Standard Summary Project Fiche for the Transition Facility

1. Basic Information

1.1. CRIS Number: 2007/19343.05.04

1.2. Title: "Increasing the Institutional Capacity of the Ex-ante Control System within Public Procurement Field"

1.3. Sector: Finance

1.4. Location: Romania

2. Objectives

2.1. Overall Objective:

Enhancing the public procurement system in Romania

2.2. Project purpose:

Establishment of an efficient and fully operational Ex-ante Control System in accordance with EU requirements in the field of Public Procurement

2.3. Justification

In accordance with the European Commission Communication on the Monitoring Report on the state of preparedness for EU membership of Bulgaria and Romania stated in September, 26th 2006 "Romania has not yet put the established ex-ante control system for public procurement in operation. Needs for specialised training (financial management, public procurement, project appraisal etc. remain to be addressed)".

3. Description

3.1. Background and justification:

Having regard to the necessity of adopting urgent measures for establishing an ex-ante control system in the field of public procurement, in April 2006 the Government of Romania adopted the Emergency Ordinance no.30 regarding the verification function of the procedural matters related to the award process of the public procurement contracts. In accordance with the provisions provided for in EGO no.30/2006, Ministry of Economy and Finance is designated as a specialized body of the central public administration to be responsible for the verification function of the procedural matters related to the process for the award of public contracts falling within the scope of the legislation regarding the award of public procurement contracts. The procedural verification in the public procurement field is carried out through the Unit for Coordination and Verification of Public Procurement,
hereinafter called U.C.V.P.P., and its subordinated bodies, within the local general directorates of public finance, hereinafter called the compartments for public procurement verification.

From the operational point of view, U.C.V.P.P. is functioning independently from those entities involved in the management and contracting of the public funds, as well as from the National Authority for Regulating and Monitoring of the Public Procurement, further named N.A.R.M.P.P., and the National Council for Solving Legal Disputes (hereinafter called N.C.S.L.D.). U.C.V.P.P. is functioning as a general directorate within the Ministry of Economy and Finance and is operating under the direct coordination of the Minister of Economy and Finance, while its territorial structures, the compartments for public procurement verification are operating within the local general directorates of public finance and are subordinated to U.C.V.P.P. UCVPP is organized both at central (50 employees) and local level (100 employees within its territorial structures).

While performing its attributions, U.C.V.P.P. collaborates with the N.A.R.M.P.P., National Council for Solving Legal Disputes, management authorities and other control units and public institutions. For this purpose U.C.V.P.P. shall conclude agreements with the involved authorities and institutions.

The proposed project shall provide a training programme regarding theoretical aspects (legislative framework) and practice (study of cases) of the EU member states in the field of public procurement, control, remedies and recent case law of the European Court of Justice. These seminars shall allow an exchange of experience usefully for carrying on the activity in the procurement field and for the enhancing of the absorption capacity of public funds. The training courses shall also provide information to the participants related to the practical implementation and correct application of the principles that rule the public procurement framework and main questions regarding control objectives in procurement.

The main target groups shall consist in staff of the public administration structure at central and local level in the field of public procurement: Ministry of Economy and Finance (Unit for Coordination and Verification of Public Procurement, General Directorate for Financial Control), National Authority for Regulating and Monitoring Public Procurement, National Council for Solving Legal Debates.

Besides these training seminars, the object of this project is also to provide a trainers’ training course in order to familiarize the participants with specific training methods and techniques. This will be necessary for the need of dissemination the information accumulated through the training course activity.

The Unit for Coordination and Verification of Public Procurement, being established during 2006 does not by now benefit a strong experience in the field of public procurement and ex-ante control. That is way it is high necessary for our Unit staff to be trained in the spirit of the MSs best practice in this field of activity and to get direct information and expertise through study visits and working – by – doing activities in the EU member states. In this respect there is a strong need of transferring know how and experience of other MSs and put this in practice within Romanian system. This will contribute, also, to the enhancing of the absorption capacity of national and European funds.
3.2. Linked Activities

The PHARE Project "ROSU 58": Technical assistance for elaborating the procedural Manual and professional training for the Unit for Coordination and Verification of Public Procurement. The project provided UCVPP support in elaborating its Operational Manual and also delivered a programme for trainers' training in order to present the draft of the Manual at local level. This project was implemented in the field of public procurement and the result of it is not overlapping with the objective of this technical assistance project.

