files/evaluation-document/36203/files/pvr-295.pdf>

in the Pyanj River basin, estimated to cost \$2.0 million, and (c) capacity building of water users associations and farmers estimated at \$1.2 million; (iv) approximately 10 relatively small contracts for equipment estimated at a total of \$3 million; and (v) 3 minor civil works contracts estimated at a total of \$0.29 million. Consulting services will be procured following ADB's Quality- and Cost-Based Selection (QCBS) method, and for selection, including NGOs, following the Quality Based Selection (QBS) method. Small contracts for equipment and civil works will be procured through shopping or national competitive bidding. Details of the procurement packages for works, goods, and consulting services are given in the procurement plan.

B. Organizational and Staff Capacity

13. The MEWR was established by Presidential Decree in February 2014 by a merger of the previous Ministry of Energy, with the previous water resource policy & regulation function, and of the previous Ministry of Land Reclamation and Water Resources (MLRWR). The purpose of the reorganization was to separate on ministry level the regulatory body, from the management at national level, of the development and operation and maintenance (O&M) of irrigation and drainage (I&D) systems. The latter management was previously carried out by a division of MLRWR, which through the reorganization was separated into the Agency of Land Reclamation and Irrigation (ALRI).

14. The responsibility of MEWR is restricted to the river as a source of water, whereas the responsibility of ALRI is restricted to I&D infrastructures along both side of the river (inter-farm and on-farm irrigation canals, drainage collectors, sediment ponds, etc.). In the latter case, the responsibility of ALRI is not only development and management of the O&M of such infrastructures, but also policy and regulation matters required for such development and management. MEWR will be the EA for Output 1, whereas ALRI will be the EA for Outputs 2 and 3.

15. Under ALRI, the existing Project Management Office (PMO) for Grant 0352: Building Climate Resilience in the Pyanj River Basin Project will be tasked to manage overall project implementation, except for Output 1. ALRI and PMO are experienced in implementing donor funded projects. However additional staff comprising inter alia, procurement specialist, accountant, engineer and other support staff are to be recruited. In addition, an international project management consultant (PMS) is to be recruited for this Project to support implementation, As, the procurement process, and procedures will be same for both projects, the PMO is already familiar with ADB's processes and procedures since the Director and other technical and accounting staff have been associated with ADB projects over a long period of time.

16. MEWR has a central PMO or Project Implementation Group (PIG), operating under the national budget with sufficient staff as regular employees of the Ministry. The PIG is carrying out the management including procurement of a number of ongoing ADB funded projects in the energy sector satisfactorily. As the PIG operates with regular staff, it has developed capacity. The new minister of MEWR was earlier a PMO Director and has taken some of his staff, who has earlier experience in managing donor funded projects to the Ministry. Two of their staff have past experience of working with State Investment Committee, and are conversant with the bidding procedures in Tajikistan. MEWR does not intend to setup a separate PMO for Output 1, but plans to assign the responsibility of managing this output to the PIG, consisting of:

- (i) Up to five staff from various departments to be assigned on part time basis to carry out project management tasks, with the head of the Investment Department assigned to lead the PIG, and with the First Deputy Minister as Supervisor;
- (ii) The head of Department of Management Development and Implementation Investment Projects in Energy and Water Resources Sector will be responsible for procurement of works, goods, and services. He has seven years of work experience for various donor including ADB funded projects as procurement specialist in the energy sector but not in the water resources or infrastructure sector. He will be supported by the procurement specialist of the International Relations Department, with past experience in ADB and other donor funded projects, as a staff member;
- (iii) International and National consultants engaged under the project; and
- (iv) MEWR considers that their individual staff level has required expertise, e.g., the operation of ADB disbursement, and procurement procedures.

17. MEWR proposes to develop an Action Plan as they did in the past that defines the responsibility and input durations of each staff in the work group. Such Action Plan will be developed for procurement, disbursement, and management of the project, for compliance by the individual staff of the Work group and monitored by the First Deputy Minister. It is informed that the Water Resources Department and International Relations Department are directly monitored by the First Deputy Minister, which in a way is an attempt to establish the importance given by the office of the First Deputy Minister on the WRM component.

18. There is doubt whether the team leader of the PIG is only required to be assigned on part-time basis, and whether the head of the MEWR will find sufficient time in addition to many other already assigned tasks. The First Deputy Minister will act as Supervisor, which implies that he will be the key decision maker on all the issues related to management of the projects. The other constraint will be the bureaucratic process, prevalent in this country, to obtain his decisions in time on key issues.

