

# Memo

To: Paul de Wit  
 From: Caleb Stevens  
 CC: Dr. Jeanette Carter  
 Date: 11/23/11  
 Re: Summary of Processes for Obtaining Concessions in the Forestry, Agricultural, Mining, and Petroleum Sectors of Liberia

This memorandum summarizes, in table form, the processes for obtaining concessions in the forestry, agricultural, mining, and petroleum sectors. The most complex process is for forestry concessions, which involves 58 separate steps plus additional sub-steps as well as approximately 20 different institutions. The processes in the other sectors are also quite lengthy.

## I. Process for Obtaining a Concession in the Forestry Sector

Process for Obtaining a Concession in the Forestry Sector			
Steps in the Process		Responsible Institution	Applicable Law
1. National Forest Management Strategy prepared		FDA	Sections 4.4 of National Forestry Reform Law
1.1.	For Forest Management Contracts, the National Forest Management Strategy must identify the land to potentially be concessioned at the time the concession is offered	FDA	Section 5.3(b) of National Forestry Reform Law
1.2.	For Timber Sales Contracts, the contract must be consistent with the National Forest Management Strategy at the time the concession is awarded	FDA	Section 5.4(b)(i) of National Forestry Reform Law
2. "Validate suitability of the area" for concession		FDA	Section 4.5 of National Forestry Reform Law
<b>NB:</b> Conflicts with Step 9 which only requires feasibility study if ordered by the Inter-Ministerial Concession Commission			
2.1.	Local forestry collected and analyzed	FDA	Section 4.5(c) of National Forestry Reform Law
2.2.	Ecological data collected and analyzed	FDA	Section 4.5(c) of

			National Forestry Reform Law
2.3.	Socio-economic data collected and analyzed	FDA	Section 4.5(c) of National Forestry Reform Law
2.4.	Report on suitability of concession area prepared	FDA	Section 4.5(c) of National Forestry Reform Law
2.5.	Comments on report received	Public; Forestry Management Advisory Committee	Section 4.5(d) of National Forestry Reform Law
2.6.	Report reviewed and approved	FDA Board of Directors	Section 4.5(e) of National Forestry Reform Law
2.7.	Report implemented	FDA Managing Director	Section 4.5(f) of National Forestry Reform Law
3. FDA Concession Committee created (can be one Concession Committee for all forestry concessions or one Concession Committee for each concession)		FDA	Section 77(1), (2) of the Public Procurement and Concessions Law (PPC Law)
3.1.	One of the 3-7 members designated	Minister of Finance	Section 77(3) of the PCC Law
3.2.	Other members designated	FDA	Section 77(3) of the PCC Law
4. Preliminary consultations with affected communities in the form of Community Forestry Development Committees conducted		FDA	Section 22(a) of FDA Regulation 104-07
4.1.	Affected communities for proposed concession identified	FDA	Section 22(c) of FDA Regulation 104-07
4.2.	Appeal of FDA's decision not to include a community may be made and decision on appeal made	FDA Board of Directors	Section 22(e) of FDA Regulation 104-07
4.3.	Notice of intent to conduct consultations given to affected communities	FDA	Section 22(b) of FDA Regulation 104-07
5. Prior, free, informed consent for good faith negotiation of social agreement with potential concessionaire obtained from affected communities		FDA	Section 22(j) of FDA Regulation 104-07
6. Concession Certificate requested from Ministry for Planning and Economic Affairs		FDA Concession Committee	Section 77(1)(a) of PPC Law; Section 31 of FDA Regulation 104-07
7. Concession certificate issued to FDA after consultation with FDA and Heads of other ministries/agencies "most directly affected" by the concession		Ministry for Planning and Economic Affairs	Sections 76(1), 89 of the PPC Law
8. Inter-Ministerial Concessions Committee established by written request to the President, and must consist of the following members: Chairperson of National Investment Commission, Minister of Justice, Minister of Finance, Minister of Labor, Minister of Planning and Economic Affairs, Minister of Internal Affairs, 2 other Ministers appointed by the President, Head of FDA		Head of FDA	Section 80 of the PCC Law
9. Preliminary determination of concession "feasibility" may be made if		FDA Concession	Sections 77(1)(b)

required by Inter-Ministerial Concessions Committee		Committee	and 103 of PCC Law
<b>NB: Conflicts with Step 2 which requires viability study by FDA</b>			
<b>10.</b> Determination made whether the concession involves special technical or financial demands beyond those normally required and thus whether a two-envelope bidding process is required		FDA	Section 32 of FDA Regulation 103-07
<b>10.1.</b>	If two-envelope system required then concession bid documents (invitation and instructions) must disclose standards and procedure for opening two envelopes	FDA	Sections 51(a) and (e) of FDA Regulation 103-07; Section 33 of FDA Regulation 104-07
<b>11.</b> Concession Procurement Plan prepared		FDA Concession Committee	Sections 77(1)(c) and 79 of PCC Law; Section 32 of FDA Regulation 104-07
<b>12.</b> Concession Procurement Plan submitted to the Public Procurement and Concessions Commission and Inter-Ministerial Concessions Committee		FDA Concession Committee	Section 79(2) of PCC Law
<b>13.</b> Concession Procurement Plan reviewed for compliance with law and consistency with annual concessions plan prepared by the Ministry of Planning and Economic Affairs, and approved		Inter-Ministerial Concessions Committee	Section 82(1)(a) of PCC Law
<b>14.</b> Public stakeholder consultations undertaken in the form of a concession stakeholder forum		FDA	Section 90 of PCC Law
<b>15.</b> Prequalification instructions for bidders prepared (unless Inter-Ministerial Concessions Committee decides that it is “highly likely” that only a small number of bidders will be interested)		FDA Concession Committee	Section 77(1)(d) of PCC Law; Section 33 of FDA Regulation 104-07
<b>NB: Conflicts with FDA Regulation No. 103-07, Section 31, which requires all bidders to prequalify</b>			
<b>15.1.</b>	For Forestry Management Contracts of between 50,000 and 99,999 hectares and Timber Sales Contracts bidders must have at least 51% Liberian citizen ownership	FDA Concession Committee	Sections 5.3(g) and 5.4(g) of National Forestry Reform Law
<b>15.2.</b>	Forest Management Contracts of 100,000 to 400,000 hectares open to all Liberian and international investors	FDA Concession Committee	Section 5.3(h) of National Forestry Reform Law
<b>16.</b> Documents for bid invitations prepared		FDA Concession Committee	Section 77(1)(e) of PCC Law
<b>17.</b> Prequalification instructions for bidders and documents for bid invitations submitted to Inter-Ministerial Concessions Committee and approved		Inter-Ministerial Concessions Committee	Section 82(1)(d) of PCC Law
<b>18.</b> Prequalification invitations sent to bidders, if applicable		FDA Concession Committee	Section 77(1)(f) of PCC Law
<b>19.</b> Prequalification of bidders occurs, if applicable			Section 102 and 32(4), (5) of PCC Law
<b>19.1.</b>	Prequalification instructions provided to bidders that responded to the prequalification invitation	FDA Concession Committee	Section 32(5)(a) of PCC Law
<b>19.2.</b>	Prequalification submissions received, including business plan demonstrating technical and financial capacity to hold a concession	FDA Concession Committee	Section 102(3) of PCC Law; FDA Regulation 103-07, Section 41(b)
<b>19.3.</b>	Prequalification submissions evaluated	Concession Bid Evaluation Panel	Section 102(9) of PCC Law
<b>NB: Conflicts with FDA Regulation 103-07, Sections 41(d) and</b>			