There is also to be approved a twinning light PHARE project (PHARE-2006/018-147.05) regarding exclusively the existing ex - ante control within Unit for Coordination and Verification of Public Procurement analysis. The purpose of this project is “Strengthening the qualitative administrative capacity of UCVPP, concerning the qualification of the specialized staff in verifying public procurement procedures, thereby, contributing to the reform of the central public administration through an efficient using of human resources, through experience assimilation from the similar UE Member states structures of ex-ante control” and the envisaged results are: (1) Diagnostic Study regarding the activity of UCVPP which will be focused on the List of weaknesses in ex-ante control activities of UCVPP, (2) two working group sessions in the partner country (3) Plan of improvement measures of ex-ante control activities of UCVPP, (approved by the beneficiary).

Taking into account the specific of the envisaged results and activities there are no overlaps between the 2006 PHARE Twinning project and the proposed project under TF.

3.3. Results

1. Develop and implement Practical guides on public procurement and concessions and on utilities sector.
2. Train relevant staff of the Unit for Coordination and Verification of Public Procurement (UCVPP) in advanced procurement procedures and training of trainers.
3. Establish a contact point on procurement at UCVPP to provide technical support to potential actors within the public procurement process.
4. Organise 8 regional workshops at the local level for increasing competency of relevant local authorities and best practices in the field of public procurement.
5. Elaborate draft recommendations for amendments to the Romanian legislation and system improvement.

3.4. Activities (including Means)

The foreseen activities will be implemented through one Technical assistance contract.

1. Elaboration of a Practical guide on public procurement and concessions containing study cases for the detection and prevention of the main non-compliances with the law that might occur during the public procurement process, in the view of sound financial management of public funds and of enhancing the absorption capacity of these funds.

In order to ensure the sustainability of this activity, the final version of Practical guide on public procurement and concessions will be endorsed by the Ministry of Economy and...
Finance. During the elaboration process the experts will work in close cooperation with U.C.V.P.P. personnel and/or other actors involved in the public procurement process.

The indicative activity budget is: 33.000 Euro.
This activity is related to Result 1.

2. Elaboration of a Practical guide on utilities sector containing study cases for the detection and prevention of the main non-compliances with the law that might occur during the public procurement process, in the view of sound financial management of public funds and of enhancing the absorption capacity of these funds.

In order to ensure the sustainability of this activity, the final version of Practical guide on utilities will be endorsed by the Ministry of Economy and Finance. During the elaboration process the experts will work in close cooperation with U.C.V.P.P. personnel and/or other actors involved in the public procurement process.

The indicative activity budget is: 33.000 Euro.
This activity is related to Result 1.

3. Organising and delivering a single training of trainers session of 5 days each for a minimum of 15 experts of the Unit for Coordination and Verification of Public Procurement.
This activity will ensure the sustainability and duplication of training activities during and after the end of the project for the better methods for carrying on trainers activity in order to ensure proper dissemination of the information and for strengthening the professional skills and capacity of the staff involved.

Elaboration and development of the training programme will be performed in close cooperation with the beneficiaries representatives, based on the evaluation of training needs. A timetable and institutional responsibility for individual actions will be part of this planning.

The indicative activity budget is: 660 Euro.
This activity is related to Result 2.

4. Providing a 20 days coaching session for 20 persons from UCVPP, in the field of (a) elaboration of the award documentation (tender documentation) and (b) project appraisal and selection, for the following type of contracts financed from EU funds: public supply contracts, public service contracts and public works contracts, in order to ensure a high quality of the ex-ante control for an health and efficient management of European funds.

The indicative activity budget is: 2625 Euro.
This activity is related to Result 3.

5. Providing expertise and coaching in order to set up an assistance office at the level of U.C.V.P.P. This office will functioning as an training and qualification control system in the field of public procurement within U.C.V.P.P. For the preparation of this activity, the contractor will carry up a need assessment at the level of U.C.V.P.P. staff and at the level of main stakeholders involved in the ex-ante control process, in order to identify the main issues which could be raised. Also, the possible beneficiaries of the further assistance will be questioned (on the sampling basis). This activity will
include 2 working sessions of 5 days each for 10 persons from UCVPP. The result of this activity consist in enable the U.C.V.P.P. staff to provide further assistance to the stakeholders of the public procurement system.

_The indicative activity budget is: 875 Euro._

_This activity is related to Result 3._

6. Organising 8 regional workshops for two days, in order to disseminate information about the practical results and recommendations to the relevant Romanian authorities in the public procurement system and also for the territorial structures of U.C.V.P.P.: the Compartments for verification of public procurement. It will be organised 8 meetings at local level, one in each region, and a meeting in Bucharest. Each venue will host about 100 people. At this activity will attend a number of three experts from U.C.V.P.P. as lecturers, joined by a short term expert and a junior expert appointed by the contractor. The main topics of the workshop will be: presentation on PPL, including concessions and legislation on utilities, study cases, experience from the experts from other MSs. All the topics will be treated from the UCVPP field of activity point of view.

