

**GOVERNMENT OF ISLAMIC REPUBLIC OF
AFGHANISTAN**

(MINISTRY OF ENERGY AND WATER)

Procurement Plan

For

**Afghanistan - Mazar-e-Sharif Gas-to-Power Project-
[P157827]**

(Period: First 18 months of the Project)

February 2018

PROCUREMENT PLAN

A. General

- 1) **Project information:**
 - a. **Country:** Afghanistan
 - b. **Borrower:** Government of Afghanistan Ministry of Energy and Water
 - c. **Project Name:** Afghanistan - Mazar-e-Sharif Gas-to-Power Project
 - d. **Credit No.:** xxx; **Project ID:** P157827;
- 2) **Project Implementing Agencies:** Ministry of Energy and Water
- 3) **Bank's approval Date of the procurement Plan:** [Original: June 2017]
- 4) **Date of General Procurement Notice:** Published on in the Development Business.
- 5) **Period covered by this procurement plan:** From **January 2018 to June 2019**; The procurement plan will be updated at least annually or as required to reflect the actual Project implementation needs and improvements in institutional capacity. Project will be using World Bank's online procurement system called 'STEP' i.e. 'Systematic Tracking of Exchanges in Procurement' to prepare, update and revise the procurement plan at <https://step.worldbank.org/>. The Plan also includes procurements under the Retroactive Financing w.e.f. Nil for the preparatory phase of the project.
- 6) **Applicable Guidelines of the World Bank:**
 - a. Procurement would be carried out in accordance with the World Bank's New Procurement Framework and Regulations for Projects After July 1, 2016 and "**Procurement Regulations for Borrowers 2016**" shall be applicable for all procurements under the project. As per requirement, a comprehensive Project Procurement Strategy for Development (PPSD) has been prepared by the Project. The project shall also be subject to the Bank's Anticorruption Guidelines, dated October 15, 2006, and revised in January 2011 and as of July 1, 2016.
- 7) **Procurement management:**
 - a. **Project will be coordinated by the Ministry of Energy and Water.**
 - b. Standard Procurement Documents/ Request for Proposals documents as finalized by The World Bank and amended from time to time, shall be applicable for procurement.
- 8) **E-Procurement:** E-Procurement will not be used by the Implementing Agencies. Though as part of the ongoing Public Financial Management Reforms, NPA has already completed an assessment for establishing e-GP. The project envisages establishing the e-GP during the project period by using "commercially off the shelf" system and make it available for all ministries and departments. **NA**
- 9) **Record Keeping:** All records pertaining to the procurement, including bid notifications, register pertaining to sale and receipt of bids, bid opening minutes, Bid /Technical/Financial Evaluation Reports; and all correspondences pertaining to bid evaluation, communication sent to the World Bank in the process, bid securities (photocopies, if required to be released as per contract/bid), approval of invitation/evaluation of bids by all Implementing Agencies, minutes of meetings, etc. shall be retained by the concerned Implementing Agencies.
- 10) **Disclosure of Procurement Plan:** The Procurement Plan would be shared with implementing departments, and would also be uploaded on the respective IA website. The Procurement Plan cleared by the World Bank will also be available online at <https://step.worldbank.org/> as well as in the World Bank's external web site.
- 11) **Disclosure of Procurement Information:**

- a. The following documents shall be disclosed on the Project website: (i) this version of the procurement plan and its subsequent updates, (ii) Request for Bids (RFB) for goods, works & non-consulting services for all open contracting, (iii) request for expression of interest (REOI) for selection/hiring of consulting services, (iv) list of contracts awarded, (v) shortlist of consultants, (vi) half yearly financial and physical progress report of all contracts, and (vii) compiled action taken report on the complaints received on a quarterly basis.
- b. For all Prior review procurement (as per the thresholds given below), following details shall be sent to the Bank through **STEP**: (i) Request for Bids Notices for procurement of goods, works and non-consulting services, (ii) Request for Expression of Interest (REOI) for consulting services, (iii) contract award details of all procurement of goods and works using, (iv) contract award details of all consultancy services, and (v) contracts/purchase orders placed following SSS or CQS or DC procedures on a quarterly basis.

