

PROCUREMENT PLAN (Textual Part)

Project information: Kingston Waterfront Improvement Project - SOP 1 (P179642)

Project Implementation agency: Jamaica Social Investment Fund (JSIF)

Date of the Procurement Plan: January 26, 2024

Period covered by this Procurement Plan: January 2024 to June 2029

Preamble

In accordance with paragraph 5.9 of the “World Bank Procurement Regulations for IPF Borrowers” (July 2016) (“Procurement Regulations”) the Bank’s Systematic Tracking and Exchanges in Procurement (STEP) system will be used to prepare, clear and update Procurement Plans and conduct all procurement transactions for the Project.

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: shall be used for all contracts subject to international competitive procurement and those contracts as specified in the Procurement Plan tables in STEP.

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 country’s own procurement procedures may be used.

When the Borrower uses its own national open competitive procurement arrangements as set forth in **Public Procurement Act 2015** and in **the Public Procurement (Amendment) Act 2018**, such arrangements shall be subject to paragraph 5.4 of the Procurement Regulations and the following conditions.

1. The Procurement Documents and Contracts shall include specific provisions to ensure the application of the World Bank’s Anti-Corruption Guidelines, Sanctions Framework, and legal remedies:

“The Bank requires compliance with the Bank’s Anti-Corruption Guidelines and its prevailing sanctions policies and procedures as set forth in the WBG’s Sanctions Framework, as set forth below:

1. Purpose

1.1 *The Bank's Anti-Corruption Guidelines and this annex apply with respect to procurement under Bank Investment Project Financing operations.*

2. Requirements

2.1 *The Bank requires that Borrowers (including beneficiaries of Bank financing); bidders (applicants/proposers), consultants, contractors and suppliers; any sub-contractors, sub-consultants, service providers or suppliers; any agents (whether declared or not); and any of their personnel, observe the highest standard of ethics during the procurement process, selection and contract execution of Bank-financed contracts, and refrain from Fraud and Corruption.*

2.2 *To this end, the Bank:*

- a. *Defines, for the purposes of this provision, the terms set forth below as follows:*
 - i. *"corrupt practice" is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;*
 - ii. *"fraudulent practice" is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;*
 - iii. *"collusive practice" is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;*
 - iv. *"coercive practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;*
 - v. *"obstructive practice" is:*
 - (a) *deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a Bank investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or*
 - (b) *acts intended to materially impede the exercise of the Bank's inspection and audit rights provided for under paragraph 2.2 e. below.*
- b. *Rejects a proposal for award if the Bank determines that the firm or individual recommended for award, any of its personnel,*

- or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;*
- c. In addition to the legal remedies set out in the relevant Legal Agreement, may take other appropriate actions, including declaring misprocurement, if the Bank determines at any time that representatives of the Borrower or of a recipient of any part of the proceeds of the loan engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices during the procurement process, selection and/or execution of the contract in question, without the Borrower having taken timely and appropriate action satisfactory to the Bank to address such practices when they occur, including by failing to inform the Bank in a timely manner at the time they knew of the practices;*
 - d. Pursuant to the Bank's Anti- Corruption Guidelines, and in accordance with the Bank's prevailing sanctions policies and procedures, may sanction a firm or individual, either indefinitely or for a stated period of time, including by publicly declaring such firm or individual ineligible (i) to be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;¹ (ii) to be a nominated² sub-contractor, 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;*
 - e. Requires that a clause be included in bidding/request for proposals documents and in contracts financed by a Bank loan, requiring (i) bidders (applicants/proposers), consultants, contractors, and suppliers, and their sub-contractors, sub-consultants, service providers, suppliers, agents personnel, permit the Bank to inspect³ all accounts, records and other*

¹ For the avoidance of doubt, a sanctioned party's ineligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, 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.

² A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the particular bidding document) is one which has been: (i) included by the bidder in its pre-qualification 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.

³ Inspections in this context usually are 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.

documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the Bank.”