	42, which requires a Prequalification Review Panel to review the prequalification submissions			
19.4.	Concession Bid Evaluation Panel evaluates results submitted to Inter-Ministerial Concessions Committee and approved		Inter-Ministerial Concessions Committee	Section 102(9) of PCC Law
19.5.	Prequalification Certificate Issued  NB: Conflicts with Steps 19.3 and 19.4 above because Bid Evaluation Panel should issue the certificate		Prequalification Review Panel	Sections 31(a), 44, 46 of FDA Regulation 103-07
20. Concession bid invitation and other concession bid documents reviewed “as to legal matters” and approved			Ministry of Justice	Section 104(3) of PCC Law
21. General notice of investment opportunity is published and provided to certain forest management stakeholders			FDA	Section 106 of PCC Law; Section 36 of FDA Regulation 104-07; FDA Regulation 101-07
22. Request for expressions of interest delivered to potential bidders and published, as well as provided to certain forest management stakeholders			FDA Concession Committee; FDA	Sections 104(2) and 106 of PCC Law; FDA Regulation 101-07; Section 36 of FDA Regulation 104-07
23. Bid invitation documents delivered to bidders and bid invitation is published, as well as provided to certain forest management stakeholders			FDA Concession Committee; FDA	Sections 77(1)(f) and 106 of PCC Law; FDA Regulation 101-07; Section 36 of FDA Regulation 104-07
23.1.	Bid invitation documents may state reasonable inspection conditions for potential concession area		FDA	Section 41(b) of FDA Regulation 104-07
24. Independent third party calculates and holds in confidence a reserve bid			FDA	Section 45 of FDA Regulation 104-07
25. Bidding occurs			FDA Concession Committee	Sections 77, 110, 59, 61, 62, and 63 of PCC Law
25.1.	Determination made as to whether open competitive bidding will not be required		Public Procurement and Concession Commission	Section 95(2) of PCC Law
25.2.	Determination made as to whether national or international competitive bidding will be used		Inter-Ministerial Concessions Committee	Section 96(1) of PCC Law
	25.2.1.	For Forest Management Contracts of less than 100,000 hectares, national competitive bidding may be allowed	FDA	Section 42(a)(2) of FDA Regulation 104-07
	25.2.2.	For Forest Management Contracts of more than 100,000 hectares international competitive bidding must be allowed	FDA	Section 42(b) of FDA Regulation 104-07
	25.2.3.	For Large Scale Commercial Use Contracts national or international competitive bidding must be followed	FDA; Community Forest Management Body	Section 6.3 of Community Rights Law
25.3	Determination made as to whether restricted competitive bidding will be used		Public Procurement and Concessions Commission	Section 100 of PCC Law

25.4	Determination made whether concession is to be granted on a sole source basis		Cabinet in consultation with the Public Procurement and Concessions Commission	Section 101(1) of PCC Law		
	25.4.1.	If sole source is followed then copy of the determination must be published on the Public Procurement and Concessions Commission website at least 2 weeks before any negotiations occur	Public Procurement and Concessions Commission	Section 101(2) of PCC Law		
25.5.	Determination made as to whether an unsolicited bid will be considered		FDA Concession Committee	Section 101(3) of PCC Law		
	25.5.1.	If FDA decides to consider an unsolicited bid, then request formation of an Inter-Ministerial Concessions Committee	FDA Concession Committee	Section 101(3)(c) of PCC Law		
	25.5.2.	Concession Bid Evaluation Panel formed	Inter-Ministerial Concessions Committee	Section 101(3)(c) of PCC Law		
	25.5.3.	Independent assessment of unsolicited bid and “the qualifications and reputation of the bidder” conducted and approval granted	Concession Bid Evaluation Panel	Section 101(3)(c)(d) of PCC Law		
25.6.	Pre-bid conference held for bidders to seek clarification if either FDA Concession Committee or Inter-Ministerial Concessions Committee chose		FDA Concession Committee; Inter-Ministerial Concessions Committee	Section 108 of PCC Law		
25.7.	Bids received in writing, signed, and sealed envelope by hand, mail, courier, or if FDA approves, electronic mail; documents with details of financial offers must be signed by each member of the bidding team		FDA Concession Committee	Sections 77(1)(g), 59(1)(2)(3), 61(2) of PCC Law		
			If two-envelope bidding			
			25.7.1.	Business plan and supporting documents disclosed by bidder in first envelope	FDA	Section 51(c)(1) of FDA Regulation 103-07
			25.7.2.	For Large Forest Management Concessions, evidence of management capacity disclosed by bidder in first envelope	FDA	Section 51(c)(2) of FDA Regulation 103-07
			25.7.3.	Notarized valid prequalification certificate disclosed by bidder in first envelope	FDA	Section 51(c)(3) of FDA Regulation 103-07
			25.7.4.	Attestation of truth of documents disclosed in first envelope	FDA	Section 51(c)(4) of FDA Regulation 103-07
			25.7.5.	Amount bidder proposes to pay disclosed in second envelope	FDA	Section 51(d) of FDA Regulation 103-07
25.8.	Bidders post bonds for Forest Management Contracts and Timber Sale Contracts		FDA	Section 43(a) of FDA Regulation 104-07		
25.9.	Bid opening done at time and place stated in the bid invitations, which is also the same time of the deadline for submitting bids		FDA Concession Committee	Sections 77(1)(h), 110(1), 61(1) of PCC Law		

<b>25.10.</b>	Name of each bidder, amount of each bid, discounts or alternatives offered, presence or absence of bid security and “essential supporting documents” are read out loud and recorded, a copy of which is available to each bidder upon request; no decision on the bid can be made at this time	FDA Concession Committee	Section 61(2)(3) of PCC Law
<b>25.11.</b>	Bidders are barred from making “unsolicited” communications with the FDA or from trying in any way to influence the FDA’s decision	FDA; FDA Concession Committee	Section 61(4) of PCC Law
<b>26.</b> Concession Bid Panel is appointed (National Bureau of Concessions must be represented on each Concession Bid Panel)		Inter-Ministerial Concessions Committee (ad hoc for each concession at issue)	Section 111(1) of PCC Law
<b>27.</b> Bids are evaluated based on criteria set out in bid documents and in accordance with bid evaluation criteria in the PCC Law.		Concession Bid Evaluation Panel (ad hoc for each concession at issue)	Sections 111, 112, 113, 114 of PCC Law
<b>27.1.</b>	Bid evaluation report submitted to Inter-Ministerial Concessions Committee, which must include at a minimum: responsiveness of bids to requirements in bid invitation, results of technical and financial evaluation, ranking of bidders, recommendation that highest ranked bidder be asked to negotiate, summary of results of due diligence with due diligence reports	Concession Bid Evaluation Panel	Section 115 of PCC Law
<b>28.</b> Recommendations solicited from FDA and “other interested ministries and agencies” for organization to conduct due diligence of bidders		Concessions Bid Evaluation Panel	Section 116(3) of PCC Law
<b>29.</b> Due diligence conducted, and begins “as promptly as possible” after bids are opened		Independent organization with “no involvement in preparing any bid relating to the proposed Concession”	Section 116 of PCC Law
<b>29.1.</b>	Minimum requirements of due diligence: authenticity of claimed technical and financial capability, verification that bidder is not disqualified from bidding, verification of legal ability of bidder to carry out bid obligations		Section 116(2) of PCC Law
<b>30.</b> Confirm continuing accuracy of information provided by bidder in accordance with “customary and international practice”		All entities undertaking obligations to the GOL regarding the concession	Section 116(7) of PCC Law
<b>31.</b> Bid Evaluation Report reviewed and one of the following actions taken: (1) approve report, (2) disqualify a bidder, (3) with Cabinet approval, cancel concession bid process (rebidding may be allowed)		Inter-Ministerial Concessions Committee	Section 118 of PCC Law
<b>32.</b> Notify Public Procurement and Concessions Committee and President of Inter-Ministerial Concessions Committee’s actions taken on the Bid Evaluation Report		Inter-Ministerial Concessions Committee	Section 118(4)(c) of PCC Law
<b>33.</b> Bonds returned to the unsuccessful bidders		FDA	Section 43(e) of FDA Regulation 104-07
<b>34.</b> Winning bidder deposits bond amount in cash in the Liberian Central Bank or other officially designated bank and proof of deposit submitted		FDA	Section 43(f) of FDA Regulation 104-07
<b>35.</b> Original bond returned to winning bidder		FDA	Section 43(g) of FDA Regulation