_The indicative activity budget is: 14.000 Euro._

_This activity is related to Result 4._

7. Elaboration of a set of recommendations for improving of the system of public procurement.

Based on the conclusions resulted during the regional workshops, the contractor will elaborate a set of proposals and recommendations for the further, improvement of the national system of public procurement. This will include drafting of appropriate amendments to the Romanian legislation to be in line with the developments in the field of public procurement EU directives.

_This activity is related to Result 5._

8. Organising a final national conference in order to disseminate the main results of the project. The meeting will take place in Bucharest and the envisaged number of participants will be around 150, representatives of the main actors involved in the public procurement process (from national and county level).

_The indicative activity budget is: 10.000 Euro._

_This activity is related to Result 5._

For more details regarding inputs for each activity see annex 7 – Budget breakdown

**REQUIRED EXPERTS:**

**Key expert 1 (K1) - Team Leader - 120 days x 950 Euro = 114,000 Euro (indicative allocation)**

The Team Leader is responsible for the overall management of standard implementation of the solution project throughout the lifecycle from project initiation to go-live and support. In that capacity:
- Leverage relationships with beneficiary middle management and process owners
- Participate in the preparation of the project by defining the objectives, scope, methodology, deliverables, estimates and staffing requirements;
- Ensure proper use of methodology, tools and procedures;
- Ensure project success (budgets, schedule, quality and business value);
- Escalate problems early to those in the account management role;
- Manage and mitigate project risks;
- Perform project management coaching to project team members;
- Provide leadership and give guidance to the project team;
- Report to the steering committee;
- Control project performance;

Qualifications and skills
- University degree in economics, public administration, law, social sciences or a combination.
- Qualification in project management (preferable EU supported project) and/or HR Development, good knowledge of procedures.
- Excellent communication and management skills as well as very good intercultural understanding.
- Fluency in English.

Able to:
- Manage a team composed of international and local specialists.
- Supervise and co-ordinate all technical aspects of a contract.
- Organise and oversee administrative and logistical support.

General professional experience
- He/she will be a senior person with at least 10 years experience in managing training activities to public administration.
- Coordinator of at least at least 1 (one) project with a budget of at least 750,000 Euro, which was financed from EU funds and related to technical assistance for institutional building in Public Procurement in Member States and/or EU candidate countries. Proven experience for support Member States and/or EU candidate countries in public procurement area and management of EU funds will be an advantage.

Specific professional experience
- Previous involvement in drafting training methodologies and needs assessments.
- Previous experience and knowledge regarding quality assurance of the training process.

Key expert 2,3,4: Senior Expert on public procurement legislation and utilities (Long term EU expert) – minimum 158 days x 900 EURO = 1422000 Euro (indicative allocation)

Qualifications and skills
- University degree in economics, public administration, law, or a combination.
- Thorough knowledge Public Procurement and Concessions legislation and procedures.
- Excellent communication skills as well as very good intercultural understanding.
- Speaks English fluently.

General professional experience
- Familiar with drafting training modules for public administration sector.
- At least one assignment in EU member or candidate countries on EU funded projects.

**Specific professional experience**
- Minimum of 8 years general professional experience, with at least 5 years of international working experience in the field of public procurement in a Member State and a EU candidate country. Proven experience for central public administration will be an advantage;
- Thorough knowledge Public Procurement and in sector of utilities legislation
- Knowledge of Public Procurement procedures, including in the sector of utilities
- Experience in preparation of tender documents
- Previous participation in tender evaluations.

**Key expert 5 - Senior Expert on Public Procurement control** - minimum 15 days x 900 EURO = 135000 Euro *(indicative allocation)*

**Qualifications and skills**
- University degree in economics, public administration, law, or a combination.
- Qualification in project management, good knowledge of EU Public procurement Law and in the sector of utilities and control instruments.
- Excellent communication skills as well as very good intercultural understanding.
- Speaks English fluently.

**General professional experience**
- Experience in training civil servants in EU member and/or accession countries.

**Specific professional experience**
- Minimum of 8 years general professional experience, with at least 5 years of international working experience in the field of public procurement control in a Member State and/or a candidate country. Proven experience for central public administration will be an advantage;
- Working experience within Public institutions in MSs.
- Familiar with drafting training modules for public sector institutions.

**Key expert 6 - Senior Expert on public procurement legislation on remedies (short term EU expert)** - minimum 21 days x 900 EURO = 18900 Euro *(indicative allocation)*

**Qualifications and skills**
- University degree in economics, public administration, law, or a combination.
- Thorough knowledge Public Procurement legislation and procedures.
- Excellent communication skills as well as very good intercultural understanding.
- Speaks English fluently.

