<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ACCRP</td>
<td>Agence Comptable Centrale des Ressources Publiques</td>
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<td>ADB</td>
<td>African Development Bank</td>
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<tr>
<td>AGCD</td>
<td>Agence Générale de la Coopération au Développement</td>
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<tr>
<td>ANV</td>
<td>Attestation de Non Vérification</td>
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<tr>
<td>BAE</td>
<td>Bon à Enlever Automatique</td>
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<tr>
<td>BCEAO</td>
<td>Banque Centrale des États de l’Afrique de l’Ouest</td>
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<tr>
<td>BIAO-CI</td>
<td>Banque Internationale en Afrique de l’Ouest-Côte d’Ivoire</td>
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<tr>
<td>BOAD</td>
<td>Banque Ouest Africaine de Développement</td>
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<tr>
<td>BOD</td>
<td>Building Own Operate</td>
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<tr>
<td>BOT</td>
<td>Build, Operate and Transfer</td>
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<tr>
<td>BSIE</td>
<td>Budget Spécial d’Investissement et d’Équipement</td>
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<tr>
<td>CA</td>
<td>Contracting agency</td>
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<td>CAA</td>
<td>Caisse Autonome d’Amortissement</td>
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<tr>
<td>CDC</td>
<td>Commonwealth Development Corporation</td>
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<tr>
<td>CFD</td>
<td>Caisse Française de Développement</td>
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<tr>
<td>CI-TELCOM</td>
<td>Société Côte d’Ivoire Télécom</td>
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<tr>
<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<tr>
<td>CODINORM</td>
<td>Côte d’Ivoire Norms</td>
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<tr>
<td>CPPR</td>
<td>Country Portfolio Performance Review</td>
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<tr>
<td>CREP</td>
<td>Caisses Rurales d’Épargne et de Prêts</td>
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<tr>
<td>DCGTX</td>
<td>Direction et Contrôle des Grands Travaux</td>
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<tr>
<td>DIP</td>
<td>Direction des Investissements Publics</td>
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<td>DMP</td>
<td>Direction des Marchés Publics</td>
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<td>DPDR</td>
<td>Direction de la Planification et du Développement Régional</td>
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<tr>
<td>EIB</td>
<td>European Investment Bank</td>
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<td>EU</td>
<td>European Union</td>
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<td>FAC</td>
<td>Fonds d’Aide et de Coopération</td>
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<td>FED</td>
<td>Fonds Européen de Développement</td>
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<tr>
<td>FRAR</td>
<td>Fonds Régionaux d’Aménagement Rural</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>ICB</td>
<td>International Competitive Bidding</td>
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<td>ICC</td>
<td>International Chamber of Commerce</td>
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<td>IFAD</td>
<td>International Fund for Agriculture Development</td>
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<tr>
<td>INS</td>
<td>Institut National des Statistiques</td>
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<tr>
<td>KfW</td>
<td>Kreditanstalt für Wiederaufbau</td>
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<tr>
<td>MEF</td>
<td>Ministère de l’Economie et des Finances</td>
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<tr>
<td>MEFP</td>
<td>Ministère de l’Economie, des Finances et du Plan</td>
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<tr>
<td>NCB</td>
<td>National Competitive Bidding</td>
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<tr>
<td>PACOM</td>
<td>Projet d’Appui à la Conduite des Opérations Municipales</td>
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<tr>
<td>PALMINISTRATION</td>
<td>Société d’État pour l’extraction de l’huile de palme</td>
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<tr>
<td>SACO</td>
<td>Service Autonome Central d’Ordonnancement</td>
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<tr>
<td>SGS</td>
<td>Société Générale de Surveillance</td>
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<tr>
<td>SIR</td>
<td>Société Ivoirienne de Raffinerie</td>
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<tr>
<td>SITARAIL</td>
<td>Transport Ferroviaire de Personnes et de Marchandises</td>
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<tr>
<td>SME</td>
<td>Small and Medium Enterprise</td>
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<tr>
<td>SODEFOR</td>
<td>Société de Développement des Plantations Forestières</td>
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<tr>
<td>SODESUCRE</td>
<td>Société pour le Développement des Plantations de Canne à Sucre</td>
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<tr>
<td>SONITRA</td>
<td>Société Nationale Ivoirienne de Travaux</td>
</tr>
<tr>
<td>UEMOA</td>
<td>Union Économique et Monétaire Ouest Africaine</td>
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<td>UNDP</td>
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COTE D'IVOIRE COUNTRY PROCUREMENT ASSESSMENT REPORT

1. GENERAL INFORMATION AND SUMMARY

Historical Background

The Republic of Côte d'Ivoire is one of the most important countries in the CFA zone, with a good natural resource base. Since its independence in 1960, Côte d'Ivoire has chosen a policy of market economy open to foreign investment and enjoyed an average annual growth of 7%. Its economy depends predominantly on agriculture with two thirds of the population engaged in farming, forestry and fishing. The country's main exports continue to be coffee, cocoa and timber. GDP in 1994 was estimated at about $6.7 billion and population has been growing rapidly at about 3.8% annually reaching about 13.5 million by end of 1994. High population growth, coupled with economic decline, has reduced per capita GNP from more than US$1,000 equivalent in the early 1980s to about US$715 equivalent in 1992 and US$515 equivalent in 1994 after the devaluation of the CFA Franc. There has been a decline in social services resulting in a deterioration of social indicators along with standards of living. The country is now confronted with an economic crisis caused by a reduction of its export revenues when prices of the main exports, coffee and cocoa fell and an external debt which stands at about US$17 billion.

1.1 DATE OF REPORT

May 1996.

1.2 BASIS OF REPORT

This report is based on the findings of Asha Ayoung, Procurement Specialist. It includes inputs from some members of the Country Team, the Resident Mission staff and other Bank staff and has been cleared by Jean-Jacques Raoul, Regional Procurement Specialist and Françoise Bentchikou, Legal Department.

1.3 ACCEPTABILITY OF COUNTRY'S PROCUREMENT SYSTEM

Past Performance in Procurement

The Code des Marches Publics was first introduced in 1985 to regulate public procurement, which until then was based on practice alone. In 1992 the Code was partially revised to introduce equity in the system and is considered quite good. However, there is still room for improvement especially in procedures and practice. Procurement has always been an extremely slow process and is considered to be a major bottleneck in project implementation. The delays are not only due to procedural problems but also institutional ones. The lengthy procedures coupled the lack of
adequate capacity within the Ministries continue to be a cause of problem and major concern. While some efforts have been made to improve the situation (see para. 1.5 below), their impact on project implementation has been insignificant and the Government needs to seriously consider further actions to improve and speed up the process.

Category I:

**Unacceptable features for the purposes of Bank financing that must be addressed in the loan documentation**

*(A) For Investment Operations*

Exclusion of Participants

Articles 7 and 8 of the Code list specific cases when participants are not eligible to bid. For example, participants who (i) are in a state of bankruptcy; (ii) are in default of taxes for more than three months from the date of bid submission; (iii) failed to meet their contractual obligations on any contract within two years from the date of cancellation of the contract; and (iv) withdrew their offers within the bid validity period with the same client within six months from the date of expiration of the bid validity are not eligible to bid. In addition, blacklisting of firms is common in the country. The Bank's guidelines allow all bidders that meet the eligibility criteria defined in the same guidelines to bid and does not accept the borrower's blacklisting as a criterion for bidding. For Bank financed projects, all eligible bidders should be allowed to bid and before awarding the contract, a postqualification exercise can be carried out to determine whether the bidders can satisfactorily execute the contract.

Advertising

The only local requirement is publication in the *Bulletin Officiel des Marchés* which is published twice a month. The contracting agency may opt for additional modes of advertisement of its choice. The minimum requirement, according to the Bank's guidelines: (a) for national competitive bidding is advertisement in a local newspaper of national circulation

Time Period for Bid Preparation

According to the local code, the minimum time that should be given for bid preparation for national competitive bidding is 30 days from the date of publication of the advertisement in the Bulletin Officiel. However, the Minister of Finance has the authority to reduce this time frame, if considered necessary and in practice a lot of the projects give 21 days only. In case of limited competitive bidding, where the list of bidders are drawn up by the employer, bid preparation time is only 15 days from the time the letters to the selected bidders are sent out. The Bank's requirement for bid preparation time for national competitive bidding is 4 weeks.
Prequalification

Even though the Code refers to a prequalification document, very often contracting agencies do without and include minimal information pertaining to the prequalification in the advertisement including the criteria for evaluation. The firms are evaluated on inadequate criteria and on a point system which is highly subjective. Prequalification should be based on meeting minimum pass/fail criteria regarding the applicants’ general and particular experience, personnel and equipment capabilities, and financial position. The turnover which is normally used, is not a good measure of financial capability of applicants. The applicants should demonstrate soundness of their financial position and that they have access to or have available financial means to meet the cash flow requirements. Standard prequalification documents should be established and used.

In addition, the time given for the preparation of proposals is usually not sufficient. The time allowed for preparation of the prequalification submission should preferably be eight weeks but in any case not less than six weeks from the time of advertisement or availability of prequalification documents, whichever is later. Applicants should be given sufficient time to gather all the information required. The time period may be longer for very large projects, as is the case above, where time should be allowed for the formation of joint ventures.

Number to be Prequalified

If the number of prequalified bidders is too high, it is considered acceptable under local procedures to limit the number to the first few. This is not specifically required by the Code but is common practice. This is not acceptable for Bank financed projects where only those who are clearly not qualified are rejected. Under NCB (where prequalification is rare), it is possible to accept such a restriction for Bank financed projects, provided the criteria for limitation are acceptable to the Bank and there is enough competition.