C. Procurement Capacity Assessment (PCA)

19. According to ADB Guidelines, *“The general objective of ADB appraisals of EAs and IAs is to ensure that they are technically, managerially, and financially capable of efficiently and effectively implementing proposed projects or programs.* It follows from the same guideline that *the EA and IA are to manage and implement the project, respectively.* Prior to reorganization, both agencies have had past experience in procurement for ADB and other donor-funded projects. Staff of these agencies participated from the bid closing/opening until the contract award. Staff of the agencies also participated in seminars and conferences on procurement arranged by local and international agencies. The EAs have also successfully completed recruitment of consulting services for international implementation consultants for ADB and other donor funded projects and have acquired sufficient expertise to undertake recruitment of international implementation consultants for the project. The procurement management capacities of MEWR and ALRI have been reviewed in line with the standard questionnaires of ADB.

20. The ALRI PMO Deputy Director (Procurement Specialist) has past experience in procurement for Fergana Valley Projects and also UNDP funded projects. His past experience in procurement spans over 10 years. He is capable of preparation of bid document independently. All the staffs in four PIUs were also mobilized and most of the staff has past experience in ADB projects.

21. Taking into account the project size, the capacity of the EAs and the PMO staff is appears to pose a low risk to efficient and effective project implementation. However, while ALRI already has a functioning PMO, the staff level needs to be increased with additional appropriate skills and experience to enable efficient implementation of the two projects. This is particularly relevant to procurement and financial positions. Detailed project implementation arrangements are included in the Project Administration Manual (PAM). Since the Project will have one major civil works contract, immediate priority should be given to providing support to the EA and the PMO in procurement activities. ADB will ensure that the project implementation consultant provides hands-on procurement and project implementation training to PMO staff including preparation of bidding documents, bid evaluation, contract award and contract administration.

D. Procurement Plan

22. Various packages of the procurement plan are presented in the following sections. The basic data of the Project is given in Table 1.

Table 1: Basic Data

Project Name: Water Resources Management in Pyanj River Basin	
Project Number: 47181-013-TAJ	Approval Number:
Country: Tajikistan	Executing Agency: Agency of Land Reclamation and Irrigation (ALRI) and Ministry of Energy and Water Resourced (MEWR)
Project Procurement Classification: B	
Procurement Risk: Low	
Project Financing Amount: \$ 31.71 million ADB Financing: \$25 million Cofinancing (ADB Administered): \$3 million ^a Non-ADB Financing (GOT) : \$3.71 million	Project Financial Closing Date: December 2021
Date of First Procurement Plan: July 2016	Date of this Procurement Plan: Q4 2015

^a In addition, there is a Trust Fund technical assistance amounting to \$2 million administered by ADB. Source: ALRI.

1. Process Thresholds, Review and 18-Month Procurement Plan

a. Project Procurement Thresholds

23. Except as the Asian Development Bank (ADB) may otherwise agree, the following process thresholds given in Table 2 shall apply to procurement of goods and works.

Table 2: Thresholds for Procurement of Goods and Works

Method	Threshold
International Competitive Bidding (ICB) for Works	Over \$1,000,000
International Competitive Bidding for Goods	Over \$1,000,000
National Competitive Bidding (NCB) for Works	Between \$100,000 and \$1,000,000
National Competitive Bidding for Goods	Between \$100,000 and \$1,000,000
Shopping for Works	Below \$100,000
Shopping for Goods	Below \$100,000

Source: ALRI.

b. ADB Prior or Post Review

24. Except as ADB may otherwise agree, the following, given in Table 3 prior or post review requirements apply to the various procurement and consultant recruitment methods used for the project.

Table 3: Review Requirements for Various Procurement and Consultant Recruitment Methods

Procurement Method	Prior or Post	Comments
Procurement of Goods and Works		
ICB Works	Prior	Prior review applies to the procurement of the first two NCB contracts. If the first two contracts are procured satisfactorily it will be determined by ADB if post-review may be used.
ICB Goods	Prior	
NCB Works	Prior	
NCB Goods		Prior review applies to the procurement of the first two NCB contracts. If the first two contracts are procured satisfactorily it will be determined by ADB if post-review may be used.
Shopping for Works	Post	
Shopping for Goods	Prior	
Recruitment of Consulting Firms		
Quality- and Cost-Based Selection (QCBS)	Prior	Quality and cost based on 90:10 quality–cost weighting. Applied in accordance with <i>Guidelines on the Use of Consultants</i> (March 2013. as amended from time to time
Other selection methods: Consultants Qualifications (CQS), Least-Cost Selection (LCS), Fixed Budget (FBS), and Single Source (SSS)	Prior	
Recruitment of Individual Consultants		
Individual Consultants	Prior	

Source: ALRI.

c. 18-Month Procurement Plan

2. Goods and Works Contracts Estimated to Cost More than \$1 Million

25. Table 4 lists goods and works contracts for which procurement activity is either ongoing or expected to commence within the next 18 months.