**General professional experience**
- Familiar with drafting training modules for public sector institutions.
- At least one assignment in EU member or candidate countries on EU funded projects.
Specific professional experience

- Minimum of 8 years general professional experience, with at least 5 years of international working experience in the field of public procurement legislation and remedies in a Member State and/or a candidate country. Proven experience for central public administration will be an advantage;
- Thorough knowledge Public Procurement legislation
- Knowledge of Public Procurement procedures
- Experience in preparation of tender documents
- Previous participation in tender evaluations

Other/Junior experts minimum 273 days x 500 Euro = 136,500 Euro (indicative allocation)

CVs for experts other than the key experts are not examined prior to the signature of the contract. They should not have been included in tenders.

The Consultant shall select and hire other experts as required according to the profiles identified in the Organisation & Methodology and Terms of Reference. These profiles must indicate whether they are to be regarded as long-term/short-term, international/local and senior/junior so that it is clear which fee rate in the budget breakdown will apply to each profile. For the purposes of this contract, international experts are considered to be those whose permanent residence is outside the beneficiary country while local experts are considered to be those whose permanent residence is in the beneficiary country.

The Consultant should pay attention to the need to ensure the active participation of local professional skills where available, and a suitable mix of international and local staff in the project teams. All experts must be independent and free from conflicts of interest in the responsibilities given to them.

The selection procedures used by the Consultant to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience. The findings of the selection panel shall be recorded. The selection of experts shall be subject to approval by the Contracting Authority.

Note that civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts.

Interpretation - 50 days x 350 Euro = 17,500 Euro (indicative allocation)

3.5. Lessons learned:

See annex 5 – Lessons learnt

4. Institutional Framework

In accordance with the provisions provided for in GEO no.30/2006, the Ministry of Economy and Finance is the specialized body of the central public administration responsible for carrying out the procedural verification function in the public procurement field, by following the awarding manner of public procurement contracts, public works concession contracts and services concession contracts, financed out of public funds.
The verification function is carried out through the Unit for Coordination and Verification of Public Procurement (U.C.V.P.P.) operating under the direct coordination of the Minister of economy and finance, while its subordinated compartments for public procurement verification are operating within the local general directorates of public finance and are subordinated to U.C.V.P.P.

The objective of the verification function of public procurement is to contribute towards ensuring the compliance with the legislation in force of the procedures carried on for the award of public procurement contracts and of the documents drawn up within these procedures.

The main tasks of the U.C.V.P.P. for performing the procedural verification are the following:

a) coordinates and guides the activity of its own body (structure) for the unitary application of the verification procedures in the public procurement field;

b) ensures the setting-up and application of a unitary framework for the elaboration and implementation of the verification procedures for the award of public procurement and concession contracts;

c) verifies and follows the carrying out of the awarding procedures for public procurement contracts, public works concession contracts and services concession contracts, financed out of public funds, to be in compliance with the relevant legislation.

d) analyses the documents drawn up by the contracting authority for the award of the public procurement contracts;

e) draws up intermediary notes, each time when non-compliances in applying the legislation in the public procurement field are detected during a public procurement procedure;

f) issues opinions (FR: avis consultative), based on intermediary notes, whenever non-compliances in applying the legislation in the public procurement field are noticed.

g) draws up activity reports for each public procurement contract awarding procedure subject to the verification;

While performing its attributions, U.C.V.P.P. collaborates with the N.A.R.M.P.P., National Council for Solving Legal Disputes, management authorities and other control units and public institutions. For this purpose U.C.V.P.P. shall conclude agreements with the involved authorities and institutions.

During last year the process of harmonization of the national public procurement legislation with the new EU acquis has been completed. At present, public procurement in Romania is regulated by the Emergency Government Ordinance (EGO) no. 34/2006. This ordinance has been approved by Law no. 337/2006.

The National Authority for Regulating and Monitoring Public Procurement (N.A.R.M.P.P.) has as fundamental role the conception, promotion and implementation of the public procurement policy.

With a staff of about 100 persons, the National Authority for Regulating and Monitoring Public Procurement (N.A.R.M.P.P.) is a public institution, subordinated to the Government and in the direct co-ordination of the Prime – Minister, having it's headquarters in Bucharest and was founded by the Government's Emergency Ordinance no. 74/2005 approved with modifications by Law no. 111/2006, in the context of complying with the engagements assumed by Romania in the process of the accession to the E.U.
The N.A.R.M.P.P. has as fundamental role the conception, promotion and implementation of the public procurement policy.