Bid Security

It is common practice to request a bid security for consulting services. This is in conflict with the Bank’s guidelines. However, the latter is a problem that can be resolved without any modification or waiver in the loan documents because the selection of consultants (sole source and based on a short list) falls under Articles 37 and 38 of the Code that covers direct contracting. And for such contracts the code specifies that no bid security is required.

Securities

The Code specifies that securities (caution personnelle et solidaire) have to be from chartered banks and financial institutions in Côte d’Ivoire or third parties accredited for this purpose by the Minister of Finance. For Bank financed projects, securities can be in the form of bank guarantees or in the form of a bond issued by a bonding or insurance company.
Domestic Preference

The Code specifies preferential treatment to certain categories of bidders; this is in conflict with the Bank's guidelines. The Bank's preference for goods and works is not applicable for national competitive bidding.

Bid Opening

The Code does not require bids to be opened in public or opened on the same day as the deadline for receipt of bids. This is in conflict with the Bank's guidelines that stipulate bids shall be opened in public; that is bidders or their representatives shall be allowed to be present and that the time for the bid opening shall be the same as for the deadline for receipt of bids or promptly thereafter (to allow sufficient time to take the bids to the place announced for bid opening). However, in practice, the tendency is to follow the Bank's guidelines even when Bank financing is not involved.

The Code allows the postponement of the bid opening date by at least one day by placing a notice at the place where bids are to be received. For Bank financed contracts, changes in stipulated time and place are considered acceptable only if justifiable and if bidders are duly notified.

The Code also specifies that if all the members of the Commission (minus two at the most, excluding the president and the representative of the contracting agency) are not present, bid opening can be postponed. As stated above, postponement of bid opening at the last minute without adequate notification to the bidders is unacceptable according to Bank's guidelines.

Two Envelope System

Bidders are required by the Code and the bidding documents to submit their offers in two envelopes; one containing the technical offer and the other the financial offer. During the bid opening ceremony, the members of the commission open the exterior envelopes containing the technical offers to assess the capability of the bidders. The interior envelopes containing the financial offers are then opened for only those bidders considered eligible and qualified to bid. The Code is not clear as to whether the envelopes have to be opened in the same session or consecutive sessions. The Bank strongly recommends that offers be contained in one envelope but if the offers have to be split in two envelopes, then both envelopes should be opened at the same time. Second, no evaluation or rejection of bidders should be carried out at bid opening. Bid opening should only be for recording the names of the bidders, the amounts of the bids, of alternatives, if required and permitted for all bids received on time. Third, prescreening of bidders before financial evaluation is not acceptable; if prequalification is necessary it should be carried out separately.

Bracketing

Article 19 of the Code refers to marchés sur adjudication which are contracts awarded to the bidder having submitted the lowest priced bid. In such cases the Code
allows the contracting agency to set a confidential ceiling for the price which is used for selecting the successful bidder. Even for open competitive bidding, it is common practice to deny awards because the prices are not within the price range of the contracting agency or are considered too low. This is unacceptable since the contracting agency's confidential price is an arbitrary criterion unrelated to the quality of the offers, the capacity and experience of the bidders.

Price Negotiation

Price negotiation prior to contract award is not permissible for international or national competitive bidding according to the Code but it is practiced quite frequently. However, the Code allows bidders to submit discounts if a bid validity extension is required for all types of bidding (engagements sur simples factures ou mémoires, gré à gré, or appel à la concurrence). And in the case of marchés sur adjudication, if there are two or more bids equal in value, the Commission can ask for rebates. If these rebates are equal, the contract is awarded by lottery. All of the above requirements and practices are unacceptable for Bank-financed projects.

Contract Award

According to the Code, the Commission d'ouverture et de jugement des marchés publics can, after analysis and deliberation, freely choose the bid that it considers the most advantageous. There is no clear definition of “most advantageous” whereas according to the Bank’s guidelines, the bid that is considered the most advantageous is strictly based on criteria specified in the bidding documents. The Code allows the possibility of changing the candidate for contract award between the latest date of bid receipt and the date of decision of contract award on an exceptional basis with the approval of the commission. This is unacceptable for Bank financed projects.

Maritime Insurance

Law no 86-485 and Decree no 86-486 require that all incoming freight be insured with an Ivorian insurance company. This restriction on the source of insurance companies is not acceptable under Bank’s guidelines. In addition, for foreign suppliers who have global insurance coverage for freight to be unloaded in several West African ports, this restriction amounts to buying insurance twice just to satisfy the local regulations. This adds to the cost which is naturally passed on to the purchaser. The Bank should discuss the modification of the above law and it should not finance the cost of insurance as long as the above restriction applies.

Maritime Transport

Even though there has been a full liberalization of maritime transport in April 1995, the Government has not taken measures to ensure the implementation of this liberalization. Therefore, the practice is still restrictive and costly to the country. Measures to be taken by the Government to rectify the situation will be conditions of Board Presentation for the Private Sector Development Adjustment Credit. Similarly,
the Bank should not finance the cost of maritime transport as long as the practice is restrictive and disbursement should be limited to FOB contracts.

Consultants

There is no provision in the Code that prohibits public enterprises from bidding which implies that if the Code is applied, private firms would have to compete with public firms for Government’s consultancy contracts. In reality consultants are mostly hired on a sole source basis. There is hardly any competition as most contracts go to the Direction et Contrôle des Grands Travaux (DCGTX) who contracts out only small portions they are unable to carry out. This has reduced competition and indirectly been a deterrent to the growth of the private consulting sector. When there is competition, the same names keep appearing on the short lists and the criteria used for evaluating the expertise and experience of the consultants are inadequate and are not clearly specified in the letters of invitation.

According to the Bank’s guidelines, parastatals or public enterprises can only bid for government contracts financed by the Bank if they are legally and financially autonomous and operate under commercial law. There is a need for transparency and increased competition in the selection of consultants. Better planning in the recruitment of consultants should be encouraged at an early stage so that sole source is used only under justifiable and special circumstances. The time involved in the selection process should be reduced by eliminating unnecessary steps and approvals before the solicitation of bids and after the contract has been signed.

Consultants are required to submit both bid and performance securities. This practice which increases the costs of the services should be discouraged. Given the risk that a valid consultant’s proposal be rejected under that ground (on a late bid security), the Bank should insist that the requirement for a bid security be dropped altogether.

B) For Adjustment Operations

None found.

Category II

Features that the Bank recommends be changed in order to conform with good international and domestic procurement practice

Private and Public Sector Development

Procurement can only be effective and efficient if carried out in an environment that is legally and administratively appropriate. Hence achieving and maintaining such an environment should be a major objective of the Government. To this end, the Government should take appropriate measures to prevent corruption, to eliminate discriminatory and restrictive practices, to promote competition (private consultants and SMEs) and to improve efficiency in its operations (including the simplification of its procurement procedures.
Décret 92-08

- Disqualification of bidders on the basis of the administrative envelope (Arts. 8&27)
- Reserved lots (Art. 12)
- Non-disclosure of the quantification of bid evaluation criteria (Art. 18)
- List of prequalified bidders (Arts. 24&26)
- Opening and review of bids by the same committee (Arts. 27.2&28) -- a very cumbersome procedure
- Contest (Arts. 32-36): two-stage bidding is more effective and transparent
- Non-public bid opening (Art. 27)
- Termination for contractor's default (Art. 107) -- it would be advisable to have also "résiliation simple".

Décret 92-09

- Timing of the review of bidding documents (Art. 5-1) -- it seems to take place late in the process and not prior to bidding at it should logically do.

While donors have invested in specific projects with specific objectives aiming to bring about reforms in some of the above areas, their impact can only be significant if reforms are effective.

Similarly, the public sector has to be better structured and managed to increase its efficiency. The Government should be considering financing investments necessary for the development of these enterprises and for adequate transfer of knowledge to build up the internal capacity. The Government should concentrate only on certain public enterprises and disengage itself from enterprises in the productive sectors that can be better managed privately. Essential business infrastructure that operates under monopolistic conditions and/or heavy state intervention that are inefficient should be looked at and the State should continue its privatization program that privatized 27 firms between 1990-1995 and expects to privatize 40 more in 1996-97.

A) For Investment Operations

Decentralization of Procurement

The Code applies for all public contracts above the thresholds established for different entities. These thresholds (as shown in section 2.2 below) are quite low. The result is the reinforcement of the centralization of decisions which causes unpredictable delays in the processing of procurement documents. The Government should develop a competent procurement work force with the capacity to exercise initiative and judgment in making procurement decisions within the main Ministries and implementing agencies. After reinforcing this capacity, more authority for procurement processing and contract signing should be delegated to them to recognize both their competence as well as their ultimate responsibility for the management of task and funds assigned to them. The delegation of authority can be gradually accomplished by periodically raising the threshold values mentioned above. The different commissions, outside the contracting agency should check the adherence to
principles and procedures of procurement on a selective basis as a post-review exercise rather than on a regular basis as a prior-review exercise.

Development of a Competent Public Procurement Cadre

The DMP should bear the responsibility for ensuring that procurement policies and procedures are well understood by contracting agencies. Preparation of model documents and dissemination of information constitute a first step in this direction. In addition, the DMP should be in a good position to identify qualification requirements and training needs for public procurement staff. Training has to go hand in hand with other staff development efforts: adequate working conditions, decent pay, possibilities of promotion, and other measures designed to instill a sense of professional pride and motivation among procurement staff. Although such measures are primarily the responsibility of the employing agencies, the DMP can advance the interests of public procurement staff in general.

Delays in Processing Documents

It takes about 3 to 4 months to prepare bidding documents and obtain the necessary clearances (both internal and external); about 5 months from the time of advertisement to signature of contract by the contracting agency and the successful bidder and anywhere between 1 to 8 months to get the clearance of the Commission d'approbation des marchés publics and the Minister of Finance. This process is too long by any standard. The review/approval process should be streamlined and all interventions that serve primarily as expenditure controls, as opposed to procurement controls, should be removed from the procurement process critical path. Signed contracts should not be subject to controls and changes.

