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COMITÉ EXÉCUTIF
DU FONDS MULTILATÉRAL AUX FINS
D'APPLICATION DU PROTOCOLE DE MONTRÉAL
Trente-neuvième réunion
Montréal, 02-04 avril 2003

**RÉSULTATS DE L'ANALYSE DES PROCÉDURES D'APPROVISIONNEMENT
ACTUELLES DES AGENCES D'EXÉCUTION**

1. À sa 38^e réunion, le Comité exécutif a décidé, dans le cadre du rapport d'évaluation des aérosols (Décision 38/2, d) :

« De demander :

...(ii) Aux agences d'exécution :

- de s'assurer que les spécifications de la soumission incluent la fourniture de manuels dans une langue que les ingénieurs de l'entreprise bénéficiaire comprennent et de services d'interprètes durant l'installation des équipements, au besoin ;
- de prendre les mesures nécessaires afin de garantir à tous les fournisseurs compétents, quelle que soit leur origine géographique, des opportunités justes et équitables de fournir les biens et services pour les projets du secteur des aérosols ;
- d'analyser les procédures actuelles d'achats et d'examiner, dans les limites de leurs procédures contractuelles, les moyens d'impliquer le plus possible le pays et l'entreprise bénéficiaire concernée dans la préparation de la liste de soumissionnaires potentiels envisagés pour tous les projets et de faire rapport, en collaboration avec le Secrétariat, sur les progrès accomplis dans l'application du sous-paragraphe (ii) ; ...»

2. Les réponses reçues des agences d'exécution pertinentes (PNUD, ONUDI, Banque mondiale) sont jointes dans leur forme révisée et tel qu'il a été discuté avec elles. Elles décrivent jusqu'à un certain point, tel qu'on l'a demandé, les procédures suivies en général par les agences pour les soumissions et l'approvisionnement et aussi pour les projets financés par le Fonds monétaire en particulier.

3. Il semble que les procédures et les règlements actuels envisagés par les agences tiennent compte des préoccupations exprimées dans la décision ci-dessus. Elles permettent de considérer les demandes et les besoins particuliers des entreprises bénéficiaires, par exemple, la traduction des manuels, généralement en anglais, en français ou en espagnol, et l'embauche d'interprètes durant l'installation. Il faut tenir compte toutefois des contraintes de budget et de temps et aussi des possibilités de financement par un tiers, en particulier pour la traduction coûteuse et difficile dans les langues locales, qui pourrait se limiter aux dispositions essentielles des manuels en matière de sécurité et d'entretien. L'emploi d'interprètes durant l'installation pourrait aussi être pour de courtes périodes d'instruction et de formation des personnes clés plutôt que durant tout le temps requis (parfois plusieurs mois) pour l'installation et les essais.

4. Il est aussi apparent que, bien qu'on ait accès aux renseignements sur les soumissions internationales, les soumissionnaires potentiels, spécialement les entreprises moins connues, doivent être proactifs afin d'obtenir ces renseignements assez rapidement pour pouvoir faire partie de la liste des soumissionnaires admissibles. La préqualification peut se révéler un obstacle difficile pour les nouveaux fournisseurs, car tant les entreprises bénéficiaires que les agences d'exécution visent à assurer une mise en oeuvre sans heurts du projet et le bon fonctionnement

de l'équipement ainsi que la disponibilité à long terme des pièces de rechange et du service après-vente. Dans le cas de l'équipement pour aérosols, les fabricants de quelques pays de l'Article 5 sont récemment devenus plus concurrentiels et méritent un examen plus attentif.

5. Les entreprises bénéficiaires ont l'occasion de participer activement à l'établissement du cahier des charges pour les équipements et les services requis, mais elles doivent définir clairement et précisément leurs propres exigences pendant la préparation de projet, afin de s'assurer qu'on tient compte de leur soumission à temps. Les agences d'exécution devraient tenir compte de ces demandes particulières, et elles le font habituellement, surtout si l'entreprise bénéficiaire est disposée à compenser la différence pour réduire les coûts. Bien que le PNUD et la Banque mondiale acceptent généralement cette pratique, l'ONUDI est toujours à examiner s'il est légalement possible de le faire.

