

LAO PDR: BIS Rating Sheet and Charts (March 2006)

Pillars/Indicators/Baselines	Weights		Rating		Level of Achievement	
Pillar I - The Legislative and Regulatory Framework		25%		71.20%	SA	
Indicator 1 – The country's procurement legislative and regulatory framework complies with applicable obligations deriving from national and international standards	15%		14%	92.00%	FA	
Baseline (a) The legislative and regulatory framework is structured, consistent, and accessible to users and all interested stakeholders. It applies to and covers the following	0.200		0.175	2.63%		
1. Contracting entities at all levels, including government authorities,	0.050		0.050			
2. All areas of procurement	0.100		0.100			
3. All procurement using public funds, irrespective of value	0.050		0.025			
Baseline (b) Procurement Methods	0.150		0.150	2.25%		
1. Open and competitive procurement except when well justified	0.050		0.050			
2. International competitive tendering methods	0.050		0.050			
4. Justifications and controls for negotiation/direct contracting	0.050		0.050			
Baseline (c) Advertising rules and time limits	0.100		0.065	0.98%		
1. Mandatory and accessible publication of opportunities	0.033		0.033			
2. Mandatory publication of results based on thresholds	0.033		0.016			
3. Minimum time limits for submission of tenders consistent with methods of procurement	0.033		0.016			
Baseline (d) Rules on participation and qualitative selection	0.100		0.100	1.50%		
1. Fair, predictable and defined rules based on qualifications	0.030		0.030			
2. Limited and controlled use of price preferential clauses	0.030		0.030			
3. Defined debarment process w/ due process and appeal	0.020		0.020			
4. Equal treatment for government owned enterprises	0.020		0.020			
Baseline (e) Tender documentation and technical specifications	0.100		0.080	1.20%		
1. Minimum content of tender documentation specified	0.020		0.020			
2. Neutral technical specs with reference to int'l standards	0.040		0.020			
3. Content of tender documentation is relevant to requirements	0.040		0.040			
Baseline (f) Submission, receipt and opening of tenders	0.150		0.150	2.25%		
1. Public opening in a defined manner	0.0375		0.0375			
2. Clear requirement to maintain records for review/audit	0.0375		0.0375			
3. Requirement for security and confidentiality of tenders	0.0375		0.0375			
4. Defined modalities for receiving/submitted tenders	0.0375		0.0375			
Baseline (g) Tender evaluation and award criteria	0.150		0.150	2.25%		
1. Objective, fair, and pre-disclosed criteria for evaluation/award	0.050		0.050			
2. Clear methodology for evaluation based on disclosed factors	0.050		0.050			
3. Evaluators required to maintain confidentiality during evaluation	0.050		0.050			

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Baseline (h) Complaint review procedures that provide for fair, independent, and timely implementation and allow the award to be redirected, if necessary, are in place	0.050	0.050 0.75%	
Indicator 2 - The country has appropriate regulations, documentation, and tools to support implementation of its framework	10%	4%	40.00% PA
Baseline (a) – Implementing regulation that provides defined processes and procedures not included in higher level legislation	0.200	0.200 2.00%	
Baseline (b) – Model tender documents for goods, works, and services	0.200	0.000 0.00%	
Baseline (c) – Procedures for pre-qualification	0.100	0.100 1.00%	
Baseline (d) – Procedures suitable for contracting for services or other requirements where technical capacity is a key criterion	0.100	0.100 1.00%	
Baseline (e) – User's guide or manual for contracting entities	0.200	0.000 0.00%	
Baseline (f) – General Conditions of Contracts for public sector contracts covering goods, works and services consistent with national requirements and, as applicable, international requirements when applicable	0.200	0.000 0.00%	