The bid validity period specified in the bidding documents is deceiving because even though contracts are signed within that period, they do not become effective until they have gone through the approval system. This is unacceptable because bidders are in fact forced to maintain their prices for a much longer time and consequently build an amount into the bid price to cover such delays when they have no opportunity to increase the prices.

Standard Bidding Documents

A lot of time is also spent in drafting bidding documents. While the DCGTX and the Ministry of Works have developed their own set of standard documents, these documents are not widely used. This was one of the main topics that arose during the CPPR and the Direction des marchés publics has agreed to work with the Ministries concerned and the World Bank to take the lead in this matter. It is expected that these documents will be developed within the next six months.

Late Payments to Suppliers/Contractors/Consultants

Late payments seem to be the rule rather than the exception in Côte d'Ivoire. This is a major cause of delay in project implementation as the contractors/suppliers/consultants tend to slow down the progress of the work and the
delivery of the goods until payments are made. Delays in payments also mean rise in costs. The bidding community is aware of such delays and therefore raises the costs when bidding to compensate for opportunity lost or interests which are never paid on late payments (even though specified in contracts). To foster competition and bring down costs, the government should encourage the use of letters of credit for goods and enforce some discipline and streamline the local disbursement procedures.

Qualification of Bidders

Even though contracts are supposed to be awarded to the bidders having the technical and financial capabilities to satisfactorily execute the contracts, in practice this verification is hardly ever carried out. The tendency is to base these evaluations on the past experience of the members of the evaluating/approving committees with the bidders. The Direction des marchés publics is even thinking of establishing a blacklist of contractors to be eventually circulated. In most bidding documents, the criteria for determining the qualification of bidders are either not specified or are very vague thus making the exercise subjective. To foster transparency and increase competition, all bidding documents should contain clear pass/fail criteria for post-qualifying bidders and these criteria should be applied without discrimination.

Arbitration/Judicial System

The Code specifies that unresolved disputes would be settled by a competent local court. Since contractors and suppliers, particularly when non-ivorians, will perceive the lack of international arbitration as placing a risk on contract performance, it is recommended that ICC (International Chamber of Commerce) arbitration rules, which apply in many Bank concluded ICB contracts be included in all contracts.

B) For Investment/Adjustment Operations

Letters of Credit

Even though payment by L/Cs is a common international practice proven to bring down costs, it is still unpopular in Côte d’Ivoire. The reasons being that there is a cost involved in opening the L/Cs and payment has to be made on shipment of the goods before they are received in the country and inspected. When goods are defective, the tendency is to withhold payments instead of invoking provisions of the contract to deal with such issues. If the preshipment inspection is carried out properly, it should reduce the risk of rejection of goods. The users should be made aware that the guarantee of payments through L/Cs encourages bidders to lower costs which by far outweigh the administrative costs of opening the L/Cs.

Customs

In spite of the recently introduced simplified and accelerated method of customs clearance called le bon à enlever automatique (BAE automatique), delays are still being experienced. The Government should carry out a thorough investigation to identify the bottlenecks and be prepared to bring about changes to make customs...
services more efficient and effective by enforcing implementation of the new measures.

Preshipment Inspection

When the contract with SGS expires, it would be advisable to introduce competition in the selection process instead of continuing on a sole basis. One of the duties of SGS is to assess the customs duties payable; however, the Government does not reconcile what is assessed with what is collected. Since this data exists, SGS should be requested to do so by the Government to ensure that all duties are actually collected. The SGS provides the Comité de Suivi (DCGTx, Ministère de l'Economie et des Finances, Ministère du Commerce, Primature) with their reports (rapport d'évaluation, état des rapprochements, rapport mensuel). The Government should ensure these reports are read and used as a supervision and management tool to keep abreast of ongoing activities and to improve the system whenever necessary.

1.4 Action(s) Required

The issues and proposals described above should be discussed with the Government, the Direction des Marches Publics, the various ministries, and all those mentioned in this report. All Operational and Legal Bank staff working on Côte d'Ivoire should ensure they incorporate the necessary changes regarding the features listed under Category I in their Staff Appraisal Report and Legal Agreement. As a minimum, systematic use of L/C and of ICC arbitration rules should be explored in the case of ICB contracts for supply of goods.

1.5 Earlier Action(s) Taken (If Any)

The procurement code has been updated in 1992. In 1993, a joint effort between the Ivorian Government and the Bank attempted to (i) streamline the local procedures, (ii) introduce standard bidding documents and (iii) disseminate information to implementing agencies on both the local and the Bank's procedures on procurement. To help reduce delays in document processing, the Prime Minister issued a directive on August 3, 1994, (Doc. 8) in which he laid down all the steps involved in processing procurement documents and the maximum time each step should take. And in June 1994 and July 1995, the Direction des marchés publics (DMP) held seminars to disseminate information on the Code.

1.6 List of Staff Members Familiar with Procurement in the Country

1.7 Next Procurement Assessment Mission

The next CPAR mission will be carried out in about four years from the date of this report. However, if there are substantial changes in the country’s procurement laws, an earlier mission may take place.

2. Procurement Laws and Regulations

2.1 List the Applicable Laws and Regulations

Domestic and International Procurement of Goods, Works and Consulting Services

- Décret 92-08, 8 janvier 1992, portant Codes des marchés publics
- Décret 92-09, 8 janvier 1992, relatif aux conditions et procédures d'approvisionnement des marchés publics
- Arrêté no 143 MEFP.DMP, 19 février 1992, fixant les limites au délai pendant lequel les candidats aux marchés publics restent engagés par leurs offres
- Arrêté no 144 MEF.DMP, 19 février 1992, portant fixation de l’obligation de passer un marché public pour toute dépense de fournitures, prestations ou travaux
- Arrêté no 146 MEFP.DMP, 19 février 1992, fixant les modalités d’application du droit de préférence prévu aux articles 11 à 13 du Code des Marchés publics
- Arrêté no 147 MEFP.DMP, 19 février 1992, fixant le mode de calcul et l’effet des délais mentionnés au Code des Marchés publics
- Arrêté no 148 MEFP.DMP, 19 février 1992, définissant les modes et conditions de constitution des cautionnements en matière de marchés publics

Imports, Customs, Duties and Taxes, and Licenses

- Décret 93-313, du 11 mars 1993, portant application de la loi n° 91-999 du 27 décembre 1991 relative à la concurrence, en ce qui concerne les conditions d’entrée en Côte d’Ivoire des marchandises étrangères de toute origine et de toute provenance ainsi que les conditions d’exportation et de réexportation des marchandises à destination de l’étranger.
- Arrêté n° 0038 du 12 mars 1993 portant application du décret 93-313 du 11 mars 1993 abrogeant et remplaçant le n° 92-51 du 29 janvier 1992 portant application de la loi 91-999
- Arrêté n° 085 du 3 août 1994 portant application du décret n° 93-313 du 11 mars 1993
- Arrêté n° 005 du 22 janvier 1996 portant application du décret n° 93-313 du 11 mars 1993
Arrêté n° 117 du 29 December 1994 portant application du décret n° 93-313 du 11 mars 1993

Arrêté Inter-ministériel n° 38 du 12 mars 1993, Import licenses and controls by SGS

Loi n° 91-999, du 27 décembre 1991 sur la concurrence

Décret n° 92-50 du 29 janvier 1992 portant réglementation de la concurrence et des prix

Ordonnance n° 94-23 du 19 janvier 1994 portant modification du taux de la T.V.A.

Ordonnance n° 94-24 du 19 janvier 1994 portant modification des droits et taxes d’entrée sur certains produits

Ordonnance n° 94-25 du 19 janvier 1994 portant modification des tarifs des taxes spéciales sur les boissons et les tabacs

Ordonnance n° 94-26 du 19 janvier 1994 portant modification du tarif de la taxe sur les véhicules à moteur

Ordonnance n° 94-35 du 25 janvier 1994 portant modification des droits et taxes de sortie sur certains produits

Arrêté n° 0032 du 20 février 1995 portant libéralisation d’importation du riz cargo et autorisation d’importation de riz ordinaire 35 % de brisures au maximum

Arrêté n° 062 du 30 mai 1995 déterminant les modalités d’importation du riz de grande consommation

Arrêté n° 092 du 22 août 1995 portant autorisation d’importation du riz de plus de 35 % de brisures

Décret n° 96-01 du 3 janvier 1996 portant libéralisation à l’importation des voitures de tourisme usagées

Décret n° 95-651 du 23 août 1995 portant démantèlement des barrières non tarifaires à l’importation du café, des tabacs, des sacs d’emballage usagés, des tissus de fibres synthétiques etc...

**Labor Sources and Minimum Wages**

Law no 95-15, January 12, 1995, Code du Travail

21 Décrets d’application (not yet published)

**National Standard Specifications and/or Codes of Practice for Materials and Workmanship**

No specific law, but CODINORM is in the process of establishing national standard specification.

**Consumer Price Indexing and Similar Price Controls**

- Decree 94-19, January 13, 1994, Price controls
- Law 64-291, August 1, 1964, Modifications regarding rates and non-tariff barriers

**Tariff Policies, Industrial Laws**

There is no preferential tariff applied for ECOWAS members but a tariff of 5% is applied for Union Économique et Monétaire de l’Afrique de l’Ouest (UEMOA) members. As of January 1, 1997 this tariff will be increased to 50%. ECOWAS was established in 1975 and include 15 West African countries, namely: Benin, Burkina

There is an *Agrément prioritaire* for certain firms who import duty free.