In fulfilling its functions, NARMPP has the following attributions:
- Ensuring a legal, coherent and harmonized framework with the acquis in the field of public procurement;
- Fulfillment of the correlative obligations derived from the application of the E. U. Directives in the field of public procurement;
- Ensuring a permanent communication channel with the structures within the European Commission, the correspondent public institutions from the Member States and with the national bodies of public interest;
- Ensuring a corresponding application framework of the legislation in the field of public procurement;
- Developing the implementation capacity at the level of contracting authorities.

According with the provisions of the new law on public procurement, the contesters will have the possibility to address not only the court of justice but also National Council for Solving Legal Disputes, an independent review body with administrative and jurisdictional activity. The staff of Council is about 30 persons.

The Council will have competency to solve legal disputes during the administrative procedure that precedes the signing of the public procurement contract.

The Council is independent as regards its decisions; decision of the Council is an executor title and can be attacked with a complaint to the Court of Appeal.

During last year the process of harmonization of the national public procurement legislation with the new EU acquis has been completed. At present, public procurement in Romania is regulated by the Emergency Government Ordinance (EGO) no. 34/2006. This ordinance has been approved by Law no. 337/2006.

5. Detailed Budget

<table>
<thead>
<tr>
<th>€M</th>
<th>Transition Facility support</th>
<th>Co-financing</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Investment</td>
<td>Institution Building</td>
<td>Total Transition Facility (=I+IB)</td>
</tr>
<tr>
<td>TA Contract</td>
<td>0.00</td>
<td>0.49</td>
<td>0.49</td>
</tr>
<tr>
<td>Total</td>
<td>0.00</td>
<td>0.49</td>
<td>0.49</td>
</tr>
</tbody>
</table>

For more details see, also, Annex 6 - Budget breakdown.

VAT is not an eligible expenditure under both the Transition Facility and national cofinancing funds indicated in the above budget table. Where contracts are subject to VAT due to provisions of national legislation, these funds have to be provided from national resource outside and in addition to the amounts indicated in the budget table.
6. Implementation Arrangements

6.1. Implementing Agency

The Implementing Agency is the CFCU (Central Financing and Contracting Unit). The CFCU will be responsible for tendering and contracting. The responsibility for project preparation (including the preparation of tender documentation), implementation and control will remain in the recipient institution.

The Programming Authorising Officer/PAO is:

Ms. Carmen Roşu  
Director, Ministry of Public Finance  
Address: 44 Mircea Voda Blvd., sector 3, Bucharest, Romania  
Phone: (+004) 021/326 55 55  
Fax: (+004) 021/326.87.33  
e-mail: carmenrosu@cfcu.ro

The implementing authority is Unit for Coordination and Verification of Public Procurement – Ministry of Economy and Finance. The PIU established within U.C.V.P.P. - MoEF will be responsible for preparation, implementation, supervision and monitoring of the project and quality assurance of the relevant documents. The role of all institutions involved in project is active co-operation. Overall responsibility for implementation of the project lays on Senior Project Officer.

The Senior Project Officer/SPO is:

Ms. Antoaneta Chiorean  
Counsellor,  
Unit for Coordination and Verification of Public Procurement, Ministry of Economy and Finance  
Address: 44 Mircea Voda str, sector 3 Bucharest, Romania  
Phone: (+004) 021/3025267  
Fax: (+004)021/3025390  
E-mail: antoaneta.chiorean@mfinante.ro

In order to ensure that the project focus is in line with all required principles, a Steering Committee will be established. It will consist of representatives from the main groups attending the project’s activities, such as:
- Unit for Coordination and Verification of Public Procurement
- National Authority for Regulating and Monitoring of Public Procurement
- National Council for Solving Legal Debates
- Other Control Bodies

6.2. Twinning

Not applicable
6.3. Non-standard aspects

There will be no non-standard aspects under this project. The National Procurement Rules (NPR) will be strictly followed.

6.4. Contracts

The proposed activities will be implemented through one contract of Technical Assistance €486,700 EURO

7. Implementation Schedule

7.1. Start of tendering/call for proposals

January 2008

7.2. Start of project activity

July 2008

7.3. Project completion

June 2009

8. Sustainability

Resources in terms of staff and budget to secure the sustainability of the project after their completion will be ensured.

The Train of trainers attendants will be evaluated and will receive a trainer certificate. The training materials will constitute the basis for further training sessions that will be organised by Unit for Coordination and Verification of Public Procurement – Ministry of Economy and Finance.

The guidelines and the working procedures provided will be properly disseminated among the professionals dealing with ex-ante control issues.

The necessary financial resources will be foreseen to be included in the budget of the Unit for Coordination and Verification of Public Procurement – Ministry of Economy and Finance, in order to ensure the sustainability of the project results.

