



MILLENNIUM
CHALLENGE CORPORATION
UNITED STATES OF AMERICA



Electricity Transmission Project Technical Assistance Activity

Outreach Event and Feedback Session
Kathmandu, Nepal

8 August 2023



Procurement Aspects



Objective of the Presentation

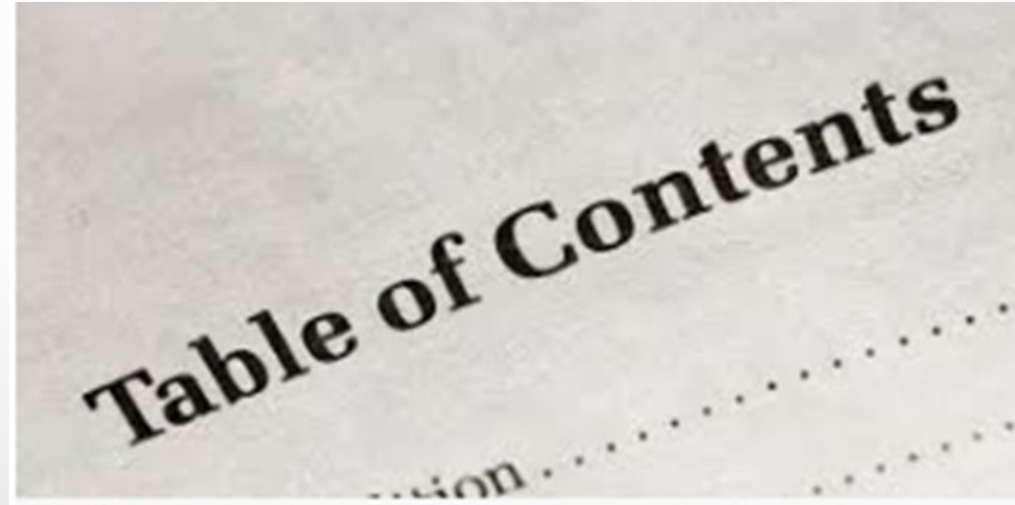
What we Want to Procure is equally important to How we will Procure it

- Provide an overview of the Procurement Process under MCC Procurement Guidelines
- Provide **Updated Information** regarding the Procurement Aspects for ETP Technical Assistance Activity
- Receive Questions Clarifications from Participants



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MCC Procurement Guidelines and Principles

- MCC Conceptual Procurement Framework is taken from World Bank, with several differences
 - ✓ Eligibility Criteria (Provisions on Government Officials and Civil Servants)
 - ✓ More Emphasis in Quality Rather than Price
 - ✓ Involvement of the Donor and MCA-Entity Board
 - ✓ Price Reasonableness
 - ✓ Private Sector Consultants participating In Evaluation
 - ✓ Bid Challenge System
 - ✓ Awarding decisions made by Consensus rather than average
 - ✓ Procurement Agent (Independent) conducting all Procurements



MCC Procurement Guidelines and Principles

- However, MCC Compact has a relevant Characteristic with strong implications procurement and Contractors wise:
 - ✓ After Entry Into Force, 5 years (60 months/1802 days) is a fixed term for Compact Implementation.
 - ✓ This term is not extendable.
 - ✓ Non used funds to be returned to US Treasury (execution of funds is 93% average)
 - ✓ Every day of delay counts.
 - ✓ The main implications of the above are:
 - ✓ Procurement Process shall attract and select the “best performers”.
 - ✓ Procurement shall promote a healthy competition (enough number of competitors)
 - ✓ “Poor or Low Quality” performers extremely inconvenient
 - ✓ No time for dealing with delays or low quality
 - ✓ To avoid poor performers/to attract good/best performers



MCC Procurement Guidelines and Principles

- Four Principles Shape the PPG

<https://www.mcc.gov/resources/doc/program-procurement-guidelines>

- ✓ Open, fair and competitive procedures used in a transparent manner to solicit, award and administer contracts
- ✓ Solicitations based on a clear and accurate description of the goods, works or services to be acquired
- ✓ Contracts awarded only to qualified and capable suppliers and contractors that perform in accordance with the terms and conditions of the applicable contracts and on a cost-effective and timely basis
- ✓ No more than a commercially reasonable price is paid to procure goods, works or services



How Procurements for ETP Technical Assistance Activity Procurements will be Done

- Following the MCC Program Procurement Guidelines
- Using the MCC Standard Bidding Documents
- Both are public documents downloadable from MCC web page
- Highly recommended to get familiar with the above