### 2.2 APPLICABILITY OF THESE LAWS AND REGULATIONS

These laws are applicable country wide for both public and private sectors. However, the Code des Marches Publics only applies to the public sector institutions, ministries and parastatals. It is mandatory to go through the public procurement procedure established by the Code for all expenses related to the public procurement of goods, works and consultancy for which the values are equal to or more than the thresholds established by decree by the minister in charge of public procurement. As of July 1, 1994, these thresholds, in million CFAF, are as follows:

<table>
<thead>
<tr>
<th>Threshold for Procurement of Goods, Works and Consultancy</th>
<th>CFAF (million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Government</td>
<td>15</td>
</tr>
<tr>
<td>- Local Gov./Municipality</td>
<td>20</td>
</tr>
<tr>
<td>- Public administrations</td>
<td>20</td>
</tr>
<tr>
<td>- Public organizations</td>
<td>40</td>
</tr>
<tr>
<td>- Parastatals</td>
<td>120</td>
</tr>
<tr>
<td>- Gasoline and lubricants (for government)</td>
<td>20</td>
</tr>
<tr>
<td>- Medical supplies and drugs</td>
<td>10</td>
</tr>
<tr>
<td>- Water, electricity, telephone and stamps</td>
<td>120</td>
</tr>
</tbody>
</table>

For all expenses less than the above thresholds, the goods, works and consultants can be procured by purchase orders. The public procurement function is centralized and governed by the Procurement Code, Decrees 92-08 and 92-09 of January 1992.

The private sector follows its own practice.

### 3. PUBLIC SECTOR PROCUREMENT

#### 3.1 ORGANIZATION

All public contracts and their amendments have to go through the DMP, whose main responsibility is the monitoring of the procurement process from the time of advertising to the time of contract award to ensure that the process is in conformity with the provisions of the Code. In line with the above, the DMP reviews and clears
the bidding documents, publishes the advertisement in the Bulletin Officiel des Marches Publics, participates in the opening and evaluation of bids, and clears the final contract. It also ensures that budgeted funds are available for financing the contract before clearing the latter. To assist the DMP in carrying out this role, there are two commissions (1) la commission d'ouverture et de jugement des marchés publics, et (2) la commission consultative d'approbation des marchés publics. The first Commission for bid opening and evaluation is made up of a representative of the Minister of Finance who is also the President of the Commission, and representatives of the contracting agency, the maître d'oeuvre, each group of users, each ministry involved in the procurement, each organization financing the procurement and the Caisse Autonome d'Amortissement (CAA) in case of external financing and other experts (as consultative members) called upon by the DMP. The second Commission for approval of contracts consists of permanent members, non permanent members and consultative members. The permanent members are from the DMP itself who acts as the president and from la Direction Generale du Budget et du Secteur Parapublic, la Direction Generale de la Comptabilite Publique et du Trésor, le Service Autonome Central d'Ordonnancement, the contracting agency and/or the maître d'oeuvre. The President of the Commission can also call on representatives from institutions such as the Direction des Investissements Publics (DIP), the Caisse Autonome d'Amortissement (CAA), la Direction Generale des Impôts, la Direction Generale des Douanes, la Direction Generale des collectivités Locales, etc. as non permanent members; and representatives from la Caisse Nationale de Prévoyance Sociale, the contracting agency, the contractor or any other expert as consultative members.

In 1971, the Government set up procedures known as FRAR (Fonds Régionaux d'Aménagement Rural) to cofinance with the rural communities equipment and works identified by the latter. The projects are identified by the communities (if the capability is there or with the help of the Government agencies) who submit their requests to the Direction Régionale du Plan via the préfecture and the sous-préfecture. At this level, the projects are chosen on a regional basis and submitted to the Direction de la Programmation et du Développement Rural who, after approval, informs the DIP and the Treasury and the technical ministry if necessary. The projects are approved annually and coincide with the budget exercise. The Government's contributions are made through the BSIE and the villagers' contributions are made in kind or in monetary terms. Normally the monetary contributions, given as an advance to the contractors, vary between 20 and 40% of the contract price. There are weaknesses in the system that have been acknowledged by all concerned: the users, the implementators and external donors (FED and the Bank) (Docs. 44 and 45). If these weaknesses are eliminated, the FRAR can become a good tool to speed up procurement and enhance participation in our projects, at the rural level.

Procurement Methodologies

Procurement of goods and works can be carried out by open or limited competitive bidding (marchés sur appel d'offres) or by open or limited adjudication or by direct contracting (marchés de gré à gré). For identification and execution of
complex projects, for which the implementing agencies do not have the technical specifications, the Code allows procurement by a procedure which is somewhat similar to a prequalification followed by a two-stage bidding (turnkey/BOT contracts) (appel d’offres avec concours). Consultants are hired by limited invitation or sole source procurement (marchés de gré à gré).

A competitive bidding process is open when an invitation for bid is advertised in the official bulletin, and all eligible candidates can submit an offer. It is limited when only a few selected candidates are directly invited to bid. The selected candidates are chosen after a prequalification exercise when there is enough competition. Prequalification is not necessary and the contracting agency can establish its own list of candidates when the work is specialized and there are only a few potential candidates on the market. The Minister in charge of public procurement has the authority to issue a waiver and establish the list of selected candidates. In both open and limited competitive bidding, the contract is awarded to the lowest evaluated responsive bidder based on criteria listed in the bidding documents. On the other hand the bidding documents for adjudication require the contract to be awarded to the lowest bidder. In these cases, the contracting agency can also use “bracketing” or “a confidential maximum price” to select the bidder.

The Bidding Process

The project executing agency or the Ministry concerned identifies the needs and prepares the bidding documents which are then transmitted to the DMP for clearance. The DMP may ask for additional information and request changes, if necessary. After approving the documents, the DMP ensures that the invitation for bid is published in the Bulletin Officiel des annonces des marchés de la République de Côte d’Ivoire. The bids are opened and analyzed by the Commission d’ouverture et de jugement des marchés publics. This Commission can only deliberate if all of its members are present. However, if two of its members at the most, other than the president or the representative of the contracting agency or the representative of the owner, are absent, the Commission can still deliberate on the request of the president and unanimous approval of the rest of the members. Decisions at the bid opening and on the evaluation are made by the Commission. In the case of bid evaluation, the President has the final say if the decision is not unanimous among the members. And in case of marchés sur adjudication, the Commission can negotiate the contract before signature and choose the bidder among all those who offer an equivalent price. Under exceptional circumstances, the Commission can even change the selected candidate between the time of bid receipt and decision of award. After the Commission’s approval of the evaluation, in case of external financing, the no objection of the external financier is sought and the contractor/supplier is notified. The project executing agency prepares the contract which is first signed by the contractor/supplier then, if necessary, the contract is submitted to the concerned Ministry for control. The Ministry does not have the authority to change the decision taken by the Commission d’ouverture et de jugement des marchés publics. The agency then submits the contract to the DMP who convenes the Commission consultative d’approbation des marchés publics who gives its opinion on whether the procedures are in conformity with the Code, the legal requirements in force and whether financing is available.
After the commission’s approval, the Director of the DMP transmits all the documents to the Minister in charge of public procurement for signature. All contracts have to be signed by the Minister.

3.2 ICB AND OTHER METHODS OF PROCUREMENT

3.2.1 Standard or Typical Bidding Documents

There are no standard bidding documents that are specified in the Code and that have to be used. However the Code does stipulate the minimum contents of a typical set of bidding documents. They are instructions to bidders, scope and description of works, goods and services to be procured, general and particular conditions of contract and general and particular conditions of technical specifications. Organizations like the DCGTx and the Ministry of Works have each established their own standard bidding documents that are used for competitive bidding. Sometimes other ministries and executing agencies use these documents for their procurement. The documents are in conformity with the Code and hence contain some provisions that are not acceptable for NCB purposes. In 1993, there was a joint effort by the Government and the World Bank to standardize the bidding documents for goods and consultancy which were to be used for Bank financed projects. Please refer to Documents no 20-22 for examples. During the CPPR exercise (third review), the DMP agreed to standardize their bidding documents for both local and Bank financing (NCB). They are expected to be finalized by the end of 1996.

3.2.2 Advertisement of Bids

All notices for “open” competitive bidding have to be advertised in the Journal officiel des marchés publics which appears twice a month. The contracting agency can also opt for other appropriate advertising methods of its choice. The Fraternité Matin is a newspaper of wide national circulation that is also used. The official gazette is not reliable and readily available and hence cannot be used for advertising. The date for bid receipt cannot be less than thirty days from publication of the advertisement in the Bulletin unless a waiver is obtained from the Minister in charge of public procurement.

3.2.3 Prequalification

Even though prequalification is specified in the Code, it does not define its terms of applicability. There is no standard prequalification document (even though the Code makes reference to such a document) or questionnaire in use. In a recent prequalification advertisement, candidates were given less than three weeks to submit applications which were to be evaluated on the following criteria: amount of capital: 10 points, turnover for the past three years: 15 points; experience: 40 points, availability of funds for this operation (own funds/borrowing): 15 points, composition of capital for concession": 15 points. The local minimum requirement for advertising for a prequalification is publication in the Journal officiel des marchés publics. Normally the contracting agencies do advertise in technical journals or international
press as well depending on the complexity and nature of the project. The responsibility for finalizing the list of prequalified bidders rests with the Commission d'ouverture et de jugement des marchés publics.

3.2.4 Bid Opening

The Code does not require bids to be opened in public. Bids are opened and analyzed by the Commission d'ouverture et de jugement des marchés publics normally the day after the bids are received or the day the commission eventually convenes. The Commission opens the exterior envelopes containing the technical documents and evaluates the bidders in terms of their qualifications and eligibility to bid. Then the interior envelopes containing the financial documents of only those deemed qualified to bid are opened. Since the Code does not specify that financial envelopes should be opened during the same session, it would be considered acceptable to open the financial envelopes on another session. The Commission prepares the minutes of the bid opening and designates the rapporteur for the detailed technical and financial evaluation and sets the time by which the evaluation report should be ready and submitted to them for approval.