12) **Complaint Handling Mechanism:** A Complaint Handling Mechanism to address procurement complaints received by the proposed Project will be put in place by each Implementing Agency. All Complaints will be recorded in the project MIS for tracking and monitoring system. Upon receipt of complaints, immediate action will be initiated to acknowledge the complaint and an auto-generated ID will be given to the complainant. The complaint will be redressed within a reasonable timeframe and intimated to the complainant. All complaints will be addressed at levels higher than the level at which the procurement process was undertaken or the decision was taken. Any complaint received will also be forwarded to the Bank for information, and the Bank would be kept informed after the complaint is redressed

13) **Procurement Post Review:** All contracts not covered under prior review (refer table below) by the Bank will be subject to post review during Implementation Support Missions and/or special post review missions including missions by consultants hired by the Bank.

14) **Contract Management:** The Procurement Cell or Unit of each Implementing Agency will also be responsible for providing contract management support. The team will be ably assisted by technical team under PMT, to provide overall implementation support and monitor all Goods and Consultancy contracts.

B. Procurement Methods and related World Bank’s review thresholds for Goods, Works, Non-Consulting Services and Consulting Services

1) **Methods of Procurement & Related Thresholds and Prior Review Thresholds:** As per the Project Procurement Strategy for Development (PPSD) prepared by the project, the implementing agencies will primarily use Open National/International Approach for Goods, Works and Services with Standard Procurement Documents for RFB and RFP. RFQ will be used for small value and limited approach procurement. The project does not envisage using Initial Selection, BAFO, Competitive Dialogue and Negotiations.

2) **Following table shows the approved Methods of Procurement & Related Thresholds and Prior Review Thresholds for the project:**

A. Goods and Non-Consulting Services

| Procurement Method | Threshold for Methods (US\$) | Comment |
|--|------------------------------|--------------------|
| Open International (Goods) | 200,000 | Equivalent or more |
| Open National (Goods) | 200,000 | Equivalent or less |
| Open International (Non-Consulting Services) | 200,000 | Equivalent or more |
| Open National (Non-Consulting Services) | 200,000 | Equivalent or less |
| RFQ (Goods) | 50,000 | Equivalent or less |
| RFQ (Works)* | NA | NA |

**High value Works contract using Open National or International are not envisaged under the Project*

B. Consulting Services: Selection Methods and Thresholds

| Selection Method | Threshold | Comments |
|-------------------------|--|--------------------|
| CQS for Firms | US\$300,000 | equivalent or less |
| QCBS, QBS, FBS, LCS | Depending on the nature and complexity of assignment | |

C. Procurement Prior Review Threshold [USD Million]

| Type of Procurement | High Risk |
|---|------------------|
| Works (including turnkey, supply and installation of plant and equipment, and public-private partnership) | 5 |
| Goods, information technology (IT), and non-consulting services | 1.5 |
| Consultants: firms | 0.5 |
| Consultants: individuals ^a | 0.2 |

Note: a. The above thresholds apply for consultants/advisors and not contracted staff.

3) The requirement for a prior or post review as specified above may change in consultation with the World Bank during implementation phase of the project. Based on the monitoring and reassessment of the risk, if necessary and appropriate, as determined by the Bank, the Bank may advise to revise the prior and/or post review requirements in the Procurement Plan.

4) **Procurement of Goods**

- a. The nature of the goods to be procured under the Project has been indicated in the Project Procurement Strategy for Development (PPSD). Procurement of Goods shall be done following procedures of the World Bank by using the Bank's Standard Procurement Documents.
- b. Other goods including IT equipment and software will be procured following ICB, NCB, shopping methods and using framework agreements. The Standard Procurement Documents of the Bank as agreed with The World Bank (as amended from time to time) for all procurement under NCB will be used.
- c. In the case of contracts subject to prior review, before granting / agreeing to (i) a material extension of the stipulated time for performance of a contract; or (ii) any substantial modification or waiver of the scope of services or other significant changes to the terms and conditions of such that the contract, including issuing; or (iii) any change variation order or orders under such contract amendment (except in cases of extreme urgency) which would in aggregate, singly or combined with all variation orders or amendments previously issued, increase the original contract amount of the contract by more than 15% (fifteen percent); or (iii) the proposed termination of the original price contract, the Borrower shall seek Bank's no objection to the proposed extension, modification, or change order. A copy of all amendments to the contract shall be furnished to the World Bank for its record.