MCC Procurement Guidelines and Principles

- Nepal's Government Procurement Act and Rules **Does Not Apply**
- PPG's Structure
 - Fourteen (14) Parts
 - Two (2) Attachments
 - Eighty-Three Pages (February 2021 Release)
 - <https://www.mcc.gov/resources/doc/program-procurement-guidelines>
- Publication Requirements
 - DgMarket
 - UNDB
 - Local Newspapers
 - MCA-Nepal Web Page <https://mcanp.org/>
 - MCC Web Page
 - U.S. Embassy
 - Specialized Publications



GOE Policy

1. No Government-Owned Enterprises (GOE) allowed to bid for goods & works procurements
2. What is a GOE?
 - “Government-Owned Enterprise” or “GOE” is any enterprise established for a commercial or business purpose that is owned and/or controlled by a Government (whether directly or indirectly).
 - “Government” means one or more governments, including any agency, instrumentality, subdivision or other unit of government at any level of jurisdiction (national or subnational).
 - “Owned” means a majority or controlling interest (whether by value or voting interest) of the shares or other ownership interest of the entity is owned (whether directly or indirectly and whether through fiduciaries, agents, or other means).



Other Key Aspects

1. MCA runs procurements and manages contracts with Procurement Agent support
2. Firms must be eligible for U.S. funding: There is a comprehensive verification process in place
3. 4 to 6 months from solicitation to contract award for a major Consultancy Assignment
4. Evaluation panel composed of technical experts
5. Best value procurement
6. Price evaluated for reasonableness



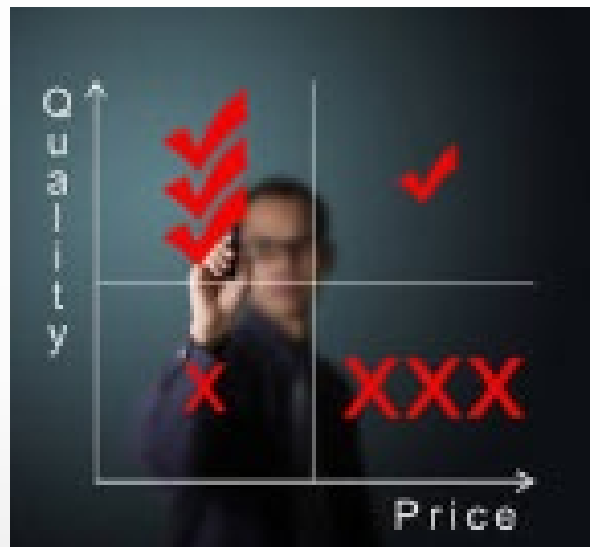
Other Key Aspects

PROCUREMENT METHODS

- No Pre-Qualification-Shortlisting Process envisaged
- The selected Method is Quality Cost Based Selection (QCBS)
- % of Quality and Cost as usual or higher (80/20 or 90/10)
- Usually, the budget or the level of effort is disclosed. Not both.
- Lump Sum fixed price for these contracts
- Possibility of Payment in local currency NPR is now incorporated



Quality and Price Based Selection (QCBS)



- Emphasis on best value (quality, not just lowest price)
- Two stage evaluation process- Technical and Financial (Combined Evaluation)
- “As such the contract shall be awarded to the qualified bidder whose bid has been determined to have the highest combined technical and financial score”



Evaluation Process: To Ensure Fairness and Transparency

- Proposal's Evaluation is conducted by a Technical Evaluation Panel
 - ❖ MCA-Nepal Staff
 - ❖ Project Partners Public Sector
 - ❖ Private Sector participation (Local/International)
 - ❖ Auxiliary Members Expertise Available
 - ❖ MCC Observers and Advisors
- Members of TEP selected by their technical competence
- Facilitated by the Procurement Agent
- Supervision from MCC
- Many safeguards to keep the integrity of the evaluation process
 - ❖ Impartiality and Confidentiality
 - ❖ No Conflict of Interest





Scoring Methodology and Evaluation

Shall be fully disclosed in the bidding document. For Consultancy Assignment procurement based on QCBS the Qualification and Evaluation Criteria are:

Technical

- Administrative Compliance Review
- Legal Status (Joint Ventures compliance key aspect)
- Financial Criteria (Financial Health, Cash Flow available)
- Litigation and Poor Performance Criteria
- Qualifications Review
- Reference and Past Performance Review
- Technical Evaluation Criteria:
 - General Experience
 - Specific Experience
 - Approach and Methodology
 - Key Staff

Financial

- Review of Price and Price Reasonableness
- Combined evaluation





Scoring Methodology

Shall be fully disclosed in the bidding document. Usually is as below, a system 0 to 5.