			104-07
<b>36.</b> Concession agreement developed		FDA	Section 117(1) of PCC Law
<b>36.1.</b>	Standard contract for Timber-based Forestry Management Contracts and Timber Sale Contracts developed	FDA in consultation with Ministry of Justice	Section 34 of FDA Regulation 104-07
<b>37.</b> Concession agreement submitted by FDA and approved		Inter-Ministerial Concessions Committee	Section 117(1) of PCC Law; Section 34(c) of FDA Regulation 104-07
<b>38.</b> Concession agreement checked as to “legal form”		Minister of Justice	Section 117(1) of PCC Law
<b>39.</b> Negotiation Team created (must consist of Head of FDA, chairperson of National Investment Commission, Minister of Justice, Minister of Finance, and 3 other persons 2 of which must be Cabinet members)		President (with recommendation from the Inter-Ministerial Concessions Committee)	Section 118(5) of PCC Law
<b>40.</b> Negotiation Technical Team organized		Negotiation Team	Section 118(6) of PCC Law
<b>41.</b> Negotiations with highest ranked bidder in Concession Bid Evaluation Report occur, addressing certain minimum issues required under the PCC Law and National Forestry Reform Law (e.g. concessionaire must post a bond to ensure performance of work)		Negotiation Team	Section 118(7), 119 of PCC Law; Sections 5.1(e), 5.3, 5.4(b) of National Forestry Reform Law
<b>42.</b> Initial performance bond for Forest Management Contracts and Timber Sale Contracts posted		FDA	Section 61(b) of FDA Regulation 104-07
<b>43.</b> If adjustments in bidder’s tax and fiscal obligations are proposed, high and low estimates of the impact on government revenues over 25 years prepared and delivered to the President		Negotiation Team (with assistance from Minister of Finance)	Section 119(3) of PCC Law
<b>44.</b> Environmental impact assessment and social agreement with affected communities executed		Prospective Holder of Forest Management Contract and Timber Sale Contract; FDA	Sections 1(g), 31 of FDA Regulation 105-07; Section 62 of FDA Regulation 104-07
<b>45.</b> Concession agreement executed		Bidder and “Government”	
<b>45.1.</b>	No execution of Forest Management Contract and Timber Sale Contract until all taxes, fees, bonds, and other financial obligations to the Government are met	“Government”	Section 62 of FDA Regulation 104-07
<b>46.</b> Concession agreement checked for compliance with PCC Law and other applicable laws		Minister of Justice	Section 117(2) of PCC Law
<b>47.</b> Concession agreement given final signature by President and ratification by Legislature		President, Cabinet, and Legislature	Section 117(2) of PCC Law; Section 5.3(f) of National Forestry Reform Law
<b>48.</b> One of the following licenses granted to the concessionaire: Major Forest Use Permit (for use of more than US\$10,000 worth of Forest Resources), Timber Sale Contract, Ordinary Forest Management Contract (less than 250,000 hectares), large Forest Management Contracts (250,000 hectares or more), and Large-Scale Commercial Use Contract (as defined in Community Rights Law)		FDA	Sections 5.3(a), 5.4(a), 5.5(d)(i) of National Forestry Reform Law and Sections 1(g) and 2 of FDA Regulation

				No. 103-07; Section 6.3 of Community Rights Law
49. The following documents delivered to the National Bureau of Concessions: description of object of concession, if prequalification of bidders the list of bidders who sought prequalification, list of bidders that submitted bids, electronic copies of the bid submissions, requests for bid clarification and the responses, bid evaluation criteria, summary of evaluation results for prequalification submissions, etc.			FDA Concession Committee, Inter-Ministerial Concessions Committee	Section 92(1) of PCC Law
50. Inter-Ministerial Concessions Committee dissolves				Section 83(4) of PCC Law
51. Performance of concessionaire monitored to ensure use, harvest and transport of forest resources is sustainable, public complaints handled, and periodic reports submitted in accordance with concession agreement; copes of all reports go to National Bureau of Concessions				Section 121 of PCC Law; Section 8.2 of the National Forestry Reform Law
51.1.	For Forest Management Contracts			
	51.1.1.	Annual Operations Plan approved	FDA	Section 5.3(e)(i) of National Forestry Reform Law
	51.1.2.	Forest Management Plan approved	FDA	Section 5.3(e)(ii) of National Forestry Reform Law
	51.1.3.	Previous logging season annual audit requirements met	FDA	Section 5.3(e)(iii) of National Forestry Reform Law
	51.1.4.	Annual Harvesting Certificate issued	FDA	Section 5.3(e) of National Forestry Reform Law
51.2.	For Timber Sale Contracts			
	51.2.1.	Annual Operations Plan approved	FDA	Section 5.4(f) of National Forestry Reform Law
	51.2.2.	Annual Harvesting Certificate issued	FDA	Section 5.4(f) of National Forestry Reform Law
52. Forest Management Contract or Timber Sale Contract holder’s name, description of covered area, payments provided by the holder, and date of each payment published in a newspaper of general circulation			Forest Management Contract or Timber Sale Contract Holder	Section 5.8 of the National Forestry Reform Law
53. Community Assembly organized			Affected Community	Section 6.4(a) of Community Rights Law
54. Executive Committee of Community Assembly organized (consisting of legislative members of county where community is located and four officials elected from community)			Community Assembly	Section 4.1(c) of Community Rights Law
55. Community Forest Management Body appointed			Community Assembly	Section 6.4(b) of Community Rights Law
56. Community Forestry Management Plan developed			Community Forestry Management Body	Section 6.4(c) of Community Rights Law
57. Community Forestry Management Plan approved			Executive Committee of Community	Section 6.4(d) of Community Rights

	Assembly; Community Assembly; FDA	Law
58. Community Forest Management Plan implemented	Community Forest Management Body; FDA	Sections 6.4(e), 4.2(c) and ch. 5 of Community Rights Law

## II. Process for Obtaining a Concession in the Agricultural Sector

Process for Obtaining a Concession in the Agricultural Sector			
Steps in the Process		Responsible Institution	Applicable Law
1. Ministry of Agriculture (MOA) Concession Committee created (can be one Concession Committee for all agricultural concessions or one Concession Committee for each concession)		MOA	Section 77(1), (2) of the Public Procurement and Concessions Law (PPC Law)
1.1.	One of the 3-7 members designated	Minister of Finance	Section 77(3) of the PCC Law
1.2.	Other members designated	MOA	Section 77(3) of the PCC Law
2. Concession Certificate requested from Ministry for Planning and Economic Affairs		MOA Concession Committee	Section 77(1)(a) of PPC Law
3. Concession certificate issued to MOA after consultation with MOA and Heads of other ministries/agencies “most directly affected” by the concession		Ministry for Planning and Economic Affairs	Sections 76(1), 89 of the PPC Law
4. Inter-Ministerial Concessions Committee established by written request to the President, and must consist of the following members: Chairperson of National Investment Commission, Minister of Justice, Minister of Finance, Minister of Labor, Minister of Planning and Economic Affairs, Minister of Internal Affairs, 2 other Ministers appointed by the President, Head of MOA		Head of MOA	Section 80 of the PCC Law
5. Preliminary determination of concession “feasibility” may be made if required by Inter-Ministerial Concessions Committee		MOA Concession Committee	Sections 77(1)(b) and 103 of PCC Law
6. Concession Procurement Plan prepared		MOA Concession Committee	Sections 77(1)(c) and 79 of PCC Law
7. Concession Procurement Plan submitted to the Public Procurement and Concessions Commission and Inter-Ministerial Concessions Committee		MOA Concession Committee	Section 79(2) of PCC Law
8. Concession Procurement Plan reviewed for compliance with law and consistency with annual concessions plan prepared by the Ministry of Planning and Economic Affairs, and approved		Inter-Ministerial Concessions Committee	Section 82(1)(a) of PCC Law
9. Public stakeholder consultations undertaken in the form of a concession stakeholder forum		MOA	Section 90 of PCC Law
10. Prequalification instructions for bidders prepared (unless Inter-Ministerial Concessions Committee decides that it is “highly likely” that only a small number of bidders will be		MOA Concession Committee	Section 77(1)(d) of PCC Law

