



FONDUL PROVOCĂRILE
MILENIULUI MOLDOVA

Millennium Challenge Account - Moldova

On Behalf of:

The Government of Moldova

Funded by

The United States of America

through

The Millennium Challenge Corporation

TERMS OF REFERENCE

**REVIEW OF THE TECHNICAL PROPOSALS FOR
THE SUPERVISION OF ROAD REHABILITATION WORKS
/Short-term Assignment/**

December 2011

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TERMS OF REFERENCE

INDIVIDUAL CONSULTANT FOR REVIEW OF THE TECHNICAL PROPOSALS FOR THE SUPERVISION OF ROAD REHABILITATION WORKS

INTRODUCTION

A. Millennium Challenge Corporation Support

The Millennium Challenge Corporation (“MCC”) and the Government of Moldova (the “Government” or “GoM”) have entered into a Millennium Challenge Compact for Millennium Challenge Account assistance to help facilitate poverty reduction through economic growth in Moldova (the “Compact”) in the amount of 262 million U.S. Dollars.

B. MCA-Moldova Program

The goal of the Compact would be to reduce poverty through economic growth. The Compact contains two components.

- Road Rehabilitation Project. The project would improve profitability and marketability of goods carried on the roads, improve access to social services among communities serviced by the roads, and improve road safety. The proposed project comprises the rehabilitation of existing paved two-lane roads.
- Transition to High Value-added Agriculture Project. The project objective is to increase incomes in rural agricultural communities through transition to higher value-added production through rehabilitation of irrigation infrastructure, radical changes to its management, and increased access to finance, training, and market information, beneficiaries will transition to more intensive and varied crop production and better marketing of the production.

C. MCA-Moldova Implementation Structure

MCA-Moldova is the legal entity responsible for Compact implementation and was established by the Government of Moldova as an independent legal entity. MCA-Moldova is comprised of a Steering Committee and a Management Unit. The Steering Committee has final decision-making authority over the implementation of the Compact. The Management Unit supports the Steering Committee and is responsible for the day-to-day management of the Compact, including program management, financial management and reporting, and coordination of monitoring and evaluation. MCA-Moldova also serves as the single point of contact for MCC, other donors, contractors and consultants, as well as the general public during implementation of the Program. MCA-Moldova is also accountable for the quality and results of the Program. In accordance with the Implementing Entity Agreement signed between MCA-Moldova and State Road Administration) (SRA), SRA will act as the Procurement Agent for the Road Rehabilitation

Project (RRP) on behalf of MCA-Moldova to manage the procurement process for selecting the consultants and contractors.

1. ROAD REHABILITATION WORKS

MCA-Moldova has decided to procure two individual consultants to review the consultant's technical proposals for the supervision of the civil works contracts, which has to be executed in accordance with these Terms of Reference (TOR). The selected Individual Consultants shall be members of a Technical Evaluation Panel (TEP) that shall be constituted to review the technical proposals for the above-mentioned consulting services.

The main objectives for the rehabilitation of road is to improve profitability and marketability of goods carried on the roads, improve access to social services among communities serviced by the roads, and improve road safety. The proposed project comprises the rehabilitation of existing paved two-lane roads.

2. OBJECTIVES OF THE ASSIGNMENT

The overall objective of this assignment is to review technical proposals received for the consulting services for the supervision of four civil works contracts under the Road Rehabilitation Project in accordance with the qualification and evaluation criteria set out in the Section 3 of the Request for Proposals (RFP) prepared for the procurement of consulting services. This assignment shall be performed under supervision of the MCA-Moldova Procurement Director and in co-ordination with the SRA.

Review of the technical proposals shall be performed by the TEP of three to five persons, including selected Individual Consultants, with observers from MCC and MCA-Moldova. The TEP members shall be technically qualified to review the proposals. The competence and integrity of the TEP members are crucial for ensuring a fair and objective review of the proposals.

Panel shall review the technical proposals for the **two lots of proposal** packages of consulting services contracts and provide SRA with appropriate inputs for the preparation of Technical Evaluation Report which is the SRA's responsibility to prepare.

3. SCOPE OF SERVICES

The TEP members will review the proposals using the evaluation procedure in accordance with MCC's Program Procurement Guidelines and the **Review Guidelines** that shall be provided to the TEP members by SRA before commencement of review process. MCA will form **one TEP**, including one or two selected individual consultants, for the **two lots of proposal** packages listed below:

1. **Lot 1:** For the supervision of the following two civil work contracts: (a) PP3/RRP/W/CB/01: "Rehabilitation of M2 Chisinau-Sorooca road km 71+194 – km 95+400", and (b) PP3/RRP/W/CB/01/02: Rehabilitation of M2 Chisinau-Sorooca road km 95+400- km 116+000".