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Pillar II - Institutional Framework and Management Capacity			
Indicator 3 – The public procurement system is mainstreamed and well integrated into the public sector governance system	25%	8%	32.80% PA
Baseline (a) – Procurement planning and data on costing is part of the budget formulation process and contributes to multi-year planning	9%	2%	20.00% PA
Baseline (b) – Budget Law and financial procedures support timely procurement, contract execution and payment	0.300	0.000 0.00%	
Baseline (c) – Procurement actions are not initiated until budget appropriations have been made	0.100	0.000 0.00%	
Baseline (d) – Contract execution is subject to budgetary controls to ensure sufficient funding for contract	0.200	0.200 1.80%	
Baseline (e) – Contract execution is subject to budgetary controls to ensure sufficient funding for contract	0.200	0.000 0.00%	
Baseline (f) – Budgeting system provides for timely release of funds to make payments against contractual obligations	0.200	0.000 0.00%	
Indicator 4 – The country has a functional normative/regulatory body (the Body)	8%	5%	65.00% PA
Baseline (a) – The status and basis for the functional normative body at the centre is covered in the legislative and regulatory framework	0.350	0.350 2.80%	
Baseline (b) – The responsibilities of the Body address a defined set of functions that include at least the following: providing advice to contracting entities; drafting amendments to the legislative and regulatory framework and implementing regulations; monitoring public procurement; providing procurement information; managing statistical databases; reporting on procurement to other parts of government; developing and supporting implementation of initiatives for improvements of the public procurement system; and providing implementing tools and documents to support training and capacity development of implementing staff. The responsibilities should also provide for separation and clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions	0.300	0.300 2.40%	
Baseline (c) – The Body's organization, funding, staffing, and level of independence and authority (formal power) to exercise its duties should be sufficient and consistent with the responsibilities	0.350	0.000 0.00%	

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<p>Indicator 5 – The country has institutional development capacity</p> <p>Baseline (a) – The country has a system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information</p> <p>Baseline (b) – The country should have a sustainable strategy to provide training, advice, and assistance to help government and private sector participants understand what the rules and regulations are and how they should be implemented</p> <p>Baseline (c) – The country has systems and procedures for collecting and monitoring national procurement statistics</p> <p>Baseline (d) – Quality control standards are disseminated and used to evaluate staff performance and address capacity development issues</p>	<p>8%</p> <p>0.150</p> <p>0.300</p> <p>0.250</p> <p>0.300</p>	<p>1%</p> <p>0.000 0.00%</p> <p>0.150 1.20%</p> <p>0.000 0.00%</p> <p>0.000 0.00%</p>	<p>15.00% NA</p>

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Pillar III - Procurement Operations and Market Performance	25%	8%	32.00%	PA
Indicator 6 – The country's procurement operations and practices are efficient	10%	2%	20.00%	PA
Baseline (a) – The level of procurement competence among government officials within the entity is consistent with their procurement responsibilities	0.200	0.000 0.00%		
Baseline (b) – The procurement training and information programs for government officials and for private sector participants are consistent with demand	0.100	0.000 0.00%		
Baseline (c) – There are appropriate administrative systems for public procurement operations, and information databases to support performance monitoring and reporting and to respond to the information needs of other related government systems	0.200	0.000 0.00%		
Baseline (d) – The entity level has internal control mechanisms governing procurement operations at the contracting level, including a code of conduct, separation of responsibilities as a check/balance mechanism, and oversight/control of signature/approval authority	0.200	0.100 1.00%		
Baseline (e) – There are established norms for the safekeeping of records and documents related to transactions and contract management	0.200	0.000 0.00%		
Baseline (f) – There are provisions for delegating authority to others who have the capacity to exercise responsibilities	0.100	0.100 1.00%		
Indicator 7 – The country's public procurement market functions well	10%	1%	10.00%	NA
Baseline (a) – The country's public procurement market has sufficient numbers of participants to provide for domestic competition	0.150	0.000 0.00%		
Baseline (b) – The public sector pays prices for goods, works, and services that are comparable to prices paid for similar requirements in the domestic markets	0.150	0.000 0.00%		
Baseline (c) – The quality and consistency of the private sector's submissions to the government should be sufficient to allow the award and completion of contracts	0.200	0.100 1.00%		

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Baseline (d) – Bidders participate in response to competitive tender invitations at a rate that is consistent with the capacity of the marketplace	0.200	0.000 0.00%		
Baseline (e) – The private sector demonstrates confidence in the legal and regulatory framework governing the procurement process by participating in it and using its complaint or protest mechanisms	0.300	0.000 0.00%		
Indicator 8 – The country has contract administration and dispute resolution provisions	5%	5%	100.00%	FA
Baseline (a) – Clearly defined procedures for undertaking contract administration responsibilities include efficient and streamlined inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments in a timely manner	0.500	0.500 2.50%		
Baseline (b) – Contracts include dispute resolution procedures that provide for an efficient and fair process to resolve disputes arising during the performance of the contract	0.250	0.250 1.25%		
Baseline (c) – Procedures exist to enforce the outcome of the dispute resolution process	0.250	0.250 1.25%		

