

TERMS OF REFERENCE FOR PROCUREMENT ADVISOR

1. Background

The Ghana Statistical Service (GSS) is a government agency of Ghana established under Act 135 of 1985 as the primary government agency responsible for the production and dissemination of statistics on all aspects of the economy of Ghana. In an effort to improve the quality, relevance and timeliness of the production and dissemination of statistics to meet the needs of stakeholders, a strategic plan for the development of statistics, the Ghana Statistics Development Plan (GSDP), was formulated and launched in November 2008. The implementation plan has been drafted but not finalised and a more detailed plan is currently being developed to clearly set out the priorities for funding and to provide a more detailed budget. Some resources have been secured from the GoG and Development Partners to start implementation. In particular a WB Multi-Donor Trust Fund (MDTF) has been established to support implementation and further funding from the WB is likely to become available from December 2010.

The production of statistics involves the procurement of a variety of goods and services necessary for data collection, data capture, analysis, report writing and dissemination. This should be carried out in compliance with the Public Procurement Act of Ghana and when donor funds are involved, in accordance with the relevant Development Partner's procurement processes. However, due to weak institutional and human resource capacities, problems are often encountered resulting in the procurement of sub-standard goods and services. The GSS has a Procurement Team to oversee the procurement functions under the GSDP. This Team has two professionals, one (the Head) of which has attended the Goods and Equipment Procurement Management and Consultant's Services Course from the Ghana Institute of Management and Public Administration (GIMPA) as part of preparations towards the full scale implementation of the plan. The other professional will also undergo the training in due course. Nevertheless, it is still thought that institutional strengthening and human resource capacity building is required to ensure compliance with procurement rules and procedures and, consequently, the efficient use of the resources.

As such, a procurement advisor is required to assist with the processes of procurement as well as to consolidate the capacity of the procurement unit and other relevant GSS staff by mentoring and working alongside them.

2. Objectives

To improve the institutional capacity of the Ghana Statistical Service to a level which ensures that Government and Development Partner procurement processes are adhered to with regard to implementation of the Ghana Statistics Development Plan and other GSS activities.

3. Scope of work

The procurement specialist will guide the GSS on all procurement activities planned under the Ghana Statistics Development Plan including procurement funded by Development Partners. The procurement role will cover the entire variety of goods and services required for the

implementation of the Statistics Development Plan. This will cover goods and services procured for GSS, the Ministries, Departments and Agencies (MDAs) and other stakeholders under the National Statistical System (NSS). The Procurement Specialist will also ensure that sound technical practices and methods are applied and available and necessary data are collected and used when carrying out the assignment. The consultant shall work in close consultation with the Procurement Unit and the head of the Programme Development Management Group.

As part of his/her assignment, the Procurement Specialist is expected to conduct training for GSS employees and work towards building capacity of the GSS Procurement Unit and other relevant staff within the GSS.

More specifically, the Procurement specialist will provide support to the GSS to:

- Prepare and/or review the procurement plan for the implementation of the GSDP
- Assist the Procurement Team in preparing a procurement time schedule for the implementation of the procurement plan to reflect the major stages in the procurement process: negotiation, drafting and signing contract including contract closing dates);
- Verify that all proposed purchases are eligible for financing through either GoG or DP funds;
- Procure consultancy services, goods and works, by assisting the Procurement Team (PT) in the procurement process from preparation to evaluation and ensure that best procurement practices are followed before “No Objection” is sought;
- Prepare procurement documentation and selection and evaluation procedures
- Elaborate relevant documentation in compliance with the Public Procurement Law and the procurement procedures of the donors;
- Ascertain that budgetary allocations are appropriated to the respective end-users and thus ensure timely and effective implementation;
- Provide methodological guidance and know how to GSS procurement staff in procuring goods and services in compliance with the Public Procurement Law and the procurement procedures of the donors;
- Build procurement capacity in the Procurement Team and the beneficiaries through hands-on training;
- Assist the PT in setting up a record keeping system for all prior review and especially post review contracts;
- Assist the PT in contract management and administration of all signed contracts under the grant; and
- In cooperation with the Procurement Team prepare regular procurement reports for the Government Statistician and Development Partners according to pre-determined agreements.