interested)			
<b>11.</b> Documents for bid invitations prepared		MOA Concession Committee	Section 77(1)(e) of PCC Law
<b>12.</b> Prequalification instructions for bidders and documents for bid invitations submitted to Inter-Ministerial Concessions Committee and approved		Inter-Ministerial Concessions Committee	Section 82(1)(d) of PCC Law
<b>13.</b> Prequalification invitations sent to bidders, if applicable		MOA Concession Committee	Section 77(1)(f) of PCC Law
<b>14.</b> Prequalification of bidders occurs, if applicable			Section 102 and 32(4), (5) of PCC Law
<b>14.1.</b>	Prequalification instructions provided to bidders that responded to the prequalification invitation	MOA Concession Committee	Section 32(5)(a) of PCC Law
<b>14.2.</b>	Prequalification submissions received, including business plan demonstrating technical and financial capacity to hold a concession	MOA Concession Committee	Section 102(3) of PCC Law
<b>14.3.</b>	Prequalification submissions evaluated	Concession Bid Evaluation Panel	Section 102(9) of PCC Law
<b>14.4.</b>	Concession Bid Evaluation Panel evaluation results submitted to Inter-Ministerial Concessions Committee and approved	Inter-Ministerial Concessions Committee	Section 102(9) of PCC Law
<b>15.</b> Concession bid invitation and other concession bid documents reviewed “as to legal matters” and approved		Ministry of Justice	Section 104(3) of PCC Law
<b>16.</b> General notice of investment opportunity is published and provided to certain forest management stakeholders		MOA	Section 106 of PCC Law
<b>17.</b> Request for expressions of interest delivered to potential bidders and published, as well as provided to certain forest management stakeholders		MOA Concession Committee; MOA	Sections 104(2) and 106 of PCC Law
<b>18.</b> Bid invitation documents delivered to bidders and bid invitation is published, as well as provided to certain forest management stakeholders		MOA Concession Committee; MOA	Sections 77(1)(f) and 106 of PCC Law
<b>19.</b> Bidding occurs		MOA Concession Committee	Sections, 77, 110, 59, 61, 62, and 63 of PCC Law
<b>19.1.</b>	Determination made as to whether open competitive bidding will not be required	Public Procurement and Concessions Commission	Section 95(2) of PCC Law
<b>19.2.</b>	Determination made as to whether national or international competitive bidding will be used	Inter-Ministerial Concessions Committee	Section 96(1) of PCC Law
<b>19.3.</b>	Determination made as to whether restricted competitive bidding will be used	Public Procurement and Concessions Commission	Section 100 of PCC Law
<b>19.4.</b>	Determination made whether concession is to be granted on a sole source basis	Cabinet in consultation with the Public Procurement and Concessions Commission	Section 101(1) of PCC Law
	<b>19.4.1.</b> If sole source is followed then copy of the determination must be published on the Public Procurement and Concessions Commission website at least 2 weeks before any negotiations occur	Public Procurement and Concessions Commission	Section 101(2) of PCC Law
<b>19.5.</b>	Determination made as to whether an unsolicited bid will be considered	MOA Concession Committee	Section 101(3) of PCC Law
	<b>19.5.1.</b> If MOA decides to consider an unsolicited bid, then request formation of an Inter-Ministerial Concessions Committee	MOA Concession Committee	Section 101(3)(c) of PCC Law

	<b>19.5.2.</b>	Concession Bid Evaluation Panel formed	Inter-Ministerial Concessions Committee	Section 101(3)(c) of PCC Law
	<b>19.5.3.</b>	Independent assessment of unsolicited bid and “the qualifications and reputation of the bidder” conducted and approval granted	Concession Bid Evaluation Panel	Section 101(3)(c)(d) of PCC Law
<b>19.6.</b>	Pre-bid conference held for bidders to seek clarification if either MOA Concession Committee or Inter-Ministerial Concessions Committee chose		MOA Concession Committee; Inter-Ministerial Concessions Committee	Section 108 of PCC Law
<b>19.7.</b>	Bids received in writing, signed, and sealed envelope by hand, mail, courier, or if MOA approves, electronic mail; documents with details of financial offers must be signed by each member of the bidding team		MOA Concession Committee	Sections 77(1)(g), 59(1)(2)(3), 61(2) of PCC Law
<b>19.8.</b>	Bid opening done at time and place stated in the bid invitations, which is also the same time of the deadline for submitting bids		MOA Concession Committee	Sections 77(1)(h), 110(1), 61(1) of PCC Law
<b>19.9.</b>	Name of each bidder, amount of each bid, discounts or alternatives offered, presence or absence of bid security and “essential supporting documents” are read out loud and recorded, a copy of which is available to each bidder upon request; no decision on the bid can be made at this time		MOA Concession Committee	Section 61(2)(3) of PCC Law
<b>19.10.</b>	Bidders are barred from making “unsolicited” communications with the MOA or from trying in any way to influence the MOA’s decision		MOA; MOA Concession Committee	Section 61(4) of PCC Law
<b>20.</b> Concession Bid Panel is appointed (National Bureau of Concessions must be represented on each Concession Bid Panel)			Inter-Ministerial Concessions Committee (ad hoc for each concession at issue)	Section 111(1) of PCC Law
<b>21.</b> Bids are evaluated based on criteria set out in bid documents and in accordance with bid evaluation criteria in the PCC Law.			Concession Bid Evaluation Panel (ad hoc for each concession at issue)	Sections 111, 112, 113, 114 of PCC Law
<b>21.1.</b>	Bid evaluation report submitted to Inter-Ministerial Concessions Committee, which must include at a minimum: responsiveness of bids to requirements in bid invitation, results of technical and financial evaluation, ranking of bidders, recommendation that highest ranked bidder be asked to negotiate, summary of results of due diligence with due diligence reports		Concession Bid Evaluation Panel	Section 115 of PCC Law
<b>22.</b> Recommendations solicited from MOA and “other interested ministries and agencies” for organization to conduct due diligence of bidders			Concessions Bid Evaluation Panel	Section 116(3) of PCC Law
<b>23.</b> Due diligence conducted, and begins “as promptly as possible” after bids are opened			Independent organization with “no involvement in preparing any bid relating to the proposed Concession”	Section 116 of PCC Law
<b>23.1.</b>	Minimum requirements of due diligence: authenticity of claimed technical and financial capability, verification that bidder is not disqualified from bidding, verification of legal ability of bidder to carry out bid obligations			Section 116(2) of PCC Law
<b>24.</b> Confirm continuing accuracy of information provided by bidder in accordance with “customary and international practice”			All entities undertaking obligations to the GOL regarding the concession	Section 116(7) of PCC Law
<b>25.</b> Bid Evaluation Report reviewed and one of the following			Inter-Ministerial	Section 118 of PCC