5) **For Civil Works and Supply & Installation packages, the following will apply [NOT APPLICABLE]**

- a. For the purpose of clearance of the procurement documents, the value of each slice will be considered:
 - If the estimated value of any slice of a package is more than US\$ 5 million, the bidding document for the entire package will be prior reviewed.
 - If the estimated value of each slice is less than US\$ 5 million, but the combined value of all the slices is more than US\$ 5 million, the bidding documents will not be prior reviewed. However, one sample bidding document will be agreed with the World Bank for each type of package and the bidding documents, including those under post review, will be prepared as per this agreed sample. The clauses which will need modifications will also be agreed with the Bank
- b. For the purpose of clearance of the recommendation for award, the following will be considered:
 - If the estimated value of any of the slices in the package is US\$ 5 million or more, the entire package will be subject to prior review.
 - If the estimated value of each slice is less than US\$ 5 million but the value of any recommended contract is US\$ 5 million or more, the award recommendation and the evaluation report for the complete package of all the slices will be subject to prior review. For this purpose, Implementing Agency will forward a set of complete procurement documents and the evaluation report to the Bank for prior review.
 - If the estimated value of each slice is less than US\$ 5 million and the value of the recommended contract for each slice is also less than US\$ 5 million, but the aggregate value of contracts recommended for award to one bidder is US\$ 5 million or more, the award recommendation and the evaluation report for the complete package of all the slices will be

subject to prior review. For this purpose, the implementing agency will forward a set of complete bidding documents and the evaluation report to the Bank for prior review.

6) **Procurement of Consulting Services**

- a. Applicable Methods of procurement: Quality and Cost Based Selection [QCBS]; Quality Based Selection [QBS]; Selection under a Fixed Budget [FBS]; Least Cost Selection [LCS]; Selection Based on Consultants Qualifications [CQS]; Direct Selection [SSS]; Selection of Individual Consultant as per Regulations.
- b. Terms of Reference (TOR): **All TORs for consultancy assignments will be subject to prior technical concurrence by Task Team Leader of the World Bank.**
- c. Prior Review requirements: In the case of contracts subject to prior review, before agreeing to: (i) an extension of the stipulated time for performance of a contract; (i) any substantial modification of the scope of services, substitutions of key experts, or other significant changes to the terms and conditions of the contract; or (iii) the proposed termination of the contract, the Borrower shall seek Bank's no objection. A copy of all amendments to the contract shall be furnished to the Bank for its record.
- d. In case of Prior Review Consultancy contracts, prior concurrence of the Bank will be applicable for the following: Request for Expression of Interest (REOI); Short List; Request for proposal (RFP) document and its amendments, if any; Minutes of pre-proposal conference, if any, and if it leads to amendment to the RFP; Technical Evaluation Report prepared in the prescribed format of the Bank; Draft Contract Agreement along with Combined Evaluation report; Final Contract. All these will be required to be sent to Bank through STEP.
- e. **Short List:** Short List comprising entirely of national consultants: For contracts estimated to cost USD 100,000 or below per contract the short list of consultants under open national approach of procurement may comprise entirely of national consultants.
- f. **Advertisement:** The Request for Expression of Interest for above USD 100,000 consultancy services will be published in UNDB and World Bank's external Website through the STEP.
- g. **Post review assignments:** All other consultancy assignments not subject to prior review by the World Bank would be Post Reviewed by the Bank.

