



MILLENNIUM CHALLENGE ACCOUNT NEPAL (MCA-NEPAL)

MILLENNIUM CHALLENGE ACCOUNT NEPAL (“MCA-Nepal”)

Synopsis of Minutes of 37th Meeting of the Board of Directors of Millennium Challenge Account Nepal (MCA-Nepal)

Nature: Emergency Meeting

MCA-N/BOD-M-37/29-09-2023

Date: Friday, 29 September, 2023 (2080/06/12 BS)
Time: 2:00 PM
Place: Emergency Meeting
Notice Served: Wednesday, 27 September 2023 (2080/06/10 BS)

1. Board Meeting Attended By Members

- **Dr. Krishna Hari Pushkar**, Chairperson
And, Secretary, Government of Nepal, Ministry of Finance
Singhadurbar, Kathmandu
- **Kulman Ghising**, Member
And, Managing Director, Nepal Electricity Authority
Kathmandu
- **Nabin Raj Singh**, Member
And, Joint Secretary, Ministry of Energy, Water Resources and Irrigation
Singhadurbar, Kathmandu
- **Arjun Jung Thapa**, Member
And, Joint Secretary, Ministry of Physical Infrastructure and Transport
Singhadurbar, Kathmandu
- **Kumar Pandey**, Member representing the Private Sector
And, Chairman of the Board, National Hydro Power Company (NHPC)
- **Khadga Bahadur Bisht**, Member Secretary
And, Executive Director, MCA-Nepal

The Government of Nepal established MCA-Nepal on 18 April 2018 under Development Board Act, 2013 BS as the accountable entity to implement a program co-funded by Nepal and US Government's Millennium Challenge Corporation.

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2. Invitees

- **Shreekrishna Nepal**, Invitee
And, Joint Secretary, Government of Nepal, Ministry of Finance, International Economic Cooperation and Coordination Division (IECCD)
- **Dr. Narayan Dhakal**, Invitee
And, Under Secretary, Government of Nepal, Ministry of Finance, International Economic Cooperation Coordination Division (IECCD)
- **Diane Francisco**, Invitee
Resident Country Director, Millennium Challenge Corporation, US Embassy, Kathmandu
- **Sanjay Poudyal**, Invitee
Deputy Resident Country Director, Millennium Challenge Corporation, US Embassy, Kathmandu

3. Others Attending

- **Rajib Dahal**, Chief Legal Officer, MCA-Nepal
- **Satyam Pathak**, Legal Advisor, MCA-Nepal

4. PRELIMINARY

- 4.1. The meeting of the Board of Directors was constituted by conduct of Emergency Meeting by Circulation of Agendas on 29/09/2023 (2080/06/12 BS) after the notice was served in writing by Email on 27/09/2023 (2080/06/10 BS).
- 4.2. This Notice was issued pursuant to Section 5(3) of the Millennium Challenge Account Nepal Development Board Formation Order, 2074 (2018). Further, the Notice was issued under Section 3.12 (b) for an emergency meeting under Millennium Challenge Account - Nepal Internal Conduct Bylaws, 2075 (2019).
- 4.3. The Board Members declared that there is no Conflict of Interest (CoI) on any of the Agendas presented by MCA-Nepal, and all the members of the board provided their consent to initiate the discussion on the agenda.

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5. AGENDA ITEMS AND BOARD'S DECISIONS/RESOLUTIONS

(A) Agenda One: Approval to Revision of MCA-Nepal Employee Bylaws

- 5.1.** The board had approved MCA-Nepal Employee Bylaws Amendment to incorporate Performance Evaluation and Performance based Encouragement System. The Bylaws had prescribed that MCC approved *Online Community System* shall be used to evaluate Employee's performance. However, on MCA-Nepal received a communication from MCC that the existing "Community Performance Appraisal System" (*Online Community System*) provided to all MCAs by MCC is no longer available, and MCAs including MCA-Nepal are required to design a new appraisal system that satisfies MCC's requirements.
- 5.2.** Therefore, MCA-Nepal has designed a new performance management system that satisfies MCC's requirements while helping MCA-Nepal to manage performance more objectively. MCA-Nepal seeks Board's approval to make necessary amendments in Employees Administration Bylaws
- 5.3.** RESOLVED THAT the MCA-Nepal Board of Directors hereby approve the amended MCA-Nepal Employees Administration Bylaws to incorporate the Dignity System in the Employees Administration Bylaws.

6. Discussion Agendas

- 6.1.** Executive Director of MCA-Nepal provided the following updates on Transmission Line bid to the Board of Directors of MCA-Nepal:
- 6.1.1.** The original Estimates of Transmission Line Constructions works was done in 2017, re-assessment of the costs was done in 2022 to factor the impact of Ukraine war and supply chain disruption, and thereby cost estimates were increased. Thereafter, bids were launched on 28 Nov 2022, the last day of submission was on 22 May 2023. The financial opening was completed on 05 Sept 2023. Currently, the Combined Evaluation Report (CER) is under finalization.
- 6.1.2.** MCA-Nepal Executive Director informed that MCA-Nepal may have to go for re-bidding for the transmission line sections by revising the design and other criteria in the Employer's Requirements. It will use Construction Supervision Engineer; whose contract is to be signed soon; for all preparation. For the interest of saving time, MCA-Nepal may also opt for limited re-bidding. The Board has asked to prepare plan for moving forward with the Transmission Line bidding. A detailed plan will be shared to the Board after revised documents are prepared in consultation with MCC.

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7. RECORDING OF THE DISCUSSIONS AND DECISIONS

7.1. RESOLVED THAT the Board of Directors directs the Executive Director to record these minutes with the minute book of Millennium Challenge Account Nepal and to submit the synopsis of such minutes for publication on the website of Millennium Challenge Account Nepal within two (2) weeks from the date of these Minutes.

8. CLOSE

There being no further business, the members of Board of Directors did not have to consider any other agendas. The meeting closed at 3.00 PM.

This minute is prepared by:

Rajib Dahal, Chief Legal Officer, MCA-Nepal

This minute is prepared and signed on: 12/10/2023