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Pillar IV - Integrity of the Public Procurement System	25%	12%	48.60% PA
Indicator 9 – The country has effective control and audit systems	8%	1%	10.00% NA
Baseline (a) – A legal framework, organization, policy and procedures for internal and external control and audit of public procurement operations are in place to provide a functioning control framework	0.250	0.000 0.00%	
Baseline (b) – Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance	0.250	0.000 0.00%	
Baseline (c) – The internal control system provides timely information on compliance to enable management action	0.200	0.000 0.00%	
Baseline (d) – The internal control systems are sufficiently defined to enable performance audits to be conducted	0.100	0.000 0.00%	
Baseline (e) – Auditors are sufficiently informed about procurement requirements and controls systems to conduct quality audits that contribute to compliance	0.200	0.100 0.80%	
Indicator 10 – The country has an efficient appeals mechanism	5%	2%	45.00% PA
Baseline (a) – An independent complaint review system gives participants in the public procurement process a right to file a complaint within the framework of an administrative and judicial review procedure	0.250	0.250 1.25%	
Baseline (b) – Decisions are deliberated on the basis of available information, and the final decision can be reviewed and ruled upon by a body (or authority) with enforcement capacity under the law	0.150	0.150 0.75%	
Baseline (c) – The complaint review system has the capacity to handle complaints efficiently and a means to enforce the remedy imposed	0.250	0.000 0.00%	
Baseline (d) – The system operates in a fair manner, with outcomes of decisions balanced and justified on the basis of available information and with decisions aimed at correcting the procurement process rather than compensating for loss of contracting opportunity	0.100	0.050 0.25%	

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Baseline (e) – Decisions are published and made available to all interested parties and to the public	0.150	0.000 0.00%	
Baseline (f) – Administrative review body or authority is independent from the regulatory body, the executing agency, and audit/control agency	0.100	0.000 0.00%	
Indicator 11 – The public has broad access to information	4%	3%	62.50% PA
Baseline (a) – Information is published and distributed through available media with support from information technology when feasible	0.500	0.500 2.00%	
Baseline (b) – Systems exist to collect key data related to performance of the procurement system and to report regularly	0.250	0.000 0.00%	
Baseline (c) – Records are maintained to validate data	0.250	0.125 0.50%	
Indicator 12 – The country has ethics and anti-corruption measures in place	8%	7%	82.50% SA
Baseline (a) – The legal and regulatory framework for procurement, including tender and contract documents, includes provisions addressing corruption, fraud, conflict of interest, and unethical behavior and sets out (either directly or by reference to other laws) the actions that can be taken with regard to such behavior	0.200	0.200 1.60%	
Baseline (b) – The legal system defines responsibilities, accountabilities, and penalties for individuals and firms found to have engaged in fraudulent or corrupt practice	0.200	0.200 1.60%	
Baseline (c) – Rulings and penalties are perceived as being enforced	0.150	0.075 0.60%	
Baseline (d) – The government has an anti-corruption program that provides, and enforces, special measures to prevent and detect potential fraud and corruption in public procurement in accordance with criminal laws	0.100	0.100 0.80%	
Baseline (e) – Stakeholders (private sector, civil society, and ultimate beneficiaries of procurement/end-users) support the creation of a procurement market known for its integrity and ethical behaviors	0.100	0.000 0.00%	
Baseline (f) – The country should have in place a secure mechanism for reporting fraudulent, corrupt, or unethical behavior	0.100	0.100 0.80%	
Baseline (g) – Codes of conduct/codes of ethics for participants in the public financial management system provide a system for indicating who is accountable for specific decisions	0.150	0.150 1.20%	
Grand Total	100.00%	46.15%	PA


Legend:

NA - Not Achieved (Less than 20% of Baseline elements achieved, or 1 or more Mandatory Baseline/s is/are not achieved)

PA - Partially Achieved (At least 20% but less than 70% of Baseline elements achieved, with all Mandatory Baselines achieved)

SA - Substantially achieved (At least 70% but less than 90% rating on Baseline Elements, with all Mandatory Baselines achieved)

FA - Fully Achieved (90% to 100% rating on Baseline Elements, with all Mandatory Baselines achieved)

 - Mandatory Baseline, whereby a "0" score would result to an NA rating for the Indicator concerned