6. Seul le PNUD a pu fournir des données statistiques pour la répartition régionale réelle des fournisseurs d'équipements pour le secteur des aérosols. Selon les informations reçues, 52 % des contrats attribués pour les équipements de 1993 à 2002 l'ont été à des fournisseurs des États-Unis, 34 % du Royaume-Uni et 13 % de l'Italie. L'ONUDI a fourni des données générales sur les sources d'approvisionnement pour tous les projets financés par le FM. Quelque 66 % des équipements, matériels et fournitures reçus en 2002 provenaient des pays de l'Europe de l'Ouest, 22 % des pays en développement en Afrique et en Asie, 9 % de l'Amérique Latine, et 3 % d'autres pays. Quelque 66 % des contrats pour des services et du travail sont allés à des pays en développement en Asie et en Afrique, 28 % à des pays de l'Europe de l'Ouest, 5 % à des pays de l'Amérique Latine, et 1 % à des pays de l'Europe de l'Est. Pour la Banque mondiale, une telle analyse exigerait un travail de recherche considérable, parce que les soumissions et l'approvisionnement sont décentralisés et traités par des intermédiaires financiers dans les pays de l'Article 5.

Annex I: Procurement Procedures of UNDP

1. For Montreal Protocol projects, UNDP solicits bids directly from pre-qualified manufacturers for equipment to be procured under investment projects. Only equipment manufacturers which have the financial, technical and production capability necessary to perform the contract, and have adequate facility to provide local after-sales services, technical support and availability of spare parts will be invited to participate in the international competitive bidding (ITB) process. Bids invitations are usually forwarded to equipment manufacturers rather than trading houses to avoid the higher costs paid for commissions.
2. Through experience gained in the ITB process by UNDP/UNOPS (UN Office for Project Services) and its Country Offices, rosters of potential suppliers have been established for equipment in different sectors. The rosters are established taking into account past experience on responses to the ITB and the results (technical responsiveness, cost, local after-sales services etc.) of the ITB process for similar equipment.
3. For procurement actions with an estimated value of US \$30,000 or more and less than US \$100,000, a minimum of 3 firms should be shortlisted. For procurement actions with an estimated value of US\$100,000 or more, UNDP procurement rules recommend that a minimum of 6 to 12 firms should be shortlisted. However, more than these minimum numbers of firms should be used where required to achieve appropriate competitiveness. For both financial limits, the shortlist should include firms from each of the following groups of countries:
 - (a) From developing countries, including the recipient country;
 - (b) From industrialized countries.
4. As normal practice, UNDP/UNOPS forward equipment specifications and shortlist of potential bidders to the recipient enterprises for their review and confirmation. Recipient enterprises are given opportunity to add additional bidders provided that such suggested bidders can demonstrate their qualifications to perform the contract.
5. In the ITB and purchase order/contract, suppliers are required to provide manuals, training materials and conduct training in the language commonly used in the country where the equipment is to be used. If an equipment supplier is not able to provide this documentation in the language of the country, at the minimum, English, French or Spanish manuals will be provided. In many cases, local representatives of the equipment suppliers are present during equipment installation at the enterprise site.
6. To promote wider participation, trade missions of many countries are contacted regularly to solicit interested qualified bidders.

7. Starting 2003, UNDP initiated actions to advertise “Procurement Notice” for equipment to be purchased under its many multi-year sector plans in two web sites: the United Nations Development Business web site and the IAPSO (UNDP Inter-Agency Procurement Services Office) web site. Both web sites are known sources for information on procurement opportunities for the UN system. In addition, if procurement websites are available in the country of the recipient country, such Procurement Notice will also be posted in the local procurement website. Posting at these websites are free of charge to UNDP. UNDP is not in a position to advertise in international or national print media of a particular country due to the high cost required to place such advertisement. Similarly due to administrative and cost constraints, it is not practical for UNDP to advertise such Procurement Notice in print media of all or many countries.

8. For the past few years, more than two-third of all goods and services procured for MLF projects (mostly for foam projects) were awarded to equipment suppliers in Germany, Italy and USA, while some contracts were also awarded to suppliers in several A5 countries. For aerosol projects, 52% of equipment contracts went to suppliers in the USA, 34% in the UK and 13% in Italy.

Annex II: Procurement Procedures of UNIDO

1. UNIDO routinely ensures through the bidding specifications that manuals are provided for in a language commonly understood by the engineers of the beneficiary company. The supplier is asked to do that within the bid price. Their request for quotation form includes an item in which a specific language can be requested for technical literature such as manuals. Normally, they specify an official language of the U.N. system such as English, French and Spanish.

2. However, if a particular recipient company, has trouble with any of those official languages, UNIDO could ask the supplier to translate the manuals into another language required. It is to be noted, however, that a manual and the related technical documentation may consist of thousand or more pages, thus the translation is a very costly service, and usually cannot be perfectly done by the suppliers. For this reason, the most effective approach is to request the companies with special language needs to provide the translation as part of their counterpart inputs. Thus, before the start of the project it is always agreed with the counterpart which of the above three languages will be used during the implementation of the project. The same applies to interpretation. The installation of equipment for the conversion of a refrigeration company for instance, could last up to four to five months. Delegation of interpreters for such a long period by the implementing agencies (even if they are locally recruited) would be very expensive.