**Competitive Bidding**

The rapporteur can, with the approval of the Commission, interview the bidders to seek clarifications before preparing the evaluation report. The evaluation is based on criteria such as price, technical specifications and qualifications of the bidders and have to be specified in the bidding documents to be taken into consideration. The Commission, after reviewing the evaluation report and deliberation, determines the offer it considers the most advantageous and its decision is considered final. The Commission can only deliberate if all of its members are present or if two of its members at the most, other than the President or the representative of the contracting agency or the representative of the owner, are absent. If a decision is not reached unanimously, the President has the authority to make the final decision.

**Contracts on Adjudication**

In this case, the rapporteur only examines the prices of the bids. The Commission retains the lowest bidder. If all the bids exceed the maximum price, or less than three bids are received, the Commission can reject all the bids. And when there are two or more “equally priced low bids”, the Commission can ask for a rebate from each of the bidders to determine the lowest bid.

**Appel d'Offres avec Concours**

The Commission is still responsible for bid opening and the preselection of candidates in this case as well. However, it is assisted by a jury. The owner is a member of this jury and assumes the function of the rapporteur. In the other cases, the rapporteur is appointed by the Commission before the stage of preselection. Other members of the jury can be experts, specialists or representatives from any institution or organization involved with the project. The jury is involved in the preselection
stage and in the evaluation of the bids after bid opening. It prepares and submits its report to the Commission who then chooses the projects and the candidates for the execution of the projects. The Code does not specify the selection criteria and basis for selection.

**The Procurement Process for Works and Goods**

The time between bid submission and contract award varies from project to project depending on the complexity of the procurement and the experience of the contracting agency or owner. A typical elapsed time would be between four and five months. (For more details, see Annex B)

### 3.2.5 Bid and Performance Security

A bid security (*cautionnement provisoire*) is required from all bidders unless procured by direct contracting or waived by the Minister in charge of public procurement. It is normally between one and two and half percent of the contract’s estimated price. The bid security is returned to unsuccessful bidders not later than 30 days after the selection of the lowest bidder and to the successful bidder after he has produced the performance security (*cautionnement définitif*). The performance security is between 2 and 5 percent of the contract price and is returned not later than 60 days after final acceptance. Both bid and performance securities are normally bank guarantees. However, they can be replaced by *une caution personnelle et solidaire* from any Bank or financial institution established in Côte d’Ivoire or third party empowered for that purpose by the Minister of Finance.

All mobilization advances are guaranteed at 100 percent by a bank guarantee or *caution personnelle et solidaire* of an equal amount. It is mandatory to retain 10% on all contracts (Law 90-435, May 1990) which is sent to the ACCRP (*Agence Comptable Centrale des Ressources Publiques*) as an advance payment of taxes on incomes. In addition, for works contracts, an additional 5 or 10% is retained.

### 3.2.6 Contract Award and Ratification Procedures

The contract is awarded to the lowest evaluated bid in case of competitive bidding and to the lowest bid in case of *adjudication* after negotiations if necessary. After notification of award and signature of contract by the contracting agency and the selected bidder, the contract is submitted to the concerned Ministry for control - the Ministry has no authority to alter the decision of the Commission. The contract is transmitted to the DMP for review and approval who passes it on to various other bodies (DIP, CAA, TRESOR, SACO, DBC, IMPOTS) for legal and financial controls. The DMP then convenes the *Commission consultative d’approbation des marchés* which either approves or rejects the contract. If approved, the DMP transmits the contract to the Minister of public procurement for approval/signature. If the Minister approves, the contract is returned to the contracting agency and the contractor/supplier is notified. This ratification process is very unpredictable and can take between 4 to 17 months.
3.2.7 Contract Payment

*Letters of Credit*

Letters of credit are hardly used because of the costs involved in opening them. In the present situation, the buyer has up to ninety days after receipt of good to make the payments.

*Price Adjustment*

The price is revised in accordance with price adjustment formulae containing a non-adjustable portion and using indices for the adjustment. The terms and conditions of applicability of price adjustment formulae are defined in the general and specific conditions of each contract and are specific to each contract.

*Payments*

The contract stipulates the schedule of payments. According to the Code, payment delays cannot exceed 90 days from date of receipt of goods or works. If they do the contractor/supplier is entitled to interest on late payments at a rate of 1 percent more than the current rate of the BCEAO. The interests on late payments have to be paid within 90 from date of request by contractor/supplier. In practice, nobody claims interests on late payments by the Government. The terms of payment vary, but in general: for civil works and construction: 20% is paid as advance, 65% as progress payments, 5% as retention for warranty and 10% as retention for taxes; for goods: no advance payment, 80-85% after delivery, 5-10% as retention for warranty, 10% as retention for taxes.

3.2.8 Price Indexing

The National Institute of Statistics publishes the following: *Les indices détaillés des prix à la consommation, INS* (monthly), *Les indices généraux, INS* (monthly) and *Bulletin trimestriel, statistiques économiques, INS* (Doc 16, 17 and 18) together with other types of statistics that can be used in price adjustment formulae.

3.2.9 Settlement of Contractual Disputes

The general and specific conditions of contract have to specify the modalities of settlement of contractual disputes and litigations in accordance with related provisions of Code. The contract has to specify, at a minimum, when the contractor/supplier should forward written complaints/requests to; the time frame within which these complaints have to be sent (not less than 60 days); the time frame within which a reply should be provided (not more than 80 days). If an amicale settlement is not reached (60 days after reply of contracting agency) the case can be brought before the Ivorian Court of Justice. This Code does not explicitly call for International arbitration in any circumstance.
3.2.10 Eligibility Requirements

Bidding is open to foreign participation. No special requirements are necessary for bidding according to the Code but in practice they are asked for a local representation as a condition of bidding.

3.2.11 Capacity and Competitiveness of the Local Private Manufacturing and Construction Industries

There is quite a number of small and medium enterprises on the market place. However, they are handicapped by their limited experience, capacity and management skills to compete successfully. And since most of them do not have easy access to credit, they tend to go out of business very quickly. This situation is further exacerbated by (a) the tax regulations which require them to pay corporate and income taxes one year in advance; (b) discriminatory commercial practices; (c) burdensome procurement procedures; and (d) delays in getting paid when they manage to complete the works. The Chamber of Commerce founded in 1992 is trying to assist SMEs by providing a guarantee (with the assistance of CFD) for their credits and has plans to offer training in international trade.

Joint ventures are encouraged but are not a requirement for bidding.

3.2.12 Parastatals

Brief details of any majority publicly owned manufacturing, supply or construction enterprise that the government might propose for participation in bidding on Bank-financed projects generally, and their eligibility in terms of the criteria set out in OD 11.00, Procurement.

Between 1990 and 1995, 27 public enterprises have been privatized, and forty more will be privatized during the period 1996-97. Some of the biggest enterprises are among those programmed for the year 1996. They are the national telecommunication enterprise (CI-TELCOM), the enterprise for the palm oil production (PALMINDUSTRIE), the enterprise for sugar production (SODESUCRE), a commercial bank (BIAO-CI), the national air carrier (AIR IVOIRE) and the refinery enterprise (SIR).

No majority publicly owned manufacturing, supply or construction enterprise is known to participate in Bank-financed projects (see para. 3.3.5).

3.2.13 Examples, of the Use of Turnkey or BOT (Build, Operate and Transfer) Contracts for Large, Complex Projects

The Government/DCGTx has just identified twelve large complex projects for which BOO/BOT contracts are envisaged. The process for the prequalification exercises has started. The advertisement for prequalification has been published for the concession of the construction and management of a bridge on the Ebrie Lagoon in Abidjan. The type of concession envisaged is BOO (Build-Own-Operate). The selection of the firm for the construction of the new airport (BOO) has been finalized.
Examples of BOT and BOOT contracts are in the transport (SITARAIL) and energy (CIPREL) sectors respectively. SITARAIL is a new private organization that has been established to rehabilitate the railroad equipment and services. It is expected that the operation will be over a period of 15 years, with possibilities of extension. The duration of the concession of the power plant CIPREL is 17 years. Both have benefited from Bank financing.

**THRESHOLDS RELATED TO PROCUREMENT METHODS**

3.2.14 **Thresholds for ICB, NCB and Shopping for Goods and Works**

The thresholds set so far have varied from sector to sector and from project to project. They are determined not so much on the basis of the international community’s interest in bidding for Bank-financed procurement in the country and the reasonableness and competitiveness of local prices and availability of goods on the local market but mostly on arbitrary values. There are examples where the same type of goods (vehicles which appear in all projects) have different thresholds in different projects. For example in the Forestry Sector Project, the agency has to go ICB for any package in excess of US$65,000 and NCB for anything less. This translates into going NCB for two vehicles which is not necessarily the most efficient and economic way for procuring in this case. Similarly in the Labor Force Training Support Project, all purchases less than US$30,000 have to be procured through shopping. On the other hand, the thresholds established for the procurement of vehicles and equipment by shopping in Rural Savings and Loans Rehabilitation and Promotion Project is US$200,000. This translates into the possibility of procuring six or seven vehicles by shopping which again is not the most economic and efficient method of procurement. In this case, the threshold for shopping should be reduced. For office supplies and equipment, the same problem arises. The thresholds across the projects vary from US$10,000 per contract up to US$200,000. For ICB the thresholds start from as low as US$40,000 up to US$350,000. It is very unlikely that foreign bidders would be interested in bidding for packages as low as US$40,000.

For Civil Works, the thresholds vary between US$40,000 and US$350,000 for ICB. While there is a need to have different thresholds for different sectors in Works, given the different types of works involved and the size of the packages, it appears very unlikely that international bidders would be interested in packages of US$40,000 no matter what type of works. In such cases where the values remain low at all time over the life of the project, it would be advisable to carry all civil works through NCB.