actions taken: (1) approve report, (2) disqualify a bidder, (3) with Cabinet approval, cancel concession bid process (rebidding may be allowed)	Concessions Committee	Law
26. Notify Public Procurement and Concessions Committee and President of Inter-Ministerial Concessions Committee's actions taken on the Bid Evaluation Report	Inter-Ministerial Concessions Committee	Section 118(4)(c) of PCC Law
27. Concession agreement developed	MOA	Section 117(1) of PCC Law
28. Concession agreement submitted by MOA and approved	Inter-Ministerial Concessions Committee	Section 117(1) of PCC Law
29. Concession agreement checked as to "legal form"	Minister of Justice	Section 117(1) of PCC Law
30. Negotiation Team created (must consist of Head of MOA, chairperson of National Investment Commission, Minister of Justice, Minister of Finance, and 3 other persons 2 of which must be Cabinet members)	President (with recommendation from the Inter-Ministerial Concessions Committee)	Section 118(5) of PCC Law
31. Negotiation Technical Team organized	Negotiation Team	Section 118(6) of PCC Law
32. Negotiations with highest ranked bidder in Concession Bid Evaluation Report occur, addressing certain minimum issues required under the PCC Law	Negotiation Team	Section 118(7), 119 of PCC Law
33. If adjustments in bidder's tax and fiscal obligations are proposed, high and low estimates of the impact on government revenues over 25 years prepared and delivered to the President	Negotiation Team (with assistance from Minister of Finance)	Section 119(3) of PCC Law
34. Concession agreement executed	Bidder and "Government"	
35. Concession agreement checked for compliance with PCC Law and other applicable laws	Minister of Justice	Section 117(2) of PCC Law
36. Concession agreement given final signature by President and ratification by Legislature	President; Cabinet; and Legislature	Section 117(2) of PCC Law
37. The following documents delivered to the National Bureau of Concessions: description of object of concession, if prequalification of bidders the list of bidders who sought prequalification, list of bidders that submitted bids, electronic copies of the bid submissions, requests for bid clarification and the responses, bid evaluation criteria, summary of evaluation results for prequalification submissions, etc.	MOA Concession Committee; Inter-Ministerial Concessions Committee	Section 92(1) of PCC Law
38. Inter-Ministerial Concessions Committee dissolves		Section 83(4) of PCC Law
39. Performance of concessionaire monitored to ensure use, harvest and transport of forest resources is sustainable, public complaints handled, and periodic reports submitted in accordance with concession agreement; copies of all reports go to National Bureau of Concessions		Section 121 of PCC Law

### III. Process for Obtaining a Concession in the Mining Sector

Process for Obtaining a Concession in the Mining Sector		
Steps in the Process	Responsible Institution	Applicable Law
1. For Reconnaissance Licenses, confirm that potential concession area is not already subject to a valid mineral right,	MLME	Section 5.1(a) of Minerals and Mining Law

other than a quarry license			
1.1.	For Prospecting, Exploration, Class B, Class C, and Quarry Licenses confirm that potential concession area is not already subject to a mineral right	MLME	Sections 5.2(a), 5.3(a), 6.3, 6.4, 7.3 of Minerals and Mining Law
2. Ministry of Lands, Mines, and Energy Concession Committee created (can be one Concession Committee for all mining concessions or one Concession Committee for each concession)		MLME	Section 77(1), (2) of the Public Procurement and Concessions Law (PPC Law)
2.1.	One of the 3-7 members designated	Minister of Finance	Section 77(3) of the PCC Law
2.2.	Other members designated	MLME	Section 77(3) of the PCC Law
3. Concession Certificate requested from Ministry for Planning and Economic Affairs		MLME Concession Committee	Section 77(1)(a) of PPC Law
4. Concession certificate issued to MLME after consultation with MLME and Heads of other ministries/agencies “most directly affected” by the concession		Ministry for Planning and Economic Affairs	Sections 76(1), 89 of the PPC Law
5. Inter-Ministerial Concessions Committee established by written request to the President, and must consist of the following members: Chairperson of National Investment Commission, Minister of Justice, Minister of Finance, Minister of Labor, Minister of Planning and Economic Affairs, Minister of Internal Affairs, 2 other Ministers appointed by the President, Head of MLME		Head of MLME	Section 80 of the PCC Law
6. Preliminary determination of concession “feasibility” may be made if required by Inter-Ministerial Concessions Committee		MLME Concession Committee	Sections 77(1)(b) and 103 of PCC Law
7. Concession Procurement Plan prepared		MLME Concession Committee	Sections 77(1)(c) and 79 of PCC Law
8. Concession Procurement Plan submitted to the Public Procurement and Concessions Commission and Inter-Ministerial Concessions Committee		MLME Concession Committee	Section 79(2) of PCC Law
9. Concession Procurement Plan reviewed for compliance with law and consistency with annual concessions plan prepared by the Ministry of Planning and Economic Affairs, and approved		Inter-Ministerial Concessions Committee	Section 82(1)(a) of PCC Law
10. Public stakeholder consultations undertaken in the form of a concession stakeholder forum		MLME	Section 90 of PCC Law
11. Prequalification instructions for bidders prepared (unless Inter-Ministerial Concessions Committee decides that it is “highly likely” that only a small number of bidders will be interested)		MLME Concession Committee	Section 77(1)(d) of PCC Law
12. Documents for bid invitations prepared		MLME Concession Committee	Section 77(1)(e) of PCC Law
13. Prequalification instructions for bidders and documents for bid invitations submitted to Inter-Ministerial Concessions Committee and approved		Inter-Ministerial Concessions Committee	Section 82(1)(d) of PCC Law
14. Prequalification invitations sent to bidders, if applicable		MLME Concession Committee	Section 77(1)(f) of PCC Law
15. Prequalification of bidders occurs, if applicable			Section 102 and 32(4), (5) of PCC Law
15.1.	Prequalification instructions provided to bidders that	MLME Concession	Section 32(5)(a) of PCC

	responded to the prequalification invitation	Committee	Law
<b>15.2.</b>	Prequalification submissions received, including business plan demonstrating technical and financial capacity to hold a concession	MLME Concession Committee	Section 102(3) of PCC Law
<b>15.3.</b>	Prequalification submissions evaluated	Concession Bid Evaluation Panel	Section 102(9) of PCC Law
<b>15.4.</b>	Concession Bid Evaluation Panel evaluation results submitted to Inter-Ministerial Concessions Committee and approved	Inter-Ministerial Concessions Committee	Section 102(9) of PCC Law
<b>16.</b> Concession bid invitation and other concession bid documents reviewed “as to legal matters” and approved		Ministry of Justice	Section 104(3) of PCC Law
<b>17.</b> General notice of investment opportunity is published and provided to certain forest management stakeholders		MLME	Section 106 of PCC Law
<b>18.</b> Request for expressions of interest delivered to potential bidders and published, as well as provided to certain forest management stakeholders		MLME Concession Committee; MLME	Sections 104(2) and 106 of PCC Law
<b>19.</b> Bid invitation documents delivered to bidders and bid invitation is published, as well as provided to certain forest management stakeholders		MLME Concession Committee; MLME	Sections 77(1)(f) and 106 of PCC Law
<b>20.</b> Bidding occurs		MLME Concession Committee	Sections 77, 110, 59, 61, 62, 63 of PCC Law
<b>20.1.</b>	For Class A and B Mining Licenses, owner or “lawful occupant” of land where minerals are found has a right of first refusal	MLME	Section 11.4 of Minerals and Mining Law
<b>20.2.</b>	Determination made as to whether open competitive bidding will not be required	Public Procurement and Concessions Commission	Section 95(2) of PCC Law
<b>20.3.</b>	Determination made as to whether national or international competitive bidding will be used	Inter-Ministerial Concessions Committee	Section 96(1) of PCC Law
<b>20.4.</b>	Determination made as to whether restricted competitive bidding will be used	Public Procurement and Concessions Commission	Section 100 of PCC Law
<b>20.5.</b>	Determination made whether concession is to be granted on a sole source basis	Cabinet in consultation with the Public Procurement and Concessions Commission	Section 101(1) of PCC Law
	<b>20.5.1.</b> If sole source is followed then copy of the determination must be published on the Public Procurement and Concessions Commission website at least 2 weeks before any negotiations occur	Public Procurement and Concessions Commission	Section 101(2) of PCC Law
<b>20.6.</b>	Determination made as to whether an unsolicited bid will be considered	MLME Concession Committee	Section 101(3) of PCC Law
	<b>20.6.1.</b> If MLME decides to consider an unsolicited bid, then request formation of an Inter-Ministerial Concessions Committee	MLME Concession Committee	Section 101(3)(c) of PCC Law
	<b>20.6.2.</b> Concession Bid Evaluation Panel formed	Inter-Ministerial Concessions Committee	Section 101(3)(c) of PCC Law
	<b>20.6.3.</b> Independent assessment of unsolicited bid and “the qualifications and reputation of the bidder” conducted and approval granted	Concession Bid Evaluation Panel	Sections 101(3)(c), (d) of PCC Law
<b>20.7.</b>	Pre-bid conference held for bidders to seek clarification if either MLME Concession	MLME Concession Committee; Inter-	Section 108 of PCC Law