2. The following Procurement Documents, as made available by the government at <https://procureja.gov.jm/goj-standard-documents/> shall be used:

Category	Procurement Document
Goods	Annex G7 - Procurement of Goods International Competitive Bidding (ICB) April 2019
Works	Annex W7 - Procurement of Works International Competitive Bidding April 2019
Consulting Services	Annex CS 6 - Procurement of Consulting Services International Competitive Bidding April 2019
Non-Consulting Services	Not Available

3. The request for bids/request for proposals document shall include a provision to require that bidders/proposers to present a signed acceptance of the Bank’s Anti-Corruption Guidelines and associated rights, at the time of bidding, to be incorporated in any resulting contracts. The template of this letter is available at: <https://www.worldbank.org/en/projects-operations/products-and-services/brief/procurement-new-framework>
4. The Procurement Documents will include the relevant provisions to adequately mitigate against environmental and social (including SEA/SH), risks and impacts, as determined by the relevant E&S instruments for the Project.
5. The Contract Award Notice shall include, at a minimum, the following information:
- i. name and address of the Borrower’s Project Implementing Unit undertaking the procurement, and if different, the Borrower’s contracting agency;
 - ii. name and reference number of the contract being awarded, and the selection method used;
 - iii. names of all Bidders/Proposers/Consultants that submitted Bids/Proposals, and their Bid/Proposal prices as read out at Bid/Proposal opening, and as evaluated;
 - iv. names of all Bidders/Proposers/Consultants whose Bids/Proposals were rejected either as nonresponsive or as not meeting qualification criteria, or were not evaluated, with the reasons therefor;

- v. the name of the successful Bidder/Proposer/Consultant, the final total contract price, the contract duration and a summary of its scope.
6. Paragraph 2.1 in Appendix III of the World Bank Procurement Regulations will apply. The Reconsideration by the Procuring Entity (Section 48 of the Act) process shall apply to (a) the method of procurement applied in a procurement proceeding and (b) the rejection of a bid.
7. The minimum standstill period shall be ten (10) days.

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. **The corresponding Procurement Documents must be acceptable to the World Bank.**

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.*

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.*

Domestic preference as specified under paragraph 5.51 of the Procurement Regulations (***Goods and Works***). *Not applicable.*

Other Relevant Procurement Information.

Electronic Procurement may be used by the Implementing Agency, through the Government of Jamaica's electronic procurement system, "Government of Jamaica Electronic Procurement (GOJEP)", for aspects of the procurement processes, including issuing Procurement Documents and addenda, receiving and issuing clarifications, receiving applications/ quotations/ Bids/ Proposals, evaluations and carrying out other procurement actions until contract award, provided that the additional instructions are followed:

1. Provision of supplemental information in shared drives managed by bidders should not be permitted. Therefore, if it is anticipated that submission document sizes will exceed 99MB, then a hard copy process should be utilized.
2. In the event of a system failure, offline bids should not be accepted; rather, the bid submission deadline should be extended, including on the day

of the original deadline. If extension was not possible, then a new competition can be created with a reduced timeline for submission of bids, subject to the prior agreement of the Bank.

3. Registration procedures should be streamlined, and applicants/bidders/proposers should be granted timely access to request and finalize their registration;
4. The procedures to access the electronic system shall be current and publicly available to all applicants/bidders/proposers/consultants;
5. The exchange rate applied in GOJEP for tender openings and the financial evaluation must be specified in the Procurement Documents.
6. The system generated bid opening record must include:
 - a. the name of each Bidder/Proposer/Consultant that submitted a Bid/Proposal,
 - b. the total amount of each Bid/Proposal,
 - c. any discounts,
 - d. Bid/Proposal Security,
 - e. Bid/Proposal securing declaration, if required,
 - f. and any alternative Bids/Proposals offered if they have been requested or permitted.
7. Electronic procurement procedures shall be in accordance with the Procurement Regulations (par. 5.8).
8. The Agency shall use the World Bank's online procurement planning and tracking tools (STEP) to record all procurement actions under IPF operations, including publication of procurement opportunities and contract awards as prescribed in the Regulations, preparing, updating and clearing its Procurement Plan, and seeking and receiving the Bank's review and No-objection to procurement actions as required (para 5.9).
9. The electronic handling of clarification of Procurement Documents must comply with the requirements of the Procurement Regulations (par. 5.31 and 5.32).
10. Notification of the Intention to Award issued through the system must include the information required by the Procurement Regulations (par. 5.74).
11. The electronic handling of Procurement-related Complaints must comply with the requirements of the Procurement Regulations (par. 3.27 to 3.32 and Annex III).

12. The publication of contract award notices must comply with the requirements of the Procurement Regulations (par. 5.93 to 5.95).