For the past two years, the RPA’s office has reconsidered thresholds on a country basis.
IMPORT DUTIES, RESTRICTIONS, AND PREFERENCES

3.2.15. General Range of Duties for Imported Goods

Since 1989, the Government has gradually liberalized its trade regime. The average weighted tariff on taxable imports declined from 27 percent in 1990 to about 23 percent in 1993. Concomitantly with the devaluation, the Government implemented a new tariff reform, creating a structure in the range of 0-35 percent. This tariff reform has further reduced average import tariffs. Non tariff barriers have been reduced significantly and further progress is expected over 1996-1998 on eliminating non-tariff barriers.

3.2.16. Procedures, tariffs, and duties for construction equipment and materials imported by foreign and local works contractors for use in construction

The duties payable comprise of customs duties (5%), taxes (10-30%). The taxes on equipment and construction materials for the following items are as follows: plasters 15; cement 5; stones for building 20; asphalt 20; asbestos 10; ceramic tiles 15; steel and iron 25; steel plates 15; aluminium plates 10; etc. (see Ordonnance 94-24, January 19, 1994 for comprehensive list).

The Government is planning to harmonize customs duties within the region and have a preferential tariff for intercommunity transactions in the years 1996-97.

3.2.17 Import Restrictions

State monopoly: Petroleum products in bulk, sugar (until SODESUCRE is privatized, by end CY96), oil (until PALMINDUSTRIE is privatized end CY96), rice (until January 1997), telecommunication (privatization ongoing); Price Control: 13 products; Non tariff barriers: 37 products. (Doc. 13).

3.2.18. Practice of Using Domestic Preference for Goods

The Code defines the criteria for eligibility which are different from those defined in the Bank’s guidelines. While the Bank’s guidelines refers to a single type of preference, namely a price margin in the evaluation of bids, the Code allows for different types of preference: (a) setting aside certain packages for candidates eligible for the domestic preference; (b) exemption from the requirement for bid security; (c) application of a price margin in the evaluation of bids; (d) application of a reduction in the delivery or completion period in the evaluation of bids. The bidding documents should specify the price margin of preference but it should not in any case exceed (i) 5% for goods, (ii) 7 1/2 percent for works; and (iii) 10% for consultancy services. For the preference in delivery or completion time, the time frame cannot be applied if the time frame after application of the preference is less than the lowest time proposed by one of the candidates not eligible for preference or reduced by more than 3 months.

The standard Bank margin of preference is used when included in Loan/Credit Agreement and bidding documents for procurement financed by the Bank. According
to the DMP the preference has been used sometimes but it has never affected the contract award.

3.2.19 Practice of Using Domestic Preference for Civil Works

Same as for 3.2.18 above.

**IMPORT TRADE VERIFICATION.**

3.2.20 Efficiency/Effectiveness of the Country’s Customs Services

The Government has just introduced a new simplified and accelerated method of customs clearance called *le bon à enlever automatique (BAE automatique)*. About 80% of importations are expected to go through this process. While this is one of the many improvements long awaited for, Government should review in parallel existing practices or procedures which seem to defeat the very purpose of the BAE system. There are still delays; one of the identified reasons is that inspectors still stop all containers coming out of terminals even those that are cleared with the BAE and ask that they be subject to inspection. Overtime claimed by Customs on these clearances are as high as they used to be before the introduction of the new system. Administrative inefficiencies continue to result in excessive delays and result in a high cost to importers and exporters. This can be due to several reasons: lack of dedicated, qualified personnel, inefficient procedures, management problems, etc.

The Private Sector Development Adjustment Credit has been designed to support the Government’s program to introduce transparency in administrative regulations and reduce specific operating costs and delays in the port/customs procedures.

3.2.21 Preshipment Inspection/Import Trade Verification Program

Preshipment inspection procedures are in place and services are provided by SGS. The Government decided, by its decree No 93-313 of March 11, 1993, that all imported goods shall be subject to a qualitative and quantitative inspection together with a price comparison before shipment. A contract was awarded to SGS and renewed for another three years on January 31, 1995. The inspection is mandatory for all imports valued at an FOB price of CFAF 1 million or above. Between 1 and 3 million, the inspection is selected at random by a computer. One third of the imports is selected at random and the rest is admitted without the intervention of the SGS. They are issued the *attestation de non vérification (ANV)* that replaces *l'attestation de vérification* issued for customs clearance purposes.
3.3 EMPLOYMENT OF CONSULTANTS

3.3.1 Policy regarding the use of short-lists of consulting firms and/or single-source selection

The Association nationale des consultants de Côte d'Ivoire was created in 1990 with about 31 firms and 50 individuals as members. The consultants are from various sectors such as agriculture, rural development, health, education, civil works, environment, legal, accounting and auditing, architecture, economics, finance, management etc. The consultants have limited access to major consultancy contracts; the selection process is still considered confidential and lacks transparency; major reforms are required. In 1978, a State owned consulting company “La Direction et Contrôle des Grands Travaux (DCGTx)” was created to design and carry out private or public investment project. As a result, most Government contracts have been awarded to DCGTx on a sole source basis and thus the number of contracts awarded to other consultants by the Government have been limited to short term assignments subcontracted from DCGTx when the latter is over committed or lacks the necessary expertise.

Consultants are hardly ever selected from a short list unless financed by the Bank. Most contracts are sole source with direct negotiations based on relationship rather than competition. However, for complex studies the contracting agency usually advertises in the newspaper and selects the consultant in a somewhat more transparent way. When shortlists are used, they are prepared based on the contracting agency’s own experience and hardly change over the years. All consultancy contracts are subject to the approval of the Ministère de l'Emploi, de la Fonction Publique et de la Prévoyance Sociale and of the Minister of Finance.

3.3.2 Procedures for inviting, opening, reviewing, and evaluating proposals. Is price a factor in the evaluation process? Are evaluation criteria presented in letter of invitation?

For sole source, the consultants are invited for negotiations and there are no formal proposals. When the contracting agencies have no candidate in view, they advertise and select candidates based on CVs and experience only. The letter of invitation do not normally contain evaluation criteria nor are the candidates requested to submit proposals based on Terms of Reference. Whenever short lists are used, procedures similar to those recommended by the Bank are followed for inviting, opening and evaluating proposals. Price is normally given an important weight in the evaluation process.

3.3.3 Process for negotiation and contracting of services

see 3.3.1 and 3.3.2 above. Negotiations are more based on price rather than quality or expected output.
3.3.4 Policy regarding the use and eligibility of foreign consulting firms. List any special conditions affecting foreign firms, such as registration requirements, special tax regulations, mandatory association with local firms, etc.

There are no official regulations limiting the participation of foreign consulting firms. For complex, specialized consulting services, the contracts do get awarded to foreign firms. However, they have to be approved by the Ministère de l’Emploi, de la Fonction Publique et de la Prévoyance Sociale before being awarded any contracts. Association with local firms is not mandatory.

3.3.5 Brief details of any majority publicly owned consulting agency that the government might propose for participation in Bank-Financed projects

All public, parastatals and state owned organizations are eligible to bid. DCGTx, a state owned company has been bidding on Bank-financed projects. This is unacceptable because it is in conflict with eligibility criteria specified in OD11.10.

3.3.6 Sample documentation, e.g., invitation for proposal and consultancy contract (describe briefly and include in Attachment 1)

Invitation for proposals and contracts are quite different from those used for Bank-financed projects. (See Docs 28, 29, 34).

3.3.7 Payment policies

Are consultants subject to uncertainty of payment? Are interest charge on late payments made? Are performance guarantees or retentions required?

The ratification process (18 months in some cases) takes so long that some consultants start working even before the contract is approved and this definitely adds to the uncertainty of getting paid. Interest charges on late payments are never made because consultants want to maintain a good working relationship to be able to obtain more contracts and/or be shortlisted. A performance security of 3% is requested for both local and international consultants even though not required by the Code for consultants hired on a sole source basis. There is a retention of 10% for taxes for local consultants.

3.4 COFINANCING AND PROCUREMENT

3.4.1 Listing of current cofinanciers

List of projects and cofinanciers:

- Abidjan Environmental Protection Project: EIB (joint financing)
- Forestry Sector Project: CDC (parallel financing - no known problem)
- Agricultural Sector Adjustment Credit: CFD, KfW (parallel financing - no known problem)
- Rural Savings and Loans Rehabilitation and Promotion Project: French FAC, CIDA, CFD, CREP (parallel financing for consultants and part of equipment -
vehicles for French technical assistants. Joint financing for the rest—no known problem

- Agricultural Export Promotion and Diversification Project: CIDA, EU, Japan, Ag. producers/exporters (parallel financing—no known problem)
- Railways Rehabilitation Project: CFD, BEI, BOAD, AGCD, SITARAIL (parallel financing—no known problem)
- National Agricultural Services Support Project: UNDP, CFD, AGCD, IFAD, AfDB—parallel financing—no known problem)

4. PRIVATE SECTOR PROCUREMENT

Background

The private sector in Côte d'Ivoire accounts for about two-thirds of GDP. Three hundred large firms produce about 45 percent of the value added of the formal private sector and around 8000 medium and small scale firms account for the remainder. While employment in the public sector grew steadily during the 1980s (around 5 percent per year), employment in the formal private sector has decreased steadily during the last decade (by 1.25 percent per year) and was less than 5 percent of the economically active population in 1990. The formal sector has been characterized by a declining turnover, falling profits, a large number of closures, a low level of investments, a monopolistic structure in many sectors and a growing trend towards informalization. Investment in the sector started to collapse in the early 80s and fell from about 13 percent of GDP in 1980 to 4.5 percent in 1991. Recent sector work identified the major constraints to private sector development in the country as the high costs of production, of doing business due to burdensome institutional and regulatory framework and lack of an appropriate network of support services for SME development.