2. **Lot 2:** For the Supervision of the following two civil works contracts: (a) ContractPP3/RRP/W/CB/01/03: Rehabilitation of M2 Chisinau-Soroca road km 116+000 – km 139+200”,and (b) ContractPP3/RRP/W/CB/01/04:Rehabilitation of M2 Chisinau-Soroca road km 139+200 – km 154+352 and R7 Soroca-Drochia-Costesti road km 3+414 – km 12+789”.All proposalsubmissions are going to be in English language.

The International Federation of Consulting Engineers (FédérationInternationale des Ingénieurs-Conseils, or FIDIC), FIDIC 2006 shall be used as a contractual framework to implement all the four civil works contract for the rehabilitation of road M2 Chisinau-Soroca section mentioned above. The supervision consultant shall be the Engineer in the sense of FIDIC and the job descriptions of the supervision consultant are defined in RFP, Section 6 “Terms and Reference”. As provided in RFP Section 1 “Instructions to Consultants”, Clause 5.7, the procurement for the supervision consultant will be carried out using the quality and cost based selection method.

The interventions proposed for the rehabilitation of M2, in general, are surface treatment, alignment improvements, resurfacing and strengthening by overlay, strengthening by reconstruction, repair and replacement of elements to ensure traffic safety, rehabilitation of bridges and bridge foundations, rehabilitation of the roadside drainage system, improvements to a number of intersections, and one interchange with vertical separation. Theworks relating to environmental protection requirements are also included. The bulk of the works will comprise cold in-place recycling of the existing road pavement and asphaltic concrete overlays. Additional preparatory works may be required in some areas where full width full-depth reconstruction is deemed necessary. Other sections may require partial full-depth reconstruction along the edges of the existing pavement where edge failures have occurred.

4. RESPONSIBILITIES OF THE CONSULTANT

The Consultants, collectively as a member of the TEP, have the responsibility to carry out the technicalproposal review process according to the requirements of RFP for the consulting services to supervise civil work contracts for the road rehabilitation project. The Consultants must commit to applying only the criteria and requirements designated in the RFP and the ReviewGuidelines in a fair, transparent and consistent manner in accordance with MCC Program Procurement Guidelines. Specifically, the Consultant as a member of the TEP shall perform the following duties:

- (i) Familiarize with the RFP for the supervision of the road rehabilitation of works;
- (ii) Understand clearly Section 3 of RFP on “**Qualification and Evaluation Criteria**”and Section 4A on “**Technical Proposal Forms**”, which contains 11 forms from Tech-1 to Tech-11.
- (iii) Sign the Confidentiality and Conflict of Interest Agreements;
- (iv) Discuss and adopt the Review Guidelinesand **Technical Evaluation Report Format in accordance with a template to be provided by SRA;**
- (v) Individuallyreview each technical proposal;
- (vi) Carry out a detailed review of the technical proposals including responsiveness to the technical requirements and qualifications to perform the supervision services for the

- civil works contracts for the RRP: (these requirements are further detailed in the RFP, available to the Consultant);
- (vii) Record, clearly and unambiguously, all issues relating to strengths and weaknesses for all proposals including where a proposal fails to meet minimum required score to pass technically;
 - (viii) The TEP members shall identify key issues that require clarifications from consultants during the technical review process;
 - (ix) The TEP members shall deliberate the evaluation criteria items where there are differences in individual scoring and arrive at consensus scoring for all criteria items. The deliberation process shall be adequately documented.
 - (x) The TEP members shall provide the SRA with appropriate inputs for the TER, which is the SRA's responsibility to prepare. The TEP shall review and agree to the TER which shall be finalized by SRA.

5. OUTPUTS

Provide input in the preparation of the TER. The completed TER shall be submitted by the SRA to the TEP members for scrutiny within 5 calendar days after the completion of the review process.

In case any changes/revisions are requested subsequent to the signing of the TER, the Consultants shall be available to participate in the discussions (remotely where needed), and a separate, hourly consulting fee would be agreed if so required for this service.

6. REPORTING REQUIREMENTS

Contractually, the Consultants will report to MCA-Moldova Procurement Director, however day-to-day consultant activities will be coordinated by the SRA. The TER shall be prepared by the SRA with assistance from TEP. The SRA shall be responsible for ensuring the completeness and accuracy of TER. The TEP members shall sign the final TER before it is submitted to the MCA-Moldova Procurement Director.

7. DURATION OF THE ASSIGNMENT

The assignment is expected to commence on or about the second week of February, 2012. The number of working days for the Consultant participating in the TEP will depend on the number of proposals received from consultants and will be agreed by the parties within three (3) working days following the deadline (early February 2012) for the proposal submission specified in the RFP. It is expected that this assignment will include be 8 workdays at a minimum. Additionally, if needed an hourly fee will be agreed upon for follow up desk work of the consultants to review revisions of the BRR by email from their home location.