As already mentioned, the GSS has secured funding from Development Partners for the implementation of the GSDP through a WB World Bank led Multi Donor Trust Fund (MDTF). In accordance with this MDTF, the consultant will need to support the GSS to:

- Review all available MDTF documents to facilitate the establishment of procurement procedures for the management and implementation of the MDTF including a simple tracking system to monitor the implementation of procurement activities;

- Establish a procurement management system for the WB MDTF based on the guidelines and procedures for procurement under World Bank funded projects, and the government regulations for the procurement of goods, works and services under the Ghana Public Procurement Act;
- Use the appropriate World Bank's Standard Bidding Documents (SBDs), prepare customized Bidding Documents and Request for Proposals (RFP) including standardized Forms to be used for conducting International and Local Shopping and conforming with Ghana Public Procurement Act
- Together with PDMG, prepare the Project's Annual Procurement Plans, identifying contract packages for goods and services, the estimated cost for each package, the procurement or selection methods and processing times till completion of each procurement activity;
- Monitor procurement implementation and update the procurement plans prepared at the beginning of the project, for the procurement of goods, and the procurement of consultants services, annually and whenever it becomes necessary to do so;
- In consultation with the GSS Groups and Team coordinate the preparation of Terms of Reference (TORs) for the preparation of Requests for Proposals (RFPs) on consulting assignments, and specifications for the preparation of bidding documents for goods activities using standard documentation agreed with the funding agencies.
- Prepare the bidding documents in accordance with the WB Standard Bidding documents. Obtaining no objections from WB.
- Initiate the procurement processes, including those for International and Local Competitive Bidding procedures, ensuring compliance with agreed procurement methods' thresholds, prior review requirements specific to the project, and agreed aggregate threshold amounts for less competitive procurement methods,
- Identify sources and notifying the potential bidders and consultants of bidding opportunities through advertisements and letters, emails, etc. Maintaining rosters of expressions of interest of the consultants and bidders.
- Participate in selection of the Evaluation Panel, and assume the role of the Panel's secretary in recording the minutes of the meetings.
- Advise the evaluation committee members in the evaluation of the bidding documents/technical proposals in accordance with the WB standards.
- Participate in evaluation of expressions of interest for short lists and pre-qualification of suppliers and contractors where necessary;
- Receive bids and participate in bid opening sessions, evaluating goods bids and consultants' proposals, and ensuring that the appropriate guidelines are followed to arrive at the recommendations for award in favour of suppliers and consultants;
- Prepare the minutes of the Evaluation Panel meetings, and also prepare the requests for "no objection", and coordinate arrangements for the negotiation process, where necessary;
- Oversee clarification meetings;
- In cases of procurement actions requiring IDA "no objection", coordinating the dispatch of procurement documents to IDA, monitor IDA response time on issuing "no objections" at different levels of the procurement process and follow-up accordingly;
- Monitor and ensure timely responses to procurement questions raised by the World Bank. For services, follow-up with the short listed consultants within 10 days of RFP dispatch, to ensure their participation in the selection exercise, including their attendance at pre-proposal conference, as may be required;

- Coordinate the response to inquiries, and arrange communication of the results of the evaluation process to the applicants, in response to guidelines;
- Prepare final contracts, and ensure timely distribution of all relevant procurement and contract documents to all stakeholders. (Consultants, Suppliers, and the World Bank for “No Objection”).
- Ensure that purchase orders are made as soon as the World Bank “No Objection” is obtained;
- Seek marine or goods in transit insurance for all goods procured;
- Monitor contract implementation including ensuring timely receipt of the goods and consultant’s monthly status reports; confirming acceptability of goods delivered, and also acceptability of consultants’ reports as reviewed, and recommending payments to the services providers, i.e. suppliers and consultants, as they fall due;
- Establishing a register of qualified suppliers and consultants and periodically update this register through advertisements and requests for expressions of interest.
- Establish a performance monitoring database for all suppliers and consultants, and ensure efficiency and timeliness in the delivery of outputs from the services providers;
- Liaise with the Public Procurement Authority’s office as and when required, including the Ministry of Finance and Economic Planning and relevant World Bank staff, suppliers and consultants, with a view to preparing semi-annual and annual procurement reports as inputs into the Project Management Reports (PMR) to be submitted to the MOFEP, World Bank and other relevant agencies:
- Establish and maintain a central procurement filing system, and ensure all related documents are included in the respective files, to ensure ease of retrieval of information and the ease of following the paper trail of procurement by independent external auditors, authorised agents or the World Bank staff during post-procurement reviews (PPRs);
- Provide support and training to procurement and other staff involved in the project on the operation of the procedures outlined in the Project Implementation Manual (PIM), and provide training to address: (i) staff weaknesses that may be identified as part of the supervision or, (ii) training needs expressed by the users of the PIM. Basic procurement training will also be provided to members of the tender committee and on how to review bids and proposal evaluation reports, in response to the Public Procurement Acts of Ghana;
- Assist in the annual procurement audit including, making available all project related documentation and facilitating the process as may be required

4 Implementation arrangements

The consultant will work in close collaboration with the Procurement Team and the Programme Development and Management Group. S/he will report to the Deputy Government Statistician (Technical Support).