	Committee or Inter-Ministerial Concessions Committee chose	Ministerial Concessions Committee	
<b>20.8.</b>	Bids received in writing, signed, and sealed envelope by hand, mail, courier, or if MLME approves, electronic mail; documents with details of financial offers must be signed by each member of the bidding team	MLME Concession Committee	Sections 77(1)(g), 59(1)(2)(3), 61(2) of PCC Law; Section 6.7(b) of Minerals and Mining Law
	<b>20.8.1.</b> For Prospecting License, a proposed work plan must be submitted  NB: Not clear from Minerals & Mining Law when this work plan needs to be submitted, just that it must be done before the Prospecting License is issued	MLME	Section 5.2(d) of Minerals and Mining Law
	<b>20.8.2.</b> For Class A Mining License, holder of a mineral right completes survey and description of proposed concession area, and “feasibility report” of proposed mining submitted and approved  NB: Not clear when this should be done (e.g. prequalification process?)	MLME	Sections 6.5(b), (c), (d) of Minerals and Mining Law
	<b>20.8.3.</b> For Class A and B Mining Licenses, Environmental Impact Assessment Study submitted	MLME	Section 8.4 of Minerals and Mining Law
<b>20.9.</b>	Bid opening done at time and place stated in the bid invitations, which is also the same time of the deadline for submitting bids	MLME Concession Committee	Sections 77(1)(h), 110(1), 61(1) of PCC Law
<b>20.10.</b>	Name of each bidder, amount of each bid, discounts or alternatives offered, presence or absence of bid security and “essential supporting documents” are read out loud and recorded, a copy of which is available to each bidder upon request; no decision on the bid can be made at this time	MLME Concession Committee	Sections 61(2), (3) of PCC Law
<b>20.11.</b>	Bidders are barred from making “unsolicited” communications with the MLME or from trying in any way to influence the MLME’s decision	MLME; MLME Concession Committee	Section 61(4) of PCC Law
<b>21.</b> Concession Bid Panel is appointed (National Bureau of Concessions must be represented on each Concession Bid Panel)		Inter-Ministerial Concessions Committee (ad hoc for each concession at issue)	Section 111(1) of PCC Law
<b>22.</b> Bids are evaluated based on criteria set out in bid documents and in accordance with bid evaluation criteria in the PCC Law.		Concession Bid Evaluation Panel (ad hoc for each concession at issue)	Sections 111, 112, 113, 114 of PCC Law
<b>22.1.</b>	Bid evaluation report submitted to Inter-Ministerial Concessions Committee, which must include at a minimum: responsiveness of bids to requirements in bid invitation, results of technical and financial evaluation, ranking of bidders, recommendation that highest ranked bidder be asked to negotiate, summary of results of due diligence with due diligence reports	Concession Bid Evaluation Panel	Section 115 of PCC Law
<b>23.</b> Recommendations solicited from MLME and “other interested ministries and agencies” for organization to conduct due diligence of bidders		Concessions Bid Evaluation Panel	Section 116(3) of PCC Law

<b>24.</b> Due diligence conducted, and begins “as promptly as possible” after bids are opened		Independent organization with “no involvement in preparing any bid relating to the proposed Concession”	Section 116 of PCC Law
<b>24.1.</b>	Minimum requirements of due diligence: authenticity of claimed technical and financial capability, verification that bidder is not disqualified from bidding, verification of legal ability of bidder to carry out bid obligations		Section 116(2) of PCC Law
<b>25.</b> Confirm continuing accuracy of information provided by bidder in accordance with “customary and international practice”		All entities undertaking obligations to the GOL regarding the concession	Section 116(7) of PCC Law
<b>26.</b> Bid Evaluation Report reviewed and one of the following actions taken: (1) approve report, (2) disqualify a bidder, (3) with Cabinet approval, cancel concession bid process (re-bidding may be allowed)		Inter-Ministerial Concessions Committee	Section 118 of PCC Law
<b>27.</b> Notify Public Procurement and Concessions Committee and President of Inter-Ministerial Concessions Committee’s actions taken on the Bid Evaluation Report		Inter-Ministerial Concessions Committee	Section 118(4)(c) of PCC Law
<b>28.</b> Concession agreement developed		MLME	Section 117(1) of PCC Law
<b>29.</b> Concession agreement submitted by MLME and approved		Inter-Ministerial Concessions Committee	Section 117(1) of PCC Law
<b>30.</b> Concession agreement checked as to “legal form”		Minister of Justice	Section 117(1) of PCC Law
<b>31.</b> Negotiation Team created (must consist of Head of MLME, chairperson of National Investment Commission, Minister of Justice, Minister of Finance, and 3 other persons 2 of which must be Cabinet members)		President (with recommendation from the Inter-Ministerial Concessions Committee)	Section 118(5) of PCC Law
<b>32.</b> Negotiation Technical Team organized		Negotiation Team	Section 118(6) of PCC Law
<b>33.</b> Negotiations with highest ranked bidder in Concession Bid Evaluation Report occur, addressing certain minimum issues required under the PCC Law		Negotiation Team	Sections 118(7), 119 of PCC Law
<b>34.</b> If adjustments in bidder’s tax and fiscal obligations are proposed, high and low estimates of the impact on government revenues over 25 years prepared and delivered to the President		Negotiation Team (with assistance from Minister of Finance)	Section 119(3) of PCC Law
<b>35.</b> Concession agreement executed		Bidder and “Government”	
<b>36.</b> Concession agreement checked for compliance with PCC Law and other applicable laws		Minister of Justice	Section 117(2) of PCC Law
<b>37.</b> Concession agreement given final signature by President and ratification by Legislature		President, Cabinet, and Legislature	Section 117(2) of PCC Law
<b>37.1.</b>	For Class A Mining Licenses and Exploration Licenses, the “Government” and holder of a mineral right concludes with relevant government agencies a Mineral Development Agreement permitting mining in the proposed concession area, and applicant must be in compliance	MLME; Ministry of Finance; National Investment Commission; Ministry of Justice; President	Sections 5.3, 6.5(a), 6.6(a) of Minerals and Mining Law
<b>38.</b> Mining License granted to concessionaire except the following (which are not covered by the PCC Law):			
<b>38.1.</b>	Class A Mining License if issued before PCC Law went into effect, if issued to a holder of a Exploration License granted prior to effective date of Interim		Sections 75(2)(a), (c), (i) of PCC Law

	Procedures for Issuing Exploration Licenses of the Commission or prior to PCC Law first being submitted to Legislature, or if issued to an Exploration License holder for land in a Non-Bidding Area and the Exploration License was issued on a first-to-file basis		
<b>38.2.</b>	Class B Mining License if issued before PCC Law went into effect, if issued to holder of Prospecting or Exploration License, which itself was issued before PCC Law went into effect, if issued to holder of Prospecting, Exploration, or Class C License which covers a Non-Bidding Area and such license was granted on a first-to-file basis, or if issued to a holder of a Exploration License granted prior to effective date of Interim Procedures for Issuing Exploration Licenses of the Commission or prior to PCC Law first being submitted to Legislature		Sections 75(2)(a), (c), (g) of PCC Law
<b>38.3.</b>	Class B Mining License if issued before PCC Law went into effect, if issued to holder of Prospecting or Exploration License, which itself was issued before PCC Law went into effect, if issued to holder of Prospecting, Exploration, or Class C License which covers a Non-Bidding Area and such license was granted on a first-to-file basis, or if issued to a holder of a Exploration License granted prior to effective date of Interim Procedures for Issuing Exploration Licenses of the Commission or prior to PCC Law first being submitted to Legislature		Sections 75(2)(a), (c), (g) of PCC Law
<b>38.4.</b>	Class C Mining License if issued before PCC Law went into effect or if issued to holder of Prospecting or Exploration License, which itself was issued before PCC Law went into effect, if Class C Mining License is issued to holder of a Prospecting or Exploration License covering a Non-Bidding Area, or if issued to holder of a Class B license which was granted on a first-to-file basis for land covered by a Non-Bidding Area and the rights under the Class B license terminate concurrently with the Class C License		Sections 75(2)(a), (c), (f), (h) of PCC Law
<b>38.5.</b>	Quarry License if issued before PCC Law went into effect or if issued to holder of a Prospecting or Exploration License covering a Non-Bidding Area		Sections 75(2)(a), (c), (f) of PCC Law
<b>38.6.</b>	Prospecting License if issued before PCC Law went into effect or if for a Non-Bidding Area and granted on a first-to-file basis		Section 75(2)(a)(e) of PCC Law
<b>38.7.</b>	Exploration License granted under interim regulation or before PCC Law went into effect, or if for a Non-Bidding Area and granted on a first-to-file basis		Section 75(2)(b)(e) of PCC Law
<b>38.8.</b>	Mineral Development Agreement entered into before the PCC went into effect with a holder of a Exploration License, which itself was issued before the PCC Law went into effect (if entered into after PCC Law enters into effect then must comply with Negotiation requirements in Part VI of PCC Law and entered into by entity that has necessary technical and financial capacity, or issued to Exploration License		Section 75(2)(d) of PCC Law