8. INSTITUTIONAL ARRANGEMENTS

The TEP members shall be under the Guidance of the SRA who shall provide clarifications on technical issues related to procurement as required.

The Consultants will sign a daily fee contract. The participation in this assignment shall require full time presence in Chisinau, Moldova. In addition to the daily fee for days worked, MCA-Moldova shall reimburse the consultant a per diem and travel by economy class (or by road) for the days spent in Chisinau if the consultant is from outside Chisinau. Consultants who live in Chisinau shall not be eligible for any payment in addition to a daily fee. MCA-Moldova reserves the right to select the transport mode and carrier and pay directly for the transportation services. This shall be discussed during negotiations. As a notional guideline, it is anticipated that the in-country duration for this assignment will be between 8 and 14 working days. Additionally, if needed an hourly fee will be agreed upon for follow up desk work of the consultants to review revisions of the TER by email from their home location.

9. FACILITIES AND INFORMATION TO BE PROVIDED BY MCA-MOLDOVA

The SRA shall provide office space where the TEP members shall review the proposals.

The SRA shall also provide necessary documents/information such as:

- (i) Confidentiality and Conflict of Interest Agreements;
- (ii) RFP for the consultant services for the supervision of civil work contracts and any amendments and clarifications as issued;
- (iii) Draft Template of Review Report
- (iv) Guidelines for review of the proposals (to be provided to the Consultant prior to the Commencement of the review);
- (v) Excel Worksheets for review of CVs;
- (vi) Eligibility and financial data checks;
- (vii) Any other necessary information, if required, to complete the review.

10. CONSULTANTS' QUALIFICATIONS

The Consultant shall have the following minimum qualifications and skills:

- (i) Hold as a minimum a university degree in civil engineering or other related fields;
- (ii) Experience at international level in preparing and/or reviewing technical proposals for the supervision of civil work contracts for road rehabilitation works of the similar size and scope, preferably involving projects funded by International Financial Institutions such as the World Bank;
- (iii) At least ten (10) years experience in the field of civil engineering or similar activity with preference of work on projects similar to the RRP;

- (iv) Experience in carrying out technical evaluation for consulting services contracts in international procurements;
- (v) Excellent written and oral communication skills in English.

/Attachments

ANNEX 1. PROCUREMENT RULES, PROCEDURES, REQUIREMENTS AND BEST PRACTICES

In the performance of his duties the Consultant shall follow the procurement rules, procedures, requirements and best practices as listed below:

(a) Conduct procurements and conclude procurement contracts in compliance with Millennium Challenge Corporation Program Procurement Guidelines dated October 23, 2009 which include the rules and procedures governing the selection of consultants and contractors;

(b) Comply with provisions in Compact and the Program Implementation Agreement that apply to the procurement function;

(c) Select the consultants and contractors using the methods of procurement set out in approved Procurement Plans unless exceptions have been granted, in writing, by MCC;

(d) Ensure that the terms and conditions of procurement contracts include all provisions required by the MCC Program Procurement Guidelines and the governing MCC funding agreement;

(e) Take measures to prevent, detect and remediate Fraud and Corruption in the conduct of procurements in accordance with the principles set out in MCC Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations found on the MCC website at

<http://www.mcc.gov/mcc/panda/activities/fightcorruption/index.shtml>.

(f) For all cost reimbursement type contracts, including Time and Material contracts, comply with the MCC “Cost Principles for Cost-Reimbursement Contracts Under MCC-Financed Grants” (the “MCC Cost Principles”) as may be amended from time to time. The MCC Cost Principles may be found on the MCC website at <http://www.mcc.gov/mcc/bm.doc/mcc-2007-cost-principles.pdf>, or by entering “Cost Principles Contracts” in the search box of www.mcc.gov.

(g) Ensure strict compliance with the procedures and rules set out in bidding documents, especially the criteria and methodology for evaluation of bids and proposals;

(h) In the performance of its duties, be mindful of “best practices” generally recognized by procurement professionals.

ANNEX 2. EXPRESSION OF INTEREST FORMS

REVIEW OF THE BIDS FOR THE ROAD REHABILITATION WORKS

REOI# PP2A1/RRP/CS/IC/44

**Note to
Consultants:**

The following standard Forms shall be used for the preparation of the Expression of Interest (EOI). The Consultant must use only these Forms and should not introduce changes to them. If the Consultant has a question regarding the meaning or appropriateness of the contents or format of the Forms and/or the instructions contained in them, these questions should be brought to the Procurement Agent's attention.

In preparing its EOI, the Consultant must ensure all requested information in the EOI Forms is provided and that the EXPLANATORY TEXT AND INSTRUCTIONS IN BRACKETS to help the Consultant prepare the forms accurately and completely ARE REMOVED.