7) **National Procurement Arrangements:** In accordance with paragraph 5.3 of the Procurement Regulations, when approaching the national market (as specified in the Procurement Plan tables in STEP), **the procurement documents agreed by the bank will be used.**

When the Borrower uses its own national open competitive procurement arrangements as set forth in the [Procurement Law of the Islamic Republic of Afghanistan dated 27/06/13965 \(September 17, 2016\) published in the Official Gazette No.1223](#), such arrangements shall be subject to paragraph 5.4 of the Procurement Regulations and the following conditions **Agreed Procedures for National Competitive Bidding:**

- I. Standard bidding documents approved by the Association shall be used.
- II. Invitations to bid shall be advertised in at least one (1) widely circulated national daily newspaper and bidding documents shall be made available to prospective bidders, at least twenty-eight (28) days prior to the deadline for the submission of bids.
- III. Bids shall not be invited on the basis of percentage premium or discount over the estimated cost.
- IV. Bidding documents shall be made available, by mail or in person, to all who are willing to pay the required fee.

- V. Foreign bidders shall not be precluded from bidding.
- VI. Qualification criteria (in case pre-qualifications were not carried out) shall be stated on the bidding documents, and if a registration process is required, a foreign firm determined to be the lowest evaluated bidder shall be given reasonable opportunity of registering, without any hindrance.
- VII. Bidders may deliver bids, at their option, either in person or by courier service or by mail.
- VIII. All bidders shall provide bid security or a bid security declaration form as indicated in the bidding documents. A bidder's bid security or the declaration form shall apply only to a specific bid.
- IX. Bids shall be opened in public in one place preferably immediately, but no later than one hour, after the deadline for submission of bids.
- X. Evaluation of bids shall be made in strict adherence to the criteria disclosed in the bidding documents, in a format, and within the specified period, agreed with the Association.
- XI. Bids shall not be rejected merely on the basis of a comparison with an official estimate without the prior concurrence of the Association.
- XII. Split award or lottery in award of contracts shall not be carried out. When two (2) or more bidders quote the same price, an investigation shall be made to determine any evidence of collusion, following which: (A) if collusion is determined, the parties involved shall be disqualified and the award shall then be made to the next lowest evaluated and qualified bidder; and (B) if no evidence of collusion can be confirmed, then fresh bids shall be invited after receiving the concurrence of the Association;
- XIII. Contracts shall be awarded to the lowest evaluated bidders within the initial period of bid validity so that extensions are not necessary. Extension of bid validity may be sought only under exceptional circumstances.
- XIV. Extension of bid validity shall not be allowed without the prior concurrence of the Association (A) for the first request for extension if it is longer than four (4) weeks, and (B) for all subsequent requests for extensions irrespective of the period in case of prior review.
- XV. Negotiations shall not be allowed with the lowest evaluated or any other bidders.
- XVI. Re-bidding shall not be carried out without the Association's prior concurrence in case of prior review; and
- XVII. All contractors or suppliers shall provide performance security as indicated in the contract documents. A contractor's or a supplier's performance security shall apply to a specific contract under which it was furnished.

When other national procurement arrangements other than national open competitive procurement arrangements are applied by the Borrower, such arrangements shall be subject to paragraph 5.5 of the Procurement Regulations.

- 8) **Leased Assets** as specified under paragraph 5.10 of the Procurement Regulations: Leasing may be used for those contracts identified in the Procurement Plan tables. *“Not Applicable”*
- 9) **Procurement of Second Hand Goods** as specified under paragraph 5.11 of the Procurement Regulations – is allowed for those contracts identified in the Procurement Plan tables *“Not Applicable”*

- 10) **Domestic preference** as specified under paragraph 5.51 of the Procurement Regulations (**Goods and Works**). *Specify for each*
- Goods: **Not Applicable**
 - Works: **Not Applicable**

- 11) **Hands-on Expanded Implementation Support (HEIS)** as specified under paragraphs 3.10 and 3.11 of the Procurement Regulations is Applicable. *“Not Applicable”*

Procurement in Situations of Urgent Need of Assistance or Capacity Constraints apply for the project.

