Terms of Reference

NATIONAL CONSULTANT TO REVIEW, REVISE AND UPDATE THE PUBLIC PROCUREMENT TRAINING RELATED REGULATIONS, GUIDELINES, AND DOCUMENTS

A. BACKGROUND:

Since 2011, the Government of Mongolia has started to implement an electronic procurement system step by step, and during this time three different systems had been launched. In 2017, the current system was launched. Currently more than 4,000 procuring entities organize 22,000 biddings through this system, and in these biddings around 17,000 companies participating annually. In accordance with the Action Plan of the Government of Mongolia for 2020-2024, the public procurement is being transformed in order to decrease direct human involvement in a bid selection process through the application of artificial intelligence and state-of-the-art technology. On the other hand, the Parliament of Mongolia announced that the Public Procurement Law would be revised by 2024. Therefore, the Government of Mongolia submitted a revision of the law on December 14th, 2022. The Parliament of Mongolia approved the revision of the Public Procurement Law of Mongolia on June 16th, 2023, and it has come into effect from January 1st, 2024.

According to the concept of the revision of the Public Procurement Law there are five categories: (i) advancing the bidding process through electronic transactions and decreasing direct human involvement in the bid evaluation process, (ii) ensuring procurement transparency through the electronic system, and revealing bidding data completely, contract implementation, (iii) enabling procurement process from planning to contracting and simplifying procurement methods, (iv) supporting domestic goods, (v) increasing sanctions for procuring entities and advancing the debarment lists for bidders. Therefore, the system is necessary to meet with newly adopted legislation.

Moreover, there is a major need to conduct extensive activities to ensure awareness of the revised Public Procurement Law of Mongolia and capacity building for stakeholders, and to provide ongoing professional and methodological advice in support of the responsible officials at central and local government levels carrying out public procurement activities in line with the Public Procurement Law of Mongolia revision, its revised policy documents and to upgrade e-GP system.

Hence, considering the importance of the assignment and to support the smooth and sustainable implementation of new policy documents as well as considering such planned schedule as mentioned in the above, the State Procurement Agency (SPA) urgently needs to hire national consultants with broad experienced in the area of Mongolian public procurement system to support the SPA team.

B. OBJECTIVE OF THE ASSIGNMENT

The objective of this assignment is consists of two (2) parts as follows to assist the SPA team (i) to make an assessment of the e-GP system's training related functions to review, revise and update all training related documents including to make recommendations for other capacity building activities; (ii) to assist and to cooperate with national consultants team of the MOF and the SPA to review, revise and update the public procurement regulations, guidelines, and documents based on the newly adopted Public Procurement Law of Mongolia.

C. SCOPE OF WORK

The consultant will perform the following tasks under direct supervision of the Procurement Policy Division of the Legal Department, MOF and IT division of the SPA to complete the assignment.

Part 1: Make an assessment of the e-GP system's training related functions to review, revise and update all training related documents including to make recommendations for other capacity building activities.

1. To provide detailed work plan during the contract period in collaboration with the MOF, and SPA team;
2. To study law, regulations and legal documents that govern public procurement in Mongolia in relation to the assignment;
3. To meet and to interview government officials responsible for the public procurement of Mongolia to collect necessary information, data, and practical issues in relation to the assignment;
4. To carry out research, analyze and assessment on scopes of public procurement training activities including the e-GP system assessment;
5. To draft functional requirements for development of the e-GP system training function upgrade based on the findings;
6. To review, to revise and to update all training related documents;
7. To make a recommendation for further improvement based on findings;
8. Other tasks assigned by the MOF and SPA in relation to the assignment.

Part 2: Assist and cooperate with national consultants team of the MOF and the SPA to review, revise and update the public procurement regulations, guidelines, and documents based on the newly adopted Public Procurement Law of Mongolia.