4.1 ESTABLISHED COMMERCIAL PRACTICES

4.1.1. National restrictions, preferences, or countertrade agreements regarding the source of certain imports?

No formal restrictions on the source of imports.

4.1.2 Commercial practices used by major private importers.

(a) consistency with normal competitive practices used in market economies

The procurement practices of the private sector in RCI are generally consistent with normal competitive practices used in market economies.

1 President's Report "Private Sector Development Adjustment Credit". March 19, 1996
(b) open or limited competition and, if the latter, the method of establishing short lists of bidders

Open competition is rare. Most procurement is through international shopping or direct negotiation. Short lists of bidders is based on previous experience with the sources of supply and since most of the enterprises are subsidiaries of foreign enterprises, short lists are often established by the foreign firms. In the case of local purchases, short lists are based on familiarity with products offered by the sellers and previous experience with the sellers. In both cases, it is difficult for new potential sellers to be considered (see below).

(c) circumstances and justification for direct contracting

Direct contracting is justified when purchasing proprietary spare parts and equipment and when the goods are urgently needed. However it is widely used for all types of goods because there is a lack of planning and procurement always becomes an emergency; there is insufficient access to trade information, in particular alternative sources of supply and supply conditions and it is easier. Going with new suppliers means establishing product specifications and this may also be an area that needs improvement. Finally there is normally no incentive in changing suppliers if past experience with the suppliers has been satisfactory.

(d) criteria used in bid evaluation, negotiation, and award of contract

The main criteria are familiarity with the products, the quality and reliability of the products, suitability to local conditions, availability of service and spare parts, past experience with the sellers and price.

4.2 Institutional Capability

4.2.1. Which agencies would most likely be assigned to coordinate Bank-financed adjustment operations or to serve as intermediaries for private sector development loans in the country?

The Private Sector Development Adjustment Credit will be monitored by a “Private Sector Development Committee” which is chaired by the Prime Minister and comprising the Minister of Industry and Commerce, the Minister of Economy and Finance and the president of the Conseil National du Patronat Ivoirien and the president of the Chamber of Commerce and Industry. Other adjustment operations have been coordinated by the Prime Minister’s office and the Chamber of Commerce and Industry.
4.2.2 Assessment of technical assistance or training needs of these agencies in the handling of procurement monitoring and documentation related to adjustment or private sector development operations

Technical assistance lent by the Bank in past and/or ongoing adjustment operations has improved the agencies' capabilities in handling procurement. However, continued assistance is needed for procurement monitoring and documentation and auditing.

5. PROCUREMENT RELATED ASSISTANCE

5.1 PREVIOUS AND ONGOING ASSISTANCE

5.1.1. Provide a brief description of recently completed (within the last four years) and ongoing technical assistance related to procurement

Seminars organized by the World Bank:

November 23-26, 1993 on "Passation et Exécution des Marchés Publics" for DMP, DIP, SACO, CAA, DCGTx, etc.

June 1993 and April 1994 on "Passation des marchés" for Cabinet du Premier Ministre, Comité de Privatisation, CAA, DIP, DMP, DPDR, SODEFOR, etc.

April 1996 for three days on Procurement of Goods, Works and Consultancy for all project executing agencies, CAA, DIP, DCGTx, etc.

Seminar organized by the Government:

July 10-12, 1995 on "La passation, l'approbation et l'exécution des marchés"; chaired by Mr. N'Goran Niamien, Minister of Finance and Economy. The audience was from both public and private sectors and was funded under the PAGE project. The objective was to disseminate information on national and Bank's procurement procedures.

The PACOM (Municipal Support Project) has a component on training for all technical units of municipalities on procurement. The first training session is expected to take place by the end of 1996.

All seminars have been useful as they increased awareness among project executing agencies and there have been requests for similar periodic seminars.
5.2 ASSISTANCE NEEDED

5.2.1 List any needs for procurement assistance expressed by individuals or institutions within the country; indicate source, scope and objectives; and give an opinion on apparent justification

<table>
<thead>
<tr>
<th>Beneficiaries</th>
<th>T/A</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministries/Projects</td>
<td>Procurement workshops and seminars</td>
<td>Improve understanding of Bank’s procurement and speed up implementation</td>
</tr>
<tr>
<td>Private Sector</td>
<td>Seminar on “How to Bid” for World Bank projects</td>
<td>Improve quality of bids and competition</td>
</tr>
<tr>
<td>DMP/Ministries</td>
<td>Preparation of National Standard Bidding Documents</td>
<td>Reduce delays in project preparation and implementation</td>
</tr>
<tr>
<td>DMP/Ministries</td>
<td>Streamlining of procedures</td>
<td>To speed up implementation</td>
</tr>
</tbody>
</table>

5.2.2 Give an opinion on additional important needs for procurement technical assistance that might warrant further investigation

General diagnostic studies to determine institutional capability and assistance in improving capacity within ministries to enforce decentralization.

Development of local consultants and SMEs.
# Summary Checklist of Acceptability of the Borrower’s Procurement Procedures for Competitive Bidding

<table>
<thead>
<tr>
<th>Common Issues in Procurement Procedures</th>
<th>International Competitive Bidding: Acceptability/Comment</th>
<th>National Competitive Bidding: Acceptability/Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ELIGIBILITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Exclusion of Participants</td>
<td>Not acceptable; should be open to all eligible Bank member countries, and Taiwan, China. Subject to boycott provision</td>
<td>Participants in default of taxes, in state of bankruptcy, who failed to perform satisfactorily on previous contracts are excluded from bidding. This information should be reviewed and taken into consideration to determine whether a bidder is qualified in accordance with para. 2.9 of the guidelines</td>
</tr>
<tr>
<td>1.2 Boycotts</td>
<td>Only primary boycott acceptable</td>
<td>None reported</td>
</tr>
<tr>
<td>2. ADVERTISING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Insertion in Development Business</td>
<td>Required for general notice and specialized/complex procurement. Encouraged for specific notices</td>
<td>Not required</td>
</tr>
<tr>
<td>2.2 Local Press</td>
<td>Required</td>
<td>Publication in the Bulletin Officiel des Marchés Publics only which appears twice a month. Required by the National Code. Acceptable in lieu of one newspaper of national circulation</td>
</tr>
<tr>
<td>2.3 Notification of IBRD members’ embassies and trade representatives.</td>
<td>Encouraged</td>
<td>Bulletin Officiel is copied to embassies</td>
</tr>
<tr>
<td>2.4 Specialized technical journals</td>
<td>Required for all large complex projects</td>
<td>Not required</td>
</tr>
<tr>
<td>2.5 Language of advertisement</td>
<td>Either English, French, or Spanish; also local, at borrower’s option with</td>
<td>French. Acceptable</td>
</tr>
</tbody>
</table>
certified translation for contracts awarded to local firms

### 2.6 Time period for bid submission from invitation or appearance of advertisement
- Normally not less than 6 weeks, or 12 weeks for large, complex contracts
- Not less than 30 days. Acceptable. Minimum of 4 weeks required for Bank financing

### 3. PRE AND POSTQUALIFICATION

#### 3.1 Use of prequalification procedure
- Required if so stipulated in Loan Agreement. Advisable for large, complex works and processing plans, and exceptionally for custom-designed equipment and specialized services
- As for ICB. Specified in National Code. Acceptable but hardly used in practice. Advisable when capacity and experience of bidders may be in question

#### 3.2 Basis of Evaluation
- Experience, capacity, and financial status; minimum requirements should be explicitly described in prequalification document
- Not specified. In practice would be experience, capacity and financial status. Acceptable provided minimum requirements are explicitly described in prequalification document

#### 3.3 Method of prequalification
- Specific advertisement for each procurement
- As for ICB. Acceptable

#### 3.4 Joint ventures between foreign and local firms
- Should not be mandatory; final agreement not required at time of prequalification intent of parties and their contribution to be indicated; joint and several responsibility of firms required
- As for ICB. Acceptable. Foreign firm can bid if it so wishes

#### 3.5 Number to be accepted
- No limit to number; rejection only of those clearly not qualified
- Limit may apply on a case by case basis. This is considered acceptable under NCB provided limitation criteria acceptable to Bank, in terms of adequacy of competition

#### 3.6 Eligibility of Parastatals
- Only if managerially and financially autonomous
- Eligible. Not acceptable
### 4. BIDDING