9. Conditionality and sequencing

There is signed a protocol between UCVPP and NARMPP. There is also to be signed protocols between UCVPP and managing authorities.
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period)
4. List of relevant Laws and Regulations
5. Lessons learnt from previous years
6. Detailed budget
## Annex 1 - Log frame

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR Project Fiche</th>
<th>Programme name and number</th>
<th>Disbursement period expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increasing the Institutional Capacity of the Ex-ante Control System within Public Procurement Field</td>
<td>2007/19343.05.04</td>
<td>15 12 2010</td>
</tr>
<tr>
<td>Overall objective</td>
<td>Contracting period expires 15 12 2009</td>
<td></td>
</tr>
<tr>
<td>To enhance the public procurement system in Romania</td>
<td>Total budget: 0.49 MEURO</td>
<td>TF budget: 0.49 MEURO</td>
</tr>
<tr>
<td>Project purpose</td>
<td>Relates to Copenhagen criterion and acquis chapter</td>
<td>List of other projects with same objective</td>
</tr>
<tr>
<td>Establishment of an efficient and fully operational Ex-ante Control System in accordance with EU requirements in the field of Public Procurement</td>
<td>CMR September 2006: „Romania has not yet put the established ex-ante control system for public procurement in operation. Needs for specialsed training (financial management, public procurement, project appraisal etc) remain be addressed“</td>
<td>N/A</td>
</tr>
<tr>
<td>Objectively verifiable indicators</td>
<td>Sources of Verification</td>
<td>Assumptions</td>
</tr>
<tr>
<td>The number of verified procedures increased with at least 15% by 2010</td>
<td>Relevant European Commission’s reports in the field</td>
<td></td>
</tr>
<tr>
<td>Increasing of quality level of verified procedures reflected in increasing the rate of procedural compliance with at least 30% by the end 2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increasing of quality level of verified procedures reflected in increasing the rate of procedural remedy with at least 40% by the end 2010</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Please specify here the recommendation made in Comprehensive Monitoring Report or other relevant documents (SIGMA (financial control, procurement, Peer Reviews, Evaluation reports, Final reports of TW projects)
<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Develop and implement Practical guides on public procurement and</td>
<td>Practical guide on public procurement and concessions in place</td>
<td>Inception Report</td>
<td>There will be taken into account all the effects the implementation of each</td>
</tr>
<tr>
<td>concessions and on utilities sector.</td>
<td>Practical guide on utilities in place</td>
<td>Interim Quarterly Reports   Project final report Monitoring reports</td>
<td>practice will produce</td>
</tr>
<tr>
<td>2. Train relevant staff of the Unit for Coordination and Verification</td>
<td>15 experts of the Unit for Coordination and Verification of Public Procurement able to provide training in the ex-ante control</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Public Procurement (UCVPP) in advanced procurement procedures and</td>
<td>Legislation in the ex-ante control updated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>training of trainers.</td>
<td>All stakeholders informed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Establish a contact point on procurement at UCVPP to provide technical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>support to potential actors within the public procurement process.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Organize 8 regional workshops at the local level for increasing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>competency of relevant local authorities and best practices in the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>field of public procurement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Elaborate draft recommendations for amendments to the Romanian</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>legislation and system improvement.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Elaboration of a Practical guide on public procurement and</td>
<td>TA Contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>concessions containing study cases for the detection and prevention of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the main non-compliances with the law that might occur during the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>public procurement process, in the view of sound financial management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of public funds and of enhancing the absorption capacity of these</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>funds.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Elaboration of a Practical guide on utilities sector containing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>study cases for the detection and prevention of the main non-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>compliances with the law that might occur during the public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>procurement process, in the view of sound financial management of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>public funds and of enhancing the absorption capacity of these funds.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Assumptions:
- All the participants will attend the seminars
- The participants will be proactive in identifying the best practices used by the similar institutions
- The chairmen of the workshop sessions will be capable to facilitate the exchange of ideas
- The translation
3. Organising and delivering a single training of trainers session of 5 days each for a minimum of 15 experts of the Unit for Coordination and Verification of Public Procurement. This activity will ensure the sustainability and duplication of training activities during and after the end of the project for the better methods for carrying on trainers activity in order to ensure proper dissemination of the information and for strengthening the professional skills and capacity of the staff involved.

Elaboration and development of the training programme will be performed in close cooperation with the beneficiaries representatives, based on the evaluation of training needs. A timetable and institutional responsibility for individual actions will be part of this planning.