Table 4: Works and Goods to be Procured During First 18 Months

Package Number ⁵	General Description	Estimated Value (\$ million)	Procurement Method	Review [Prior / Post/Post (Sample)]	Bidding Procedure	Advertisement Date (quarter/year)	Comments
Pack - 1	Sediment Excluding Basin and Modernization and Rehabilitation of Pumping	13.6	ICB	Prior	SS1E	Q2 2017	Post-qualification/ Bidding Documents for Large Works

Packs- (2-4)	Units Modernization and Rehabilitation of Irrigation and Drainage Infrastructure (each)	5.0 (total)	ICB	Prior	SS1E	Q1 2016	Post- qualification/ Bidding Documents for Small Works
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Note: These are base costs and do not include contingencies and taxes and duties.

3. Consulting Services Contracts Estimated to Cost More Than \$100,000

26. Table 5 lists consulting services contracts for which procurement activity is either ongoing or expected to commence within the next 18 months.

Table 5: Consulting Services to be Procured During First 18 Months

Package Number	General Description	Value (\$ million)	Recruitment Method	Review (Prior / Post)	Advertisement Date (quarter/year)	Type of Proposal	Comments
Pack – 5	Project Management and Monitoring, Consulting Services for Output 2	2.4	QCBS (90:10)	Prior	Q1 2016	Full	International
Pack – 6	Consultancy contracts to help MEWR to develop the Pyanj River Basin Management plan, to help with institutional capacity building (Output 1)	2.0	QBS	Prior	Q1 2016	Full	International
Pack – 7	International NGO(s) to help with training and capacity building of WUAs, and farmers (Output 3)	1.2	QCBS	Prior	Q1 2016	Full	International

Note: These are base costs and do not include contingencies and taxes and duties.

4. Goods and Works Contracts Estimated to Cost Less than \$1 Million and Consulting Services Contracts Less than \$100,000

27. The following Table 5 groups smaller-value goods, works and consulting services contracts for which procurement activity is either ongoing or expected to commence within the next 18 months.

Table 5: Smaller Value Contract to be Awarded During the First 18 Months

Goods and Works								
Package Number ⁵	General Description	Estimated Value (\$ million)	Number of Contracts	Procurement Method	Review [Prior / Post/Post (Sample)]	Bidding Procedure	Advertisement Date (quarter/year)	Comments
	Office Equipment	0.07	2	Shopping	Post	Request for Quotations (RFQ)	Q1 2017	
	Excavator and other Equipment necessary for sand removal from Canal	1.7	1	ICB	Prior	SS1E	Q2 2017	
	Hydrometrical	0.08	1	Shopping	Post	RFQ	Q3 2017	

equipment Vehicles(for PMO Dushanbe) and PIUS (5Nos)	0.17	3	Shopping	Post	RFQ	Q1 2017
Accounting software 1C (Accounting software used by GOT)	0.023	1	Shopping	Post	RFQ	Q1 2017
Repair and Renovation of ALRI district offices, and Workshop at Vose for Pump Stations	0.2	2	NCB	Post	SS1E	Q1 2017
Farm Demonstration Equipment	0.27	1	Shopping	Post	RFQ	Q1 2018
Agriculture Machinery for seed grower	0.57	1	ICB	Prior	SS1E	Q1 2018
Seed Certification Laboratory	0.09	1	Shopping	Post	RFQ	Q1 2018
Foundation Seed	0.1	1	Shopping	Post	RFQ	Q1 2018

In addition, auditing services will be recruited every year. These are base costs and do not include contingencies and taxes and duties.

Source: ALRI.

E. Procurement Procedures

1. International Competitive Bidding

28. Each civil works contract estimated to cost more than the equivalent of \$1,000,000 and each supply contract for equipment or materials estimated to cost the equivalent of \$1,000,000 or more shall be awarded on the basis of international competitive bidding (ICB) as described in Guidelines for Procurement.

29. For contracts to be awarded on the basis of ICB, shall be submitted to ADB, as soon as possible, and in any event not later than 90 days before the issuance of either the first prequalification/post-qualification invitation or the first invitation to bid for the project, a General Procurement Notice (which ADB shall arrange to publish separately) in such form and detail and containing such information as ADB shall reasonably request. ADB shall be provided the necessary information to update such General Procurement Notice annually as long as any goods and works remain to be procured on the basis of ICB.

30. For contracts to be awarded on the basis of ICB, procurement actions shall be subject to review by ADB in accordance with the procedures set forth in the Guidelines for Procurement. Each Draft prequalification/post-qualification invitation and each draft invitation to bid, to be submitted to be ADB for approval under such procedures, shall reach ADB at least 21 days before it is issued and shall contain such information as ADB shall reasonably request to enable ADB to arrange for the separate publication of such invitation.