	holder for non-Bidding Area and the Exploration License was granted on a first-to-file basis (but the Mineral Development Agreement must be negotiated in accordance with Part VI of the PCC Law)		
<b>39.</b>	Within 90 days of being issued an Exploration License, concessionaire submits a proposed exploration program to the MLME	MLME	Section 5.3(d) of Minerals and Mining Law
<b>40.</b>	The following documents delivered to the National Bureau of Concessions: description of object of concession, if prequalification of bidders the list of bidders who sought prequalification, list of bidders that submitted bids, electronic copies of the bid submissions, requests for bid clarification and the responses, bid evaluation criteria, summary of evaluation results for prequalification submissions, etc.	MLME Concession Committee; Inter-Ministerial Concessions Committee	Section 92(1) of PCC Law
<b>41.</b>	Inter-Ministerial Concessions Committee dissolves		Section 83(4) of PCC Law
<b>42.</b>	Performance of concessionaire monitored to ensure use, harvest and transport of forest resources is sustainable, public complaints handled, and periodic reports submitted in accordance with concession agreement; copies of all reports go to National Bureau of Concessions		Section 121 of PCC Law

#### IV. Process for Obtaining a Concession in the Petroleum Sector

Process for Obtaining a Concession in the Petroleum Sector			
Steps in the Process		Responsible Institution	Applicable Law
<b>1.</b> National Oil Company of Liberia (NOCAL) Concession Committee created (can be one Concession Committee for all petroleum concessions or one Concession Committee for each concession)		NOCAL	Section 77(1), (2) of the Public Procurement and Concessions Law (PPC Law)
<b>1.1.</b>	One of the 3-7 members designated	Minister of Finance	Section 77(3) of the PCC Law
<b>1.2.</b>	Other members designated	NOCAL	Section 77(3) of the PCC Law
<b>2.</b> Concession Certificate requested from Ministry for Planning and Economic Affairs		NOCAL Concession Committee	Section 77(1)(a) of PPC Law
<b>3.</b> Concession certificate issued to NOCAL after consultation with NOCAL and Heads of other ministries/agencies “most directly affected” by the concession		Ministry for Planning and Economic Affairs	Sections 76(1), 89 of the PPC Law
<b>4.</b> Inter-Ministerial Concessions Committee established by written request to the President, and must consist of the following members: Chairperson of National Investment Commission, Minister of Justice, Minister of Finance, Minister of Labor, Minister of Planning and Economic Affairs, Minister of Internal Affairs, 2 other Ministers appointed by the President, Head of NOCAL		Head of NOCAL	Section 80 of the PCC Law
<b>5.</b> Preliminary determination of concession “feasibility” may be made if required by Inter-Ministerial Concessions Committee		NOCAL Concession Committee	Sections 77(1)(b) and 103 of PCC Law

<b>6. Concession Procurement Plan prepared</b>		NOCAL Concession Committee	Sections 77(1)(c) and 79 of PCC Law
<b>7. Concession Procurement Plan submitted to the Public Procurement and Concessions Commission and Inter-Ministerial Concessions Committee</b>		NOCAL Concession Committee	Section 79(2) of PCC Law
<b>8. Concession Procurement Plan reviewed for compliance with law and consistency with annual concessions plan prepared by the Ministry of Planning and Economic Affairs, and approved</b>		Inter-Ministerial Concessions Committee	Section 82(1)(a) of PCC Law
<b>9. Public stakeholder consultations undertaken in the form of a concession stakeholder forum</b>		NOCAL	Section 90 of PCC Law
<b>10. Prequalification instructions for bidders prepared (unless Inter-Ministerial Concessions Committee decides that it is “highly likely” that only a small number of bidders will be interested)</b>		NOCAL Concession Committee	Section 77(1)(d) of PCC Law
<b>11. Documents for bid invitations prepared</b>		NOCAL Concession Committee	Section 77(1)(e) of PCC Law
<b>12. Prequalification instructions for bidders and documents for bid invitations submitted to Inter-Ministerial Concessions Committee and approved</b>		Inter-Ministerial Concessions Committee	Section 82(1)(d) of PCC Law
<b>13. Prequalification invitations sent to bidders, if applicable</b>		NOCAL Concession Committee	Section 77(1)(f) of PCC Law
<b>14. Prequalification of bidders occurs, if applicable</b>			Section 102 and 32(4), (5) of PCC Law
<b>14.1.</b>	Prequalification instructions provided to bidders that responded to the prequalification invitation	NOCAL Concession Committee	Section 32(5)(a) of PCC Law
<b>14.2.</b>	Prequalification submissions received, including business plan demonstrating technical and financial capacity to hold a concession	NOCAL Concession Committee	Section 102(3) of PCC Law; Sections 2.4.7(ii), (iii), 6.12.4 of New Petroleum Law
<b>14.3.</b>	Prequalification submissions evaluated	Concession Bid Evaluation Panel	Section 102(9) of PCC Law
<b>14.4.</b>	Concession Bid Evaluation Panel evaluation results submitted to Inter-Ministerial Concessions Committee and approved	Inter-Ministerial Concessions Committee	Section 102(9) of PCC Law
<b>15. Concession bid invitation and other concession bid documents reviewed “as to legal matters” and approved</b>		Ministry of Justice	Section 104(3) of PCC Law
<b>16. General notice of investment opportunity is published and provided to certain forest management stakeholders</b>		NOCAL	Section 106 of PCC Law
<b>17. Request for expressions of interest delivered to potential bidders and published, as well as provided to certain forest management stakeholders</b>		NOCAL Concession Committee; NOCAL	Sections 104(2) and 106 of PCC Law
<b>18. Bid invitation documents delivered to bidders and bid invitation is published, as well as provided to certain forest management stakeholders</b>		NOCAL Concession Committee; NOCAL	Sections 77(1)(f) and 106 of PCC Law;
<b>19. Bidding occurs</b>		NOCAL Concession Committee	Sections, 77, 110, 59, 61, 62, and 63 of PCC Law
<b>19.1.</b>	Determination made as to whether open competitive bidding will not be required	Public Procurement and Concession Commission	Section 95(2) of PCC Law
<b>19.2.</b>	Determination made as to whether national or international competitive bidding will be used	Inter-Ministerial Concessions Committee	Section 96(1) of PCC Law
<b>19.3.</b>	Determination made as to whether restricted competitive bidding will be used	Public Procurement and Concessions Commission	Section 100 of PCC Law