4. Providing a 20 days coaching session for 20 persons from UCVPP, in the field of (a) elaboration of the award documentation (tender documentation) and (b) project appraisal and selection, for the following type of contracts financed from EU funds: public supply contracts, public service contracts and public works contracts, in order to ensure a high quality of the ex-ante control for an health and efficient management of European funds.

5. Providing expertise and coaching in order to set up an assistance office at the level of UCV.P.P. This office will functioning as an training and qualification control system in the field of public procurement within U.C.V.P.P. For the preparation of this activity, the contractor will carry up a need assessment at
the level of U.C.V.P.P. staff and at the level of main stakeholders involved in the ex-ante control process, in order to identify the main issues which could be raised. Also, the possible beneficiaries of the further assistance will be questioned (on the sampling basis). This activity will include 2 working sessions of 5 days each for 10 persons from UCVPP. The result of this activity consist in enable the U.C.V.P.P. staff to provide further assistance to the stakeholders of the public procurement system.

6. Organising 8 regional workshops for two days, in order to disseminate information about the practical results and recommendations to the relevant Romanian authorities in the public procurement system and also for the territorial structures of U.C.V.P.P.: the Compartments for verification of public procurement. It will be organised 8 meetings at local level, one in each region, and a meeting in Bucharest. Each venue will host about 100 people. At this activity will attend a number of three experts from U.C.V.P.P. as lecturers, joined by a short term expert and a junior expert appointed by the contractor. The main topics of the workshop will be: presentation on PPL, including concessions and legislation on utilities, study cases, experience from the experts from other MSs. All the topics will be treated from the UCVPP field of activity point of view.

7. Elaboration of a set of recommendations for improving of the system of public procurement. Based on the conclusions resulted during the regional workshops, the contractor will elaborate a set of proposals and
recommendations for the further improvement of the national system of public procurement. This will include drafting of appropriate amendments to the Romanian legislation to be in line with the developments in the field of public procurement EU directives.

8. Organising a final national conference in order to disseminate the main results of the project. The meeting will take place in Bucharest and the envisaged number of participants will be around 150, representatives of the main actors involved in the public procurement process (from national and county level).
Annex 2 - Detailed time implementation chart

<table>
<thead>
<tr>
<th>calendar months</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>O</td>
<td>N</td>
<td>D</td>
<td>J</td>
</tr>
<tr>
<td>activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

D = Design  
C = Contracting  
I = Implementation
Annex 3 – Contracting and disbursement schedule

Cumulative contracting schedule
Meuro

<table>
<thead>
<tr>
<th></th>
<th>31/03/07</th>
<th>30/06/07</th>
<th>30/09/07</th>
<th>31/12/07</th>
<th>31/03/08</th>
<th>30/06/08</th>
<th>30/09/08</th>
<th>31/12/08</th>
<th>31/03/09</th>
<th>30/06/09</th>
<th>30/09/09</th>
<th>31/12/09</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRACTED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.49</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NB:  *All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of the FA.*

Cumulative disbursement schedule
Meuro

|                          | 31/03/08 | 30/06/08 | 30/09/08 | 31/12/08 | 31/03/09 | 30/06/09 | 30/09/09 | 31/12/09 | 31/03/10 | 30/06/10 | 30/09/10 |
|--------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| DISBURSEMENT             |          | 0.20     | 0.30     | 0.40     | 0.49     |          |          |          |          |          |          |          |
| Technical assistance     |          |          |          |          |          |          |          |          |          |          |          |          |

NB:  *All disbursements must be completed within 36 months of signature of the FA.*
Annex 4 - List of relevant Laws and Regulations

the Government's Emergency Ordinance no. 34/2006 regarding the award of public procurement contracts, works concession contracts and services concession contracts

Government Decision no. 925/2006 for approving of the application norms of the Government's Emergency Ordinance no. 34/2006 regarding the award of public procurement contracts, works concession contracts and services concession contracts

DIRECTIVE 2004/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts

DIRECTIVE 2004/17/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors

Emergency Ordinance no.30/2006 regarding the verification function of the procedural matters related to the award process of the public procurement contracts

Government decision no. 942/2006 for approving of the application norms of the government's emergency ordinance no. 30/2006 regarding the award of public procurement contracts, works concession contracts and services concession contracts
### Annex 5 – Lessons learnt