Score	Adjectival Description
0	Not meeting the Requirements
1	Material Deviation from the requirements
2	Significant deviation from the requirements
3	Marginal deviation from the requirements
4	Meeting the Requirements
4.3	Marginally Exceeding the requirements
4.7	Significantly Exceeding the requirements
5	Outstandingly Exceeding the requirements



Bid Challenge System-Key Features

- A debriefing process in place
- Fraud and Corruption can not be used as reason to submit protest
- Bidders are advised to read the BCS in detail



MCC Procurement Guidelines and Principles

- Fraud and Corruption can not be used as reason to submit protest
 - **Zero Tolerance to Fraud and Corruption**
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- ❖ MCC has available several mechanism to deal with allegations of Fraud and Corruption.
 - ❖ Fraud and corruption shall be reported as per MCC Policy of Preventing, detecting and Remediating Fraud and Corruption.





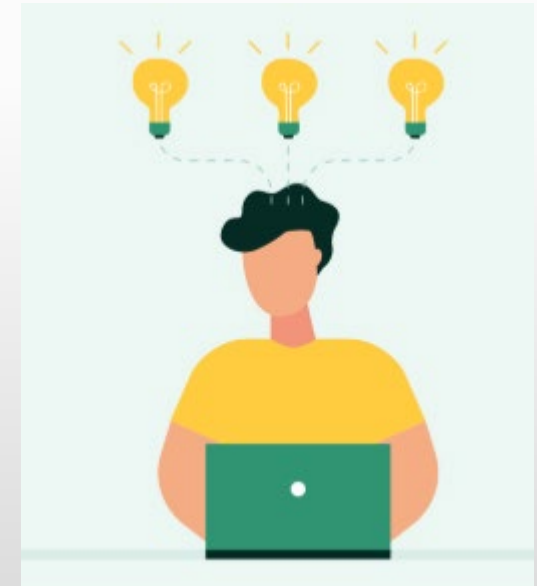
Procurement Process Safeguard

- Several layers of review and approvals
- International Expertise (on MCC procedures) for conducting the procurement
- Independent private sector consultants participating in evaluation
- Open access to Request For Proposal documents
- Pre-proposal conference and Clarification Period
- Mandatory procedure for debriefing to unsuccessful bidders
- Bid Challenge System



Tips for Winning Contracts

- 1 in 10 good proposal fails because lack of familiarity with the requirements in the bidding document.
 - No Win Rar Zip Files for electronic submission
 - Personnel to be proposed by Lead Partner Joint Venture
 - Undefined type of Association (JV/Subconsultants)
 - Incomplete Forms
 - Non-compliance with requirements of the Lead Partner
- In-country contractors and consultants are encouraged to form alliances (bot ways) with international firms to enrich and enhance their experience.
- MCA/MCC Bidding Documents should be reviewed carefully, as MCC uses its own bidding documents.
- **Get familiar with PPG and Standard Bidding document before the procurements are launched**
- Ensure your bid is signed and submitted before deadline of submission.
- Bidders should, as best as possible, use the forms provided in the bidding documents, rather than use their own.





Tips for Winning Contracts

- The award decision is price-sensitive and subject to a Price Reasonableness Analysis, so put in your best possible price.
- Zero Tolerance to Fraud and Corruption.
- Bidders are encouraged to read through the MCC Program Procurement Guidelines.
- Bidders are encouraged to request information and clarification from the MCA if there is anything they do not understand, or if they require more information.



Tips for Winning Contracts

- Government Employees Regulations shall be observed
- The standard bidding document (SBD) contract formats have been reviewed and approved by MCC– agree to them before bidding.



Procurement Schedule Technical Assistance NEA

- Procurement to be Launched: Mid February 2024
- Pre-Proposal Conference: March 2024
- Submission of Proposals: Mid April 2024
- Evaluation of Proposals and Intent to Award Date: Mid July 2024
- Commencement date: October-November 2024
- Completion of Works: Mid 2026
- Compact End Date: August 2028



Procurement Schedule Embedded Advisors

- Procurement to be Launched: **Mid September 2023**
- **Pre-Proposal Conference: Mid October 2023**
- Submission of Proposals: **Mid November 2023**
- Evaluation of Proposals and Intent to Award Date: **Mid January 2024**
- **Contract Signing: Early April 2024**
- Commencement date: **May 2024**
- Completion of Assignment: **April 2028 (Base and Option Period)**
- **Compact End Date: August 2028**



Questions and Answers

- Questions and Answers





Fostering economic growth with better access to electricity and roads.