3. The UNIDO procurement process is based on the principle of fair and equitable opportunity to all competent suppliers of goods and services, regardless of location or nationality. We maintain an extensive and diverse roster of vendors that is continuously updated. Member states are allowed to provide candidate suppliers for inclusion in the roster. UNIDO, from time to time, advertises on its web page requests for submission of interest of companies wishing to enter into our roster of suppliers. Furthermore, occasionally requests for bids for higher amounts are also put on our web page, as well as on the web page of IAPSO (Inter-Agency Procurement Services Office).

4. UNIDO routinely ensures that a good cross section of companies from a diverse base of countries is invited to quote on all our bids. It is part of their normal procedures to ask governments and local beneficiary companies to either add the names of qualified local suppliers to the list of invitees, or to propose their own list of local suppliers for inclusion in our roster. It is very common in UNIDO's practice to request the beneficiaries to provide names and addresses of potential local bidders for technical services, machinery or auxiliary equipment (tanks, pumps, emergency generators, piping, etc.). UNIDO's entire procurement process is based on as much diversity as possible, including active involvement of local vendors. As a result, they have many contracts with local suppliers for equipment and services.

5. In order to ensure a fair and equitable procurement process, all contracts and purchases that amount to \$70,000 or more, are routed through a Committee on Contracts that ensures that UNIDO's rules and regulations governing competitive bidding are adhered to. There is an official procurement manual as well as a manual on financial rules and regulations that provide clear instructions on the formal bidding process including calling for proposals, opening of bids and awarding of contracts.

Annex III: Procurement Procedures of the World Bank

1. IBRD has long-established guidelines for both procurement and selection of consultants. Although the guidelines mention in their “General Conditions” that the responsibility of procurement lies squarely in the hands of the borrower, or in our case, the beneficiary, the guidelines on how procurement is executed *must* be adhered to in all IBRD projects. This arrangement is sealed in the legal agreement between the Bank and its client. Each legal agreement under normal Bank operations is reviewed and approved by its Board of Directors. In the different stages of the procurement process, the Bank’s role as trustee of the funds is to review all procurement decisions to ensure that procurement and selection guidelines are followed.
2. The guidelines promote economy and efficiency in procurement, transparency, and equal opportunity to compete in providing goods to all eligible bidders from developed and developing countries, while also encourage the development of national industries and consultants. Competitive practice is the best practice in procurement and all Bank clients are legally bound to apply this rule. This is why international competitive bidding (ICB), where possible, is the most favored procurement method.
3. Because procurement must be done by the country beneficiary, the bidding specifications are also prepared by the beneficiary. The beneficiary may hire consultants to assist in preparing specifications and it is the beneficiary’s responsibility to see to it that the consultants are given proper guidance on the expected output. If ICB is utilized, all bid documentation must be in either English, French or Spanish (one of these languages must be specified). However, the beneficiary enterprise can later specify a local language requirement for the contract with the winning bidder, if it is a local bidder. In terms of the language of manuals or individuals installing the equipment, if the beneficiary chooses to have a manual which is in the local language as part of the goods, or a technician to install the equipment that is a native speaker as part of the services to be purchased, it must specify this in the bid documentation (they can also be made bid evaluation criteria) and later in the contract.
4. As mentioned above, the principles of fair and equitable opportunity are embodied in the mandatory procurement guidelines employed by Bank clients. To ensure competitive bidding, timely notice of a bidding opportunity must be given. If the ICB method is utilized, the client must prepare a General Procurement Notice which is published in *Development Business*. Because projects under the MP program are fairly small in terms of funding and goods and services required, other procurement methods are often utilized such as limited competitive bidding (direct invitation to bid without advertisement) and international shopping (by choosing, based on cost, from at least three suppliers of “off the shelf” goods). However, the general principles of the guidelines still apply and these other methods, and parameters for their use, must be specified in the legal agreement between the country and the Bank.
5. Because the responsibility of project implementation, including procurement under Bank projects, is with the beneficiary country, lists of bidders are compiled¹ by the country and/or the country beneficiary. This means there is de facto compliance by the Bank with the above ExCom request.

¹ This depends on the procurement method used – in ICB, initial lists would not be compiled, there would be advertisement for bid invitations. Criteria for short listing prospective suppliers are also in the guidelines.

6. The guidelines on procurement and selection of consultants represent years of experience and have been amended over the years to reflect evolving best practice in international procurement and consultant selection. Nonetheless, there are cases where bidders are not satisfied with the outcome of a bid competition. It is their right, under the guidelines to request explanation by the country beneficiary why its bid was not selected and to pursue the matter with the Bank if it is not satisfied with the response.