The Procurement Specialist will be required to spend the entire assignment period on-site, in Accra, Ghana. S/he will be allowed annual leave as stipulated in the employment contract.

5 Input provided by Implementing Agency

Aside from providing office space, GSS will provide the Consultant with administrative support including technical and communication facilities and other provisions necessary to facilitate his/her work.

6. Expected Output

The Procurement Specialist will be expected to produce the following outputs during the period of the consultancy:

- a. An *Inception Report* provided one month after commencement of project;
- b. A *Monthly Progress Report* submitted to GSS and the World Bank by the 15th day of the next month throughout the assignment;
- c. The Project Completion Report summarising results of the assignment in direct relation to the original terms of reference.

S/he will also be expected to have supported the GSS to:

- d. produce procurement plans prepared on an annual basis and approved by the Government Statistician;
- e. carry out procurement activities in accordance with the Procurement Law and World Bank Procurement procedures;
- f. prepare procurement documentation which is kept for future reference; and
- g. Develop and submit procurement monitoring reports.

The Specialist will prepare Quarterly, Semi-Annual and Annual procurement reports and will prepare other reports, as and when needed.

7. Performance Criteria

The following performance criteria will be used to assess the performance of the Procurement Specialist at regular intervals and based upon which the contract with the GSS may be continued or terminated:

- Quality and timeliness of procurement management relating to procurement planning for goods and services;
- Quality of documentation submitted for prior review
- Quality of procurement filing
- Quality of documentation submitted during post reviews
- Quality and timeliness of monthly and quarterly reports
- Demonstrated evidence of transfer of knowledge (over the first two-year of project implementation) to GSS procurement staff.

In addition to above, by the end of Year 1 and Year 2, the GSS procurement staff shall demonstrate understanding and abilities in the following:

End of Year 1:

- General Considerations of Procurement
- General Consideration for Selection of Consultants
- Ability to conduct shopping and understanding of the similar process for shopping for works.
- The use of a “Threshold, Procurement Method and Prior Review Tables” based on which procurement methods are selected.
- Preparation of EOIs
- Understanding of Principles of Selecting Consultants
- Principles of Bidding for Goods under NCB
- Principles of Bidding for Works under NCB

End of Year 2:

- Preparation of GPN
- Preparation of SPNs
- Satisfactory preparation of Request for Proposals (RFP) for the 2nd round of Training Provision.
- Preparation of NCB Bidding Document for Goods
- Preparation of NCB Bidding Documents for Works
- Understanding of ICB for Goods and Works

The GSS will evaluate the performance of the Procurement specialist at the end of the initial 6-month period, and then – at the end of Year 1 and Year 2.

8. Assignment Period

The period of assignment will be for three years. The initial six months employment will be considered as probation; subject to satisfactory performance. Performance criteria determined in the previous section will be used to assess performance in Years 1 and 2. GSS and the World Bank will review the performance of the Procurement Specialist, within two weeks upon completion of the probation period and inform the Procurement Specialist of the decision to continue or not. The performance will be based on the performance indicators indicated in the employer’s agreement.

9. Terms of payment

Payment will be made monthly at the end of each month.

10. Qualifications and experience required

The Procurement Specialist will have not less than 10 years in international procurement, management of public procurement and project management. Experience in procurement

procedures of the Government of Ghana and the World Bank will be required. Educational and professional qualifications will include:

- First degree in relevant discipline, e.g. Business law, Engineering, Administration etc. with minimum 10 years post qualification experience in procurement, and contract management in the public sector; years of experience may be discounted by up to 2 years with relevant post graduate degree.
- Must have good knowledge of procurement policies and procedures of multilateral financial institutions (e.g. the World Bank) and development co-operation agencies; as well as good knowledge of the institutional, technical, and commercial aspects of procurement;
- Excellent skills in project management demonstrated in previous jobs;
- Proven track record in working effectively within multidisciplinary teams.
- Computer proficiency in standard office applications (Spreadsheets, word processing, Internet Explorer)Excellent communication, interpersonal and team working skills; and
- Excellent oral and written skills in English