

## **Terms of Reference**

### **NATIONAL CONSULTANT TO SUPPORT THE MINISTRY OF FINANCE AND THE RELATED PUBLIC AWARENESS TO STAKEHOLDERS**

#### **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 participate annually. In accordance with the Action Plan of the Government of Mongolia for 2020-2024, 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 14<sup>th</sup>, 2022. The Parliament of Mongolia approved the revision of the Public Procurement Law of Mongolia (PPLM) on June 16<sup>th</sup>, 2023, and it has come into effect from January 1<sup>st</sup>, 2024.

According to the concept of the revision of the Public Procurement Law, there are five main 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.

The Revised PPLM has made many advances, including but not limited to the use of electronic Government Procurement, the updated procurement methods synchronized with e-catalogue and internet-based evaluation techniques, ensuring transparency in the bid evaluation process, integrated registry on bidders and contracts, and clarified legal grounds to blacklist irresponsible bidders as an effort to decrease widely.

Following the Revised PPLM, all of the procedures, guidelines, and standard bidding documents (SBDs) that are in force in the country's public procurement system have been revised. In light of the Revised PPLM, a procedure shall be mutually adopted by the other Minister's is subject to update. Therefore, a standard bidding document for medicine and medical devices under the Framework Agreement is required. Therefore, there is a major need to conduct extensive public awareness and training to be provided to the existing professionals in the way of methodological advice by the Ministry of Finance (MOF) in order to ensure effective implementation of the revised PPLM.

Hence, considering the importance of the Revised PPLM and to support smooth and sustainable implementation of new law and policies and procedures, the MOF urgently intends to hire a national consultant with broad experience in the area of the Mongolian public procurement system to support the MOF team.

#### **B. OBJECTIVE OF THE ASSIGNMENT**

The objective of this assignment is to support the MOF in drafting the associated regulations and guidelines in compliance with the revised PPLM and to assist the MOF in delivering a public awareness program of the revised PPLM to the relevant stakeholders.

#### **C. SCOPE OF WORK**

The consultant will perform the following tasks under direct supervision of the Head of the Procurement Policy Division of the Legal Department, MOF:

**Part 1: Support the MOF in drafting regulations and guidelines in compliance with the Revised PPLM**

1. Provide backstopping technical support in drafting procedures and rules assigned to the MOF;
2. Facilitate the process of collecting feedback and opinions on the draft documents from relevant procuring entities;
3. Work with the IT division of the State Procurement Agency in building up necessary functional modification into the e-GP system in compliance with the revised draft regulations and guidelines;
4. Collect feedback and opinions on the drafts from the Legal Department as well as other departments of the MOF;
5. Support the MOF in revising the draft documents, taking into account the collected feedback and opinions on the drafts, and incorporating relevant feedback provided by the stakeholders;
6. Integrate comments from the relevant stakeholders for finalizing draft procedures and rules and support in submitting to the approval process;
7. Support the finalization of the draft documents for submission for approval by the Ministry of Justice and Home Affairs for registration in the state registry of the administrative normative acts.

**Part 2: Assist the MOF in delivering a public awareness program of the Revised PPLM to stakeholders**

1. Conduct various activities to improve public awareness of the revised PPLM at all levels of Government;
2. Conduct various activities to improve public awareness of the revised PPLM among civil society, and procurement professionals and potential bidders;
3. Carry out any other related tasks as reasonably assigned by the MOF.

**D. DELIVERABLES**

**Part 1: Support the MOF in drafting regulations and guidelines in compliance with the Revised PPLM**

1. A detailed and approved contract work plan and list of the activities that need to be delivered;
2. Draft procedures and rules submitted for collecting feedback and opinions;
3. Progress report on activities conducted for collecting feedback and opinions on the draft procedures and rules;
4. Summary of feedback and opinions from relevant stakeholders on the draft procedures and rules;
5. Draft procedures and rules incorporated with relevant feedback and inputs from the stakeholders;
6. Final draft procedures and rules drafts ready to be submitted for approval by the Minister of Finance.

**Part 2: Assisting the MOF in delivering introduction and public awareness program of the Revised PPLM to the stakeholders**

1. Progress report on public awareness activities conducted;
2. Final report upon completion of all tasks.

**E. SUPERVISION AND REPORTING**

As part of the contracting process, the parties shall develop a measurable, time-bound, and output-oriented work plan to be approved by the MOF. 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 consultants will work on a day-to-day basis with the staff of the MOF, or a specialist designated by the Head.

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, public administration, and procurement;
- **Experience:** at least 8 years of relevant work experience in public procurement and legal work, with preferably at least 5 years of relevant experience in developing legal documents and regulations in public procurement;
- **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), the United Nations, the World Bank and the Asian Development Bank procurement policy and/or guidelines;
  - b. Certified in pedagogy;
  - c. Be proficient in PC-based applications such as Word, Excel, PowerPoint and have excellent web research and navigation skills;
  - d. 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;
  - e. Proven ability to work in national and international contexts;
  - f. Ability to work with multidisciplinary teams and institutes;
  - g. Capacity to manage a variety of tasks with minimal supervision.