2. Shopping

31. Each supply contract for equipment or materials estimated to cost the equivalent of \$100,000 or less (other than minor items) shall be awarded through shopping as described in the *Guidelines for Procurement*. Each Draft invitation to bid and related bid document shall be submitted to ADB for approval before they are issued. Any award of contract shall be subject to post-facto approval.

3. National Competitive Bidding

a. General

32. The procedures to be followed for national competitive bidding (NCB) shall be those set forth in Law of the Republic of Tajikistan on Public Procurement of Goods, Works and Services effective on 3 March 2006 with the clarifications and modifications described in the following paragraphs required for compliance with the provisions of ADB's Procurement Guidelines.

b. Eligibility

33. The eligibility of bidders shall be as defined under section I of ADB's Procurement Guidelines published by ADB in April 2010, as amended from time to time; accordingly, no bidder or potential bidder should be declared ineligible to ADB-financed contracts for other reasons than the ones provided by section I of ADB's Guidelines. Bidders must be nationals of member countries of ADB, and offered goods, works and services must be produced in and supplied from member countries of ADB.

c. Prequalification

34. Normally, post-qualification shall be used unless explicitly provided for in the loan agreement/procurement plan. Irrespective of whether post qualification or prequalification is used, eligible bidders (both national and foreign) shall be allowed to participate.

d. Bidding Period

35. The minimum bidding period is 28 days prior to the deadline for the submission of bids.

e. Bidding Documents

36. Procuring entities should use standard bidding documents for the procurement of goods, works and services acceptable to ADB.

f. Preferences

37. No domestic preference shall be given for domestic bidders and for domestically manufactured goods.

g. Advertising

38. Invitations to bid shall be advertised in at least one widely circulated national daily newspaper or freely accessible, nationally-known website allowing a minimum of 28 days for the preparation and submission of bids. Bidding of NCB contracts estimated at \$500,000 equivalent or more for goods and related services or \$1,000,000 equivalent or more for civil works shall be advertised on ADB's website via the posting of the Procurement Plan.

h. Bid Security

39. Where required, bid security shall be in the form of a bank guarantee from a reputable bank.

i. Bid Opening and Bid Evaluation

- (i) Bids shall be opened in public.
- (ii) Evaluation of bids shall be made in strict adherence to the criteria declared in the bidding documents and contracts shall be awarded to the lowest evaluated bidder.
- (iii) Bidders shall not be eliminated from detailed evaluation on the basis of minor, non-substantial deviations.
- (iv) No bidder shall be rejected on the basis of a comparison with the employer's estimate and budget ceiling without ADB's prior concurrence.
- (v) A contract shall be awarded to the technically responsive bidder that offers the lowest evaluated price and who meets the qualifying requirements set out in the bidding documents.
- (vi) No negotiations shall be permitted.

j. Rejection of All Bids and Rebidding

40. Bids shall not be rejected and new bids solicited without ADB's prior concurrence.

k. Participation by Government-owned enterprises

41. Government-owned enterprises in the Republic of Tajikistan shall be eligible to participate as bidders only if they can establish that they are legally and financially autonomous, operate under commercial law and are not a dependent agency of the contracting authority. Furthermore, they will be subject to the same bid and performance security requirements as other bidders.

l. Right to Inspect/Audit

42. A provision shall be included in all NCB works and goods contracts financed by ADB requiring suppliers and contractors to permit ADB to inspect their accounts and records and other documents relating to the bid submission and the performance of the contract, and to have them audited by auditors appointed by ADB.

m. Fraud and corruption

- (i) The Borrower shall reject a proposal for award if it determines that the bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the contract in question.
- (ii) ADB will declare a firm or individual ineligible, either indefinitely or for a stated period, to be awarded a contract financed by ADB, if it at any time determines that the firm or individual has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for, or in executing, an ADB-financed contract.

4. Pre-Shipment Inspections

43. Pre-shipment inspections, if necessary, shall be carried out by an independent reputable testing authority/surveyor in the supplier's country for reasons of sound engineering practice and economy and efficiency in project implementation.

5. Disclosure of Decision on Contract Awards

44. At the same time that notification on award of contract is given to the successful bidder, the results of bid evaluation shall be published in a local newspaper or a well-known freely accessible website identifying the bid and lot numbers and providing information on (i) name of each bidder who submitted a bid, (ii) bid prices as read out at bid opening; (iii) name of bidders whose bids were rejected and the reasons for their rejection, and (iv) name of the winning bidder, and the price it offered, as well as duration and summary scope of the contract awarded. The executing agency/implementing agency/contracting authority shall respond in writing to unsuccessful bidders who seek explanations on the grounds on which their bids are not selected.