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Acceptability</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Mandatory prior registration of bidders with local authorities, institutions, etc.</td>
<td>Not acceptable; restricts competition</td>
<td>Fees for attestation de mise à jour required for local bidders. Foreign bidders are not required to register. Acceptable</td>
</tr>
<tr>
<td>4.2 Local agent/intermediary required.</td>
<td>Not acceptable</td>
<td>Not required but practiced. Practice acceptable</td>
</tr>
<tr>
<td>4.3 Documents only in local language.</td>
<td>Not acceptable; should be either English, French, or Spanish; but at borrower’s option, may also be in local language with certified translation for contract awarded to local firms</td>
<td>French. Acceptable</td>
</tr>
<tr>
<td>4.4 Bid security, if specified, only through local bank.</td>
<td>Not acceptable</td>
<td>Not required but practiced. Acceptable</td>
</tr>
<tr>
<td>4.5 Restrictions on means of delivering bids (e.g. &quot;by hand only&quot;)</td>
<td>Not acceptable</td>
<td>No such restrictions. Acceptable</td>
</tr>
<tr>
<td>4.6 Bid validity extension</td>
<td>Acceptable only if justified by exceptional circumstances; Bank to be notified</td>
<td>Required if contract not awarded within stipulated time. As for ICB</td>
</tr>
<tr>
<td>4.7 Currency of bid</td>
<td>Expected local expenditures in local currency, expected foreign requirements in three international currencies</td>
<td>Local. Acceptable</td>
</tr>
<tr>
<td>4.8 Currency of payment</td>
<td>As for item 4.7 above</td>
<td>As in item 4.7 above</td>
</tr>
<tr>
<td>4.9 Domestic Preferences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.9.1 Bank: Goods (general)</td>
<td>Acceptable at borrower’s option, if provided for in the Loan Agreement; 15 percent or import duty, whichever is lower on CIF price of imports. Domestic competing goods must have at least 30 percent domestic value added and be in existence at least since the</td>
<td>Provisions in Code not in conformity with those in Guidelines. Bank preference not applicable</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Acceptability</td>
</tr>
<tr>
<td>---------</td>
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<td>---------------</td>
</tr>
<tr>
<td>4.9.2</td>
<td>Bank: Works</td>
<td>Acceptable at borrower's option, if provided for in the Loan Agreement; 7 1/2 percent for qualifying domestic firms in eligible borrowing countries; qualifying criteria for firms should be prescribed, preferably in prequalification documentation.</td>
</tr>
<tr>
<td>4.9.3</td>
<td>Other borrower preferences</td>
<td>Not acceptable</td>
</tr>
<tr>
<td>4.10</td>
<td>Restrictions on sources or transportation and insurance</td>
<td>Not acceptable</td>
</tr>
<tr>
<td>4.11</td>
<td>Restrictions on sources of labor and material</td>
<td>Not acceptable, except for unskilled labor if available locally</td>
</tr>
<tr>
<td>4.12</td>
<td>Public bid opening</td>
<td>Mandatory</td>
</tr>
<tr>
<td>4.13</td>
<td>“Two envelope” bid opening (i.e., all technical envelopes opened first and, after review, price envelopes of all or only qualified/responsible bids opened in the second round).</td>
<td>Not acceptable</td>
</tr>
<tr>
<td>4.14</td>
<td>“Two step” procedure (i.e., unpriced technical proposals received, clarified, and adjusted first, followed by submission of price bids.</td>
<td>Acceptable in the case of high-technology equipment, and turnkey contracts for large, complex plant and some types of works</td>
</tr>
<tr>
<td>4.15</td>
<td>Automatic rebidding if less than prescribed</td>
<td>Not acceptable; single or lowest evaluated bid should</td>
</tr>
<tr>
<td>4.16 “Bracketing” in works bid evaluation, i.e., rejecting bids outside a range or bracket of bid values.</td>
<td>Not acceptable; it is an arbitrary criterion unrelated to the capacity/experience of bidders.</td>
<td>As for ICB. Specified in Code and practiced. Not acceptable unless reviewed and found acceptable by Bank.</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>4.17 Award to lowest evaluated responsive bidder.</td>
<td>Mandatory</td>
<td>As for ICB. National Code specifies award to most advantageous not necessarily LERB. Subject to interpretation. Not acceptable.</td>
</tr>
</tbody>
</table>

### 5. CONTRACT IMPLEMENTATION

<table>
<thead>
<tr>
<th>5.1 Performance security for goods contracts restricted to bank guarantees issued by local banks.</th>
<th>Not acceptable</th>
<th>Not required by National Code. Acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2 Performance security on works contracts in form of bank guarantee only.</td>
<td>Not acceptable; at the bidder's option, may be in form of a bond issued by insurance/bonding company or bank guarantee. Surety must be acceptable to the borrower.</td>
<td>As for ICB.</td>
</tr>
<tr>
<td>5.3 Price adjustment provisions for long duration contracts.</td>
<td>Required normally for contracts over one year duration, preferably by formula; sources of indices to be linked to sources of contract inputs and currencies.</td>
<td>Price adjustment formula provided for and used but not for short duration contracts.</td>
</tr>
<tr>
<td>5.4 Settlement of disputes by local courts or local arbitration procedures.</td>
<td>Acceptable, but strongly recommend that international arbitration be used for disputes involving foreign suppliers/contractors (ICC, UNCITRAL, ICSID).</td>
<td>Yes. Acceptable.</td>
</tr>
<tr>
<td>5.5 Material modifications of contract scope and conditions during implementation.</td>
<td>Requires Bank’s prior approval as stipulated in Loan Agreement and procurement schedule</td>
<td>As for ICB. Specified in Code. Acceptable</td>
</tr>
</tbody>
</table>
THE PROCUREMENT PROCESS FOR WORKS AND GOODS

Preparation of Bid Documents

1 Preparation of Bidding Documents
2 Notification to the Direction des Investissements Publics (DIP) before Bid Advertisement
3 Clearance by Direction des Marchés Publics (DMP)
4 No Objection of DMP (Copy DIP for information)
5 Clearance by Donor
6 Donor’s No Objection

Advertising and Bid Preparation

7 Publication in the Bulletin Officiel des Annonces des Marchés Publics
8 Bid Preparation

From Bid Opening to Contract Award

9 Bid Opening
10 Preparation of Minutes of Bid Opening
11 Bid Analysis
12 Distribution of Bid Analysis Report to the Members of the Commission
13 Bid Evaluation
14 Drafting and Signature of Minutes of Bid Evaluation Meeting
15 Clearance by Donor
16 Donor’s No Objection
17 Notification of the Successful Bidder

Contract Approval

18 Contract Preparation
19 Contract Signature by Successful Bidder
20 Contract Signature by Contracting Agency
21 Contract Signature by:
   . Technical authority
   . Administrative authority
22 Transmission of the Contract to DMP for review and clearance
23 Financial and Legal Control by: DMP, DIP, CAA, SACO, DBC, TRESOR, IMPOTS (controls are done in parallel by concerned agencies)
24 Meeting of the “Commission Consultative d’Approbation des Marchés”
25 President of above Commission transmits contract to Director of DMP for clearance

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1 In the case the Commission members do not reach an agreement, a second meeting is called within 5 days from the date of the first meeting.
26 No Objection by Director of DMP
27 The Director of DMP transmits the contract to the Minister of Finance
28 Objection or No-objection of Minister
30 The contract goes back to the DMP after approval or rejection
31 The contract goes back to the contracting agency
32 Notification of the Successful Bidder

THE PROCUREMENT PROCESS FOR THE USE OF CONSULTANTS

From Package Preparation to Invitation

1 Preparation of Invitation Package (TORs, Shortlist; Letter or Invitation (LOI), draft contract)
2 Notification to the Direction des Investissements Publics (DIP) Before Bid Advertisement
3 Clearance by Direction des Marchés Publics (DMP)
4 No Objection of DMP (copy DIP for information)
5 Clearance by Donor
6 Donor’s No Objection
7 LOI (deadline for receipt of proposals in calendar days)

From Receipt of Proposals to Contract Award

8 Opening of Technical Offers
9 Drafting and Signature of Minutes of Bids Opening
10 Technical Analysis
11 Distribution of Bid Analysis Report to the Members of the Commission
12 Technical Evaluation
13 Drafting and Signature of Minutes of Technical Evaluation
14 Clearance by Donor
15 Opening of Financial Offers
16 Financial Analysis
17 Distribution of Financial Analysis Report to the Commission
18 Evaluation by the Commission
19 Drafting and Signature of Minutes of Financial Evaluation
20 Donor’s No Objection
21 Notification of the Successful Bidder
22 Contract Finalization and Signature by the Successful Bidder
23 Clearance of Donors in Case of Contract Modifications
24 Contract Signature by Contracting Agency

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2 For contract less than CFAF 50,000,000, the clearance of DMP is final and steps 27-32 are not necessary.

3 In the case the Commission members do not reach an agreement, a second meeting is called within five days from the date of the first meeting.

4 In case of comments on the contract from donors, the finalization and the signature of the contract should be completed within seven days from receipt of the comments.
**Contract Approval**

25 Contract Signature by:
   - Technical authority
   - Administrative authority

26 Transmission of the Contract to DMP for review and clearance

27 Financial and Legal Controls by: DMP, DIP, CAA, SACO, DBC, TRESOR, IMPOTS (controls are done in parallel by concerned agencies)

28 Meeting of the “Commission Consultative d’Approbation des Marchés”

29 President of above Commission transmits contract to Director of DMP for clearance

30 No Objection by Director of DMP

31 The Director of DMP transmits the contract to the Minister of Finance

32 Objection or No Objection by Minister

33 The contract goes back to the DMP after approval or rejection

34 The contract goes back to the Contracting Agency

35 Notification

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5 For contract less than CFAF 50,000,000, the clearance of DMP is final and steps 31-35 are not necessary.
List of documents

DOC 1 Country Briefs, World Bank, March 1995
DOC 2 Côte d'Ivoire, Revue des Investissement publics: 1994
DOC 3 Status of Bank Group Operations in Côte d'Ivoire, (as of April 30, 1995)
DOC 4 Attachment B: Assessment of Import Support Programs
DOC 5 Manuel simplifié de procédures en matière de marchés publics, DMP Nov. 1993
DOC 6 Office memorandum: Procurement mission in Côte d'Ivoire, 28 dec. 1993
DOC 7 Compte-rendu de réunion et relevé de discussions: Côte d'Ivoire - Banque Mondiale (10 Décembre 1993)
DOC 8 Cabinet du Premier Ministre : Délais des procédures de passation et d'approbation des marchés (27 Décembre 1993)
DOC 9 Cabinet du Premier Ministre: Délais des procédures de passation et d'approbation des marchés, 3 août 1994
DOC 10 Revue Conjointe de la mise en œuvre des projets et des programmes, Juin 1993
DOC 11 Trends in Private Sector Investment in Developing Countries 1995, IFC
DOC 12 Preshipment Inspection Services, World Bank no. 278
DOC 13 L'ajustement en Afrique, World Bank, March 1994
DOC 14 Situation sur les marchés du Projet Sectoriel Forestier, (WB, Abidjan)
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