19.4	Determination made whether concession is to be granted on a sole source basis		Cabinet in consultation with the Public Procurement and Concessions Commission	Section 101(1) of PCC Law
	19.4.1.	If sole source is followed then copy of the determination must be published on the Public Procurement and Concessions Commission website at least 2 weeks before any negotiations occur	Public Procurement and Concessions Commission	Section 101(2) of PCC Law
	19.4.2.	Other procedures (evaluation of bid, due diligence, negotiations, etc.) are the same		
19.5.	Determination made as to whether an unsolicited bid will be considered		NOCAL Concession Committee	Section 101(3) of PCC Law
	19.5.1.	If NOCAL decides to consider an unsolicited bid, then request formation of an Inter-Ministerial Concessions Committee	NOCAL Concession Committee	Section 101(3)(c) of PCC Law
	19.5.2.	Concession Bid Evaluation Panel formed	Inter-Ministerial Concessions Committee	Section 101(3)(c) of PCC Law
	19.5.3.	Independent assessment of unsolicited bid and “the qualifications and reputation of the bidder” conducted and approval granted	Concession Bid Evaluation Panel	Section 101(3)(c)(d) of PCC Law
	19.5.4.	Procedures for negotiating the concession agreement are the same		
19.6.	Pre-bid conference held for bidders to seek clarification if either NOCAL Concession Committee or Inter-Ministerial Concessions Committee chose		NOCAL Concession Committee; Inter-Ministerial Concessions Committee	Section 108 of PCC Law
19.7.	Bids received in writing, signed, and sealed envelope by hand, mail, courier, or if NOCAL approves, electronic mail; documents with details of financial offers must be signed by each member of the bidding team		NOCAL Concession Committee	Sections 77(1)(g), 59(1)(2)(3), 61(2) of PCC Law
	19.7.1.	For Development Licenses, a projected development and production plan, Environmental Impact Study, and commercial feasibility study must be submitted	NOCAL	Sections 6.12.1, 6.12.3 of New Petroleum Law
19.8.	Bid opening done at time and place stated in the bid invitations, which is also the same time of the deadline for submitting bids		NOCAL Concession Committee	Sections 77(1)(h), 110(1), 61(1) of PCC Law
19.9.	Name of each bidder, amount of each bid, discounts or alternatives offered, presence or absence of bid security and “essential supporting documents” are read out loud and recorded, a copy of which is available to each bidder upon request; no decision on the bid can be made at this time		NOCAL Concession Committee	Section 61(2)(3) of PCC Law
19.10.	Bidders are barred from making “unsolicited” communications with the NOCAL or from trying in any way to influence the NOCAL’s decision		NOCAL; NOCAL Concession Committee	Section 61(4) of PCC Law
20. Concession Bid Panel is appointed (National Bureau of Concessions must be represented on each Concession Bid Panel)			Inter-Ministerial Concessions Committee	Section 111(1) of PCC Law

		(ad hoc for each concession at issue)	
<b>21.</b> Bids are evaluated based on criteria set out in bid documents and in accordance with bid evaluation criteria in the PCC Law.		Concession Bid Evaluation Panel (ad hoc for each concession at issue)	Sections 111, 112, 113, 114 of PCC Law
<b>21.1.</b>	Bid evaluation report submitted to Inter-Ministerial Concessions Committee, which must include at a minimum: responsiveness of bids to requirements in bid invitation, results of technical and financial evaluation, ranking of bidders, recommendation that highest ranked bidder be asked to negotiate, summary of results of due diligence with due diligence reports	Concession Bid Evaluation Panel	Section 115 of PCC Law
<b>22.</b> Recommendations solicited from NOCAL and “other interested ministries and agencies” for organization to conduct due diligence of bidders		Concessions Bid Evaluation Panel	Section 116(3) of PCC Law
<b>23.</b> Due diligence conducted, and begins “as promptly as possible” after bids are opened		Independent organization with “no involvement in preparing any bid relating to the proposed Concession”	Section 116 of PCC Law
<b>23.1.</b>	Minimum requirements of due diligence: authenticity of claimed technical and financial capability, verification that bidder is not disqualified from bidding, verification of legal ability of bidder to carry out bid obligations		Section 116(2) of PCC Law
<b>24.</b> Confirm continuing accuracy of information provided by bidder in accordance with “customary and international practice”		All entities undertaking obligations to the GOL regarding the concession	Section 116(7) of PCC Law
<b>25.</b> Bid Evaluation Report reviewed and one of the following actions taken: (1) approve report, (2) disqualify a bidder, (3) with Cabinet approval, cancel concession bid process (rebidding may be allowed)		Inter-Ministerial Concessions Committee	Section 118 of PCC Law
<b>26.</b> Notify Public Procurement and Concessions Committee and President of Inter-Ministerial Concessions Committee’s actions taken on the Bid Evaluation Report		Inter-Ministerial Concessions Committee	Section 118(4)(c) of PCC Law
<b>27.</b> Concession agreement developed		NOCAL	Section 117(1) of PCC Law
<b>28.</b> Concession agreement submitted by NOCAL and approved		Inter-Ministerial Concessions Committee	Section 117(1) of PCC Law
<b>29.</b> Concession agreement checked as to “legal form”		Minister of Justice	Section 117(1) of PCC Law
<b>30.</b> Negotiation Team created (must consist of Head of NOCAL, chairperson of National Investment Commission, Minister of Justice, Minister of Finance, and 3 other persons 2 of which must be Cabinet members)		President (with recommendation from the Inter-Ministerial Concessions Committee)	Section 118(5) of PCC Law
<b>31.</b> Negotiation Technical Team organized		Negotiation Team	Section 118(6) of PCC Law
<b>32.</b> Negotiations with highest ranked bidder in Concession Bid Evaluation Report occur, addressing certain minimum issues required under the PCC Law in collaboration with Hydrocarbon Technical Committee		Negotiation Team; Hydrocarbon Technical Committee	Section 118(7), 119 of PCC Law; Section 2.1 of New Petroleum Law
<b>33.</b> If adjustments in bidder’s tax and fiscal obligations are proposed, high and low estimates of the impact on government revenues over 25 years prepared and delivered to the President		Negotiation Team (with assistance from Minister of Finance)	Section 119(3) of PCC Law

<b>34.</b> Concession agreement executed		Bidder and “Government”	
<b>35.</b> Concession agreement checked for compliance with PCC Law and other applicable laws such as the New Petroleum Law		Minister of Justice	Section 117(2) of PCC Law; Sections 2.2 of New Petroleum Law
<b>36.</b> Concession agreement given final approval and signature		President; Cabinet; Legislature; NOCAL; Ministry of Finance; Ministry of Lands, Mines and Energy; National Investment Commission; and attested to by the Ministry of Justice	Section 117(2) of PCC Law; Section 4.5 of New Petroleum Law
<b>37.</b> Exploration, Hydrocarbons Exploitation, Reconnaissance, Production License or other Petroleum License issued		NOCAL	Sections 1.3.8, 1.3.13, 1.3.15 of New Petroleum Law
<b>37.1.</b>	Reconnaissance exploration and seismic data license are part of all petroleum agreements and must be done prior to any other phase of the concession operation		Section 5.1 of New Petroleum Law
<b>37.2.</b>	A Reconnaissance exploration and seismic data license does not give the holder a right to conclude a petroleum contract for development and exploitation  NB: Seems to conflict with Section 6.12 of New Petroleum Law which gives the holder of an exploration license who has discovered a commercially exploitable hydrocarbon field “the right to obtain a Development Permit”		Sections 5.1.7, 5.1.8, 6.7 of New Petroleum Law
<b>37.3.</b>	Concession procedures seem to also apply to permits for constructing pipelines to transport hydrocarbons, but law is not clear on this point	NOCAL	Section 8.4 of New Petroleum Law
<b>38.</b> Performance bond posted		NOCAL	Section 2.4.23 of New Petroleum Law
<b>39.</b> The following documents delivered to the National Bureau of Concessions: description of object of concession, if prequalification of bidders the list of bidders who sought prequalification, list of bidders that submitted bids, electronic copies of the bid submissions, requests for bid clarification and the responses, bid evaluation criteria, summary of evaluation results for prequalification submissions, etc.		NOCAL Concession Committee; Inter-Ministerial Concessions Committee	Section 92(1) of PCC Law
<b>40.</b> Inter-Ministerial Concessions Committee dissolves			Section 83(4) of PCC Law
<b>41.</b> Performance of concessionaire monitored to ensure use, harvest and transport of forest resources is sustainable, public complaints handled, and periodic reports submitted in accordance with concession agreement; copies of all reports go to National Bureau of Concessions			Section 121 of PCC Law