1. To study law, regulations and legal documents that govern public procurement in Mongolia in relation to the assignment;
2. To meet and to interview government officials responsible for the public procurement of Mongolia to collect necessary information, data, and practical issues in relation to the assignment;
3. To carry out research, analyze and assessment on scopes of public procurement activities including the e-GP system assessment;
4. To draft functional requirements for development of the e-GP system's function in general to upgrade based on the findings;
5. To review, to revise and to update the public procurement regulations, guidelines, and documents in cooperation with local consultants team;
6. To make a recommendation for further improvement based on findings;
7. Other tasks assigned by the MOF and SPA in relation to the assignment.

D. DELIVERABLES

Part 1: Make an assessment of the e-GP system's training related functions to review, revise and update all training related documents including to make recommendations for other capacity building activities.

1. A detailed and approved contract work plan and list of the activities need to be delivered;
2. An assessment report on the e-GP system's training function as well as list of existing and the need to be updated or developed training related documents;
3. Functional requirement for training function of the e-GP system upgrade;
4. Reviewed and updated draft documents for trainings.

Part 2: Assist and cooperate with national consultants team of the MOF and SPA to review, revise and update the public procurement regulations, guidelines, and documents based on the newly adopted Public Procurement Law of Mongolia.

1. An assessment report list of existing and the need to be updated or developed public procurement regulations, guidelines, and documents;
2. Functional requirement for general functions of the e-GP system upgrade if available any;
3. Reviewed and updated draft regulations, guidelines, and documents.

E. SUPERVISION AND REPORTING

As part of the contract finalization process, the parties shall develop a measurable, time-bound and output-oriented work plan to be approved by the MOF and SPA. While developing the working plan, the contract parties shall ensure a high level of cooperation among the national consultants. The agreed work plan will be an integral part of the signed contract. In accordance with this work plan, the consultant will work on a day-to-day basis with the specialist designated by MOF and SPA as well as will be engaged the Ministry of Finance.

The Head of the Procurement Policy Division of the Legal Department, MOF, or designated specialist will meet regularly with the consultant to review the progress of the assignment and to resolve any outstanding issues.

All information provided to the consultant will be regarded as confidential and information shall not be shared with any outside individuals or organizations.

F. CONTRACT DURATION AND PAYMENT

The assignment is expected to commence in April 2024. The total duration of the consultancy service rendered is estimated to be 18 months. If any task is not completed within the agreed-upon timeline, the consultant should complete the tasks without any additional cost.

The payment will be released upon Head of the Procurement Policy Division of the Legal Department, MOF approval of the Deliverable Acceptance Form submitted by the Consultant based on monthly reports covering progress made on the specified deliverables as well as the actual completed deliverables as per the work plan agreed and endorsed at the outset of the assignment.

G. INSTITUTIONAL ARRANGEMENTS

The MOF will provide office space and make available all the required information and reports in public procurement to the consultant. The consultant is expected to communicate and coordinate his/her work with the Head of the Procurement Policy Division of the Legal Department, MOF or his designated specialist.

H. CONSULTANT'S QUALIFICATIONS

To be considered eligible, candidates should meet all the eligibility criteria listed below:

- **Education:** a master's degree in law, business administration, public administration, procurement or a related field;
- **Experience:** at least 10 years of relevant work experience in public procurement and procurement of international organizations, with preferably at least 5 years of relevant experience in developing procurement legal documents and regulations and conducting procurement training;
- **Language skills:** Mongolian citizen with fluent written and spoken skills in both English and Mongolian;
- **Other skills:**
  a. Certified in public procurement (the Revised PPLM), and the World Bank and the Asian Development Bank procurement policy and guidelines;
  b. be proficient in PC-based applications such as Word, Excel, Power Point and have excellent web research and navigation skills;
  c. Demonstrated professionalism, good judgment, and willingness to work beyond the regular office hours to meet the deadlines and the needs of the position, if necessary;
  d. Proven ability to work in national and international contexts; Ability to work with multidisciplinary teams and institutes; Capacity to manage a variety of tasks with minimal supervision.