If any of the EOI forms included is missing, the EOI may be rejected as non-responsive.

The Consultants must be aware also that any information regarding their qualifications and experience that is presented outside the EOI Forms will not be considered during the evaluation.

EXPRESSION OF INTEREST SUBMISSION FORM

Date: *[insert: date of EOI submission]*

[insert: full address of Consultant]

To: Millennium Challenge Account – Moldova

Attention: Ion Josan

Procurement Director

c/o: Procurement Agent

Attention: *[insert: name of PA team member specified in the SPN]*

[insert: title of PA team member specified in the SPN]

Email: *[insert: e-mail address of PA team member specified in the SPN]*

Dear Mr. *[insert: name of PA team member specified in the SPN]*,

Re: Review of the Bids for the Road Rehabilitation Works

REOI Ref: PP2A1/RRP/CS/IC/44

I, the undersigned, offer to provide the consulting services for the above mentioned assignment in accordance with your Specific Procurement Notice (SPN) dated *[insert: date]* and your Terms of Reference (TOR).

I am hereby submitting my Expression of Interest (EOI), which includes my CV (Form EOI-1), information on relevant assignments (Form EOI-2)a and contact details for references (Form EOI-3).

I hereby declare that all the information and statements made in this EOI are true and accept that any misinterpretation contained in it may lead to my disqualification.

My EOI is binding upon me and subject to the modifications resulting from Contract negotiations, and I undertake, if my Proposal is accepted, to initiate the consulting services related to the assignment not later than the date indicated in the TOR.

I understand you are not bound to accept any EOI that you may receive.

Yours sincerely,

Signature:

[Insert: full name of Consultant]

Form EOI-1 CURRICULUM VITAE (CV)

1. Name of Consultant [insert: full name]
2. Date of Birth [insert: birth date] Nationality [insert: nationality]
3. Education *[indicate: college/university and other specialized education of staff member, giving names of institutions, degrees obtained, and dates of obtainment].*
4. Membership in Professional Associations *[indicate: names of professional associations and years of membership].*
5. Other Training *[indicate: appropriate postgraduate and other training]*
6. Countries of Work Experience *[list countries where you have worked in the past]*
7. Languages *[indicate: proficiency in each language: good, fair, or poor inspeaking, reading, and writing]*
8. Employment Record *[insert: starting with present position, list in reverse order everyemployment held since graduation, giving for each employment (see format below): dates of employment, name of employing organization, positions held.]*

From [year]: To [year]:

Employer:

Position(s) held:

Activities performed:

9. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes me, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

I further declare that I am able and willing to work:

1. for the period(s) foreseen in the Terms of Reference and
2. within the implementation period of the contract.

Signature:

[Insert: full name of Consultant]

Form EOI-2 RELEVANT EXPERIENCE OF THE CONSULTANT

[Using the format below, the Consultant shall provide under this Form information on each relevant assignment for which he/she was legally contracted either individually or through other consultants, for carrying out consulting services similar to the ones requested under the TOR. The EOI must demonstrate that the Consultant has a proven track record of successful experience in executing projects similar in substance, complexity, value, duration, and volume of services sought in this procurement.]

WORK UNDERTAKEN THAT BEST ILLUSTRATES CAPABILITY TO HANDLE THE TASKS UNDER THE ASSIGNMENT:

Assignment name: *[insert: full name]*

Country: *[insert: name of country]*

Name of Client: *[insert: full legal name]*

Address: *[insert: full legal address]*

Position held: *[either individually or through other consultants]*

Start date: *[insert: date]*

Completion date: *[insert: date]*

Value of the contract
(in current US\$): *[insert: amount]*

Level of effort: *[insert: number of days/months]*

Narrative description of
project:

Description of Actual
Services provided by you
within the Assignment:

Form EOI-3 REFERENCES OF THE CONSULTANT

[The Consultant shall provide under this Form contact information for at least three (3) references that can provide substantial input about:

- (i) The type of work performed*
- (ii) Confirm the quality of the work experience listed in Form EOI-2.*

For each reference, list a contact individual, his/her position in the organization, address, facsimile, phone and e-mail address.

MCA-Moldova reserves the right, at its sole discretion, to contact other sources as well as to check references and past performance. Should a cited references be unavailable, MCA-Moldova reserves the right, at its sole discretion, to disqualify the candidate.]

CONTACT DETAILS OF INDIVIDUALS TO CHECK REFERENCES:

1. Name: [insert: full name]
2. Position held: [insert: position held in the organization shown below]
3. Name of organization: [insert: full name]
4. Country: [insert: name of country]
5. Address: [insert: full address]
6. Telephone: [insert: telephone number]
7. Facsimile: [insert: fax number, if applicable]
8. E-mail: [insert: e-mail address]