



Regulatory and legal framework for public procurement (PP) and specifically for co-production in public-private partnerships (PPP) with agents of the social and solidarity economy, Palestine

MedTOWN Project

Co-production of social policies with social and solidarity economy actors to fight poverty, inequality and social exclusion.



QUESTIONNAIRE PROJECTS PHASES AND LOCAL PARTNERS. MEDTOWN PROJECT. 3rd LOT.

DEMOSTRATIVE ACTION. Name: Citizen and SSE waste processing. A circular economy model

MUNICIPALITY, REGION AND COUNTRY ACTION: Beitillu village, Palestine

BRIEF DESCRIPTION OF CONTEXT:

The Public Procurement Law –which applicable to local governments and all other semi-governmental entities- is silent on PPPs, and there is no specific PPP law in Palestine. The Public Procurement Law permits the procurement of major infrastructure through open, restricted or negotiated procedures. Whilst existing tender procedures are generally suitable for processing major infrastructure, because much infrastructure procurement is undertaken by foreign donors (in partnership with the PA), often the applicable procurement procedures of the donor countries are followed. In the case of bilateral aid, this means that procurement is at times subject to country of origin specifications, thus reducing competition. Bidding processes and evaluation criteria broadly follow international norms. Bids on tenders by governmental agencies are assessed by a standing Central Procurement Committee and whilst there is no standard procedure for contesting decisions, they are susceptible to judicial review. At the local government level, bids are assessed by a local procurement committee, but bids are subject to audit by the Ministry of Local Government.

ARRAY TO BE FILLED IN:

N°	ASPECTS TO BE REPORTED	ACTIONS	OTHER ACTIONS/ DISCLAIMERS	OTHER DISCLAIMERS
1 ¹	Existing applicable legislation governing PP and PPPs	<ul style="list-style-type: none"> - <i>The Public Procurement Law</i> no. (8) of 2014 - The related Regulation (Cabinet Resolution No. (5) of 2014 on Public Procurement) - Presidential decree no. (25) of the year 2019 for the amendment of law no. (8) of the year 2014 on public procurement - Cabinet Decision No. (5) of 2014 Public Procurement Regulations - Cabinet Decision No. 3 of 2016 to amend the Public Procurement Regulation No. 5 of 2014 	No specific PPP legislation. However, Local Authorities Law of 1997 grants local authorities the authority to engage in PPPs.	

¹ Especially related to the Social Solidarity Economy (SSE).

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2	Purpose of the regulation	The PP Decree aims at achieving the following: 1. Procuring of goods, works and services at the best prices in a way that contributes to rationalizing expenditures while maintaining quality assurance. 2. Encouraging the local industries and economic development in Palestine. 3. Capacity building and achieving sustainable development. 4. Promoting the principle of fair competition and encouraging participation in public procurement proceedings by qualified suppliers, contractors and consultants. 5. Providing, without discrimination, equal opportunities, fair and equal treatment to all bidders and consultants. 6. Ensuring transparency and integrity in the proceedings and functioning of public procurement.	- To achieve its vision of <i>efficient, transparent and equitable public procurement system that contributes of sustainable development in Palestine</i> . - To achieve this vision, the Council originates from its mandate entrusted to it under the Public Procurement Law which include the development of public procurement policies, reviewing and drafting related legislation, analyzing the performance of the public procurement system for continuous improvement, building the capacities of procuring entities and the private sector, and introducing best practices in public procurement to achieve efficiency, transparency, and promote the principles of integrity, accountability and equal opportunities.	
3 ²	Consideration-Theoretical Definition PP (According to regulation)	No definition for PP in the by-law. Procurement: 'Obtaining by the procuring entity, through any contractual means, of any goods, public works, consulting services, or other services that are financed from the public funds or that serve the public interest.'		
4	Scope of application of PP legislation	Supranational, State, Regional, Local	Public	
5	Stakeholders Involved PP	- The Council of Ministers - The High Council for Public Procurement Policies - The Ministries of Public Works and Housing - The Palestinian Monetary Authority	The jurisdiction of the High Council for Public Procurement Policies encompasses formulation of public procurement policies, overseeing and evaluating the performance of the public procurement system in Palestine, building the	Since its establishment the council has steadily accumulated its achievements including the preparation of the revised Procurement Law

² Necessary for making comparative terms of equivalent concepts

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		<ul style="list-style-type: none"> - MOFP: Ministry of Finance and Planning - MONE: Ministry of National Economy - MOL: Ministry of Labor - MOSD: Ministry of Social Development - Ministry of Local Government - SEC: Small Enterprise Center 	institutional capacity of procuring entities, as well as playing the role of secretariat for Dispute Review Unit.	(Decree Law No. (8) Of 2014 on public procurement) and the related Regulation (Cabinet Resolution No. (5) of 2014 on Public Procurement), the development of <i>Single Public Procurement Portal</i> (www.shiraa.gov.ps)
6	Administration - competent legislative body PP	<ul style="list-style-type: none"> - The Council of Ministers - The High Council for Public Procurement Policies - The parliament 		
7	Administration - competent executive body PP	All public bodies, at national and local levels		
8	Measures promoting or encouraging PP and PPPs	<ul style="list-style-type: none"> - The HCPPP has started the development of standard bidding documents and templates for the use of the procuring entities, under which it has developed the standard bidding documents for biddings and contracts of works and supplies, and the requests for proposals for consultancy services. - HCPPP continuously holds training sessions and programs to introduce the Public Procurement Law and its executive regulations, and the use of Single Public Procurement Portal. Up to date, dozens of procurement staff in the ministries, government institutions and some municipalities benefited from the training. - Developed national procurement manual, standard documents for biddings and 	The development of the eGovernment Procurement (e-GP) system, JONEPS, to ensure the highest levels of integrity, transparency of the procedures and fair competition between the bidders and wider, more equitable access to the procurement market for the private sector and NGOs.	N.A.

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		<p>contracts for non-consulting services, the bidding documents for the procurement of medicines and medical supplies, and the procedures for framework agreements.</p> <ul style="list-style-type: none"> - The HCPPP will work with its partners and stakeholders to develop a national capacity building strategy for public procurement. Another important target will include the activation of the Dispute Review Unit by assigning the required experts and the preparation of the related working procedures. 		
9	Other PP and PPP related legislation		No Relationship-Influence with ESS	
10	Possibility of creating new PP and PPP legislation		Prime Ministry – Parliament	
11	Possibility to amend existing legislation PP and PPP		Prime Ministry – Parliament	
12	Problem Identification/Regulatory implementation PP and PPPs	N.A.	Access to information and accountability	
13	PP, PPP and other regulations applicable to the Demonstration Action (Concrete Project)	N.A.		
14	Concession Regulations			
15	Regulations Regulation of aid and subsidies	No regulation	Relatively little funding is available to support SSE entities long-term projects and legislative reform role. This leads to weak continuity and sustainability of these entities and their programs.	
16	Regulating other possible forms of PPPs	N.A.		
17	Examples of public procurement	N.A.	N.A.	

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	of co-production public policies with PPPs and SSE actors			
18	Other issues to highlight			