<table>
<thead>
<tr>
<th>Identified Gaps or Recommended courses of intervention</th>
<th>Action for covering the Gap or implement the recommended intervention</th>
<th>Phare Programming (Project Reference) 2004-2006</th>
<th>Transition Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMR September 2006: “Romania has not yet put the established ex-ante control system for public procurement in operation. Needs for specialised training (financial management, public procurement, project appraisal etc) remain be addressed”</td>
<td>Organising and delivering 10 intensive and in depth training sessions of 6 days each for about 200 persons (from U.C.V.P.P., N.A.R.M.P.P., N.C.S.L.D. and other public representatives involved in the Romanian public procurement system), on the following main topics: a) public procurement b) concessions c) utilities Know-how transfer from other MS experience in the field of public procurement system for a better application of the public procurement legislation (PPL), a better and efficient control and audit methods and for an efficient complies system. Providing a 20 days coaching session for 20 persons from UCVPP, in the field of (a)elaboration of the award documentation (tender documentation) and (b) project appraisal and selection, for the following type of contracts financed from EU funds : public supply</td>
<td></td>
<td>&quot;Increasing the Institutional Capacity of the Ex-ante Control System within Public Procurement Field&quot;</td>
</tr>
</tbody>
</table>


Annex 6 – Breakdown budget

Incidental expenditures (training, study visits, interpretation, communication, printing, location, meals, transport, travel, expert fee etc.)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>No. of trainees</th>
<th>No. of courses</th>
<th>No. of days</th>
<th>Cost/pers/course/day</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity 1</td>
<td>Practical guide on public procurement and concessions</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>33.000</td>
</tr>
<tr>
<td>Activity 2</td>
<td>Practical guide on utilities</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>33.000</td>
</tr>
<tr>
<td>Activity 3</td>
<td>Training of trainers</td>
<td>15</td>
<td>1</td>
<td>5</td>
<td>8,75</td>
<td>660</td>
</tr>
<tr>
<td>Activity 4</td>
<td>Coaching on elaboration of tender documentation</td>
<td>20</td>
<td>1</td>
<td>20</td>
<td>8,75</td>
<td>2625</td>
</tr>
<tr>
<td>Activity 5</td>
<td>Expertise and coaching in order to set up an assistance office</td>
<td>10</td>
<td>2</td>
<td>10</td>
<td>8,75</td>
<td>875</td>
</tr>
<tr>
<td>Activity 6</td>
<td>Regional Workshops</td>
<td>800</td>
<td>8</td>
<td>2</td>
<td>8,75</td>
<td>14000</td>
</tr>
<tr>
<td>Activity 7</td>
<td>Recommendations</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>10000</td>
</tr>
<tr>
<td>Activity 8</td>
<td>National conference</td>
<td>150</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>63940</td>
</tr>
<tr>
<td>Other costs (audit, translations, Reserve for adjustments etc.)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

Sub total FEES (including overheads)*: 328,600

GENERAL TOTAL: 486,700

---

*FEES (including overheads):

<table>
<thead>
<tr>
<th>Description</th>
<th>Estimated number of working days</th>
<th>Fee rate (€ per working day)</th>
<th>Amount (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Long-term international experts</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>K1 - Team leader</td>
<td>120</td>
<td>950</td>
<td>114000</td>
</tr>
<tr>
<td><strong>Short-term international experts</strong></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>K 2,3,4 - Procurement issues experts</td>
<td></td>
<td></td>
<td>142200</td>
</tr>
<tr>
<td>K 5 - Senior experts - training</td>
<td>15</td>
<td>900</td>
<td>13500</td>
</tr>
<tr>
<td>K6 - Senior experts - SVs</td>
<td>21</td>
<td>900</td>
<td>18900</td>
</tr>
<tr>
<td>Junior experts</td>
<td>273</td>
<td>500</td>
<td>136500</td>
</tr>
<tr>
<td>Interpretation</td>
<td>50</td>
<td>350</td>
<td>17500</td>
</tr>
<tr>
<td><strong>PROVISION FOR INCIDENTAL EXPENDITURE:</strong></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>FEES (including overheads):</strong></td>
<td></td>
<td></td>
<td>328600</td>
</tr>
</tbody>
</table>

Total budget per activity:
| Activity 1. Practical guide on public procurement and concessions | 10 | 30 | 40 | 60 | 33,000 |
| Activity 2. Practical guide on utilities | 10 | 30 | 40 | 60 | 33,000 |
| Activity 3. Training of trainers | 10 | 15 | 25 | 15 | 660 |
| Activity 4. Coaching on elaboration of tender documentation | 10 | 20 | 30 | 30 | 2625 |
| Activity 5. Expertise and coaching in order to set up an assistance office | 10 | 10 | 20 | 20 | 875 |
| Activity 9. Regional Workshops | 20 | 48 | 68 | 48 | 14,000 |
| Activity 6. Recommendations | 20 | 20 | 40 | 20 |
| Activity 7. National conference | 20 | 20 | 20 | 10,000 |
| Other | | | | | 63,940 |
| Total | 120 | 158 | 15 | 21 | 314 | 273 | 486,700 |