





MILLENNIUM CHALLENGE ACCOUNT NEPAL (MCA-NEPAL)

Minutes of Pre-Proposal Conference

for

"Procurement of Consulting Services for Embedded (Resident) Advisors for Electricity Regulatory Commission (ERC) under Electricity Transmission Project (Power Sector Technical Assistance Activity) in Nepal"

MCA-N/ETP/QCBS/008

VENUE: MCA-NEPAL OFFICE

06 October 2023

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I. Introduction:

The pre-proposal conference session was called to order by the Procurement Agent Manager of MCA-Nepal Procurement Agent. He welcomed the attendees and thanked them for their attendance. He introduced the MCA-Nepal team attending the meeting. The pre-proposal conference was also conducted via web conference from 6:00 PM (Nepal Standard Time) on 6 October 2023.

II. Agenda:

- Registration
- Program Opening and welcome remarks by the Procurement Agent
- Welcome remarks by MCA-Nepal
- Procurement Overview by the Procurement Agent
- Presentation on technical aspects of the Request for Proposal (RFP) Document Technical Presentation
- Procurement Briefing on the RFP Document
- Question and Answers Pre-Proposal Conference
- Closing remarks

III. Registration:

The attendance sheet is attached in Annex A.

IV. Program Opening and welcome remarks by the Procurement Agent

The Procurement Agent Manager of the Procurement Agent of MCA-Nepal welcomes the attendees and opened the Pre-Proposal Conference session.

V. Welcome remarks by the MCA-Nepal:

The MCA-Nepal Deputy Executive Director for Project Delivery expressed gratitude towards all the participants and delivered a welcome address. In addition to this, he also briefly described the requirements of the procurement of Embedded Advisors and advised the consultants to seek clarifications if any.

VI. Overview of Procurement by the Procurement Agent:

The Procurement Agent Manager of the Procurement Agent of MCA-Nepal provided a brief presentation about the objectives of the Pre-Proposal Conference where he mainly discussed important highlight of the RFP and dates for receiving questions and clarifications from the Prospective Consultants.

VII. Presentation on technical aspects of Request for Proposal (RFP) Document – Technical Presentation:

Presenting the technical aspects of the project, the Project Manager with the support of the Power Sector Reform Specialist delivered a presentation that included the Compact objectives related to the Electricity Regulatory Commission (ERC), Compact Support to ERC, requirements under the Consulting Services for Embedded Advisors, Roles and Responsibilities of the Consultant, areas of support, time allocation, important notes and major milestones.

VIII. Procurement Briefing on the RFP Document:

The Procurement Specialist of the Procurement Agent for MCA-Nepal presented the important parts of the RFP document and emphasized key points, particularly those points which consultants typically encounter difficulties and provided tips to avoid common mistakes in the submission of their proposals. The Specialist also highlighted important points where the consultants need to have a clear understanding while developing their proposals.

In addition, he highlighted the following points to be noted:

- (i) In case any discrepancies between the presentation and the RFP, the RFP shall prevail.
- (ii) The answers provided in the Pre-Proposal Conference shall be considered as a draft answer, and the final answer will be provided in writing.
- (iii) In addition to the points presented during the pre-proposal conference, it is advised to the consultants to review the RFP document thoroughly.

IX. Questions and Answers:

The participants of the Consultants' representatives were provided the opportunity to ask queries/questions. The queries raised by the participants were responded by MCA-Nepal technical and procurement team as well as by the Procurement Agent team. It was informed that MCA-Nepal will provide the answers to the raised queries during the conference, in writing. The questions raised by the consultants' representatives and MCA-Nepal team responses are presented in Annex B.

X. Closing Remarks:

The MCA-Nepal Deputy Executive Director for Management thanked the participants for the raised questions and to MCA-Nepal team and procurement team for responding to the questions. She also requested to submit any remaining questions in writing which will be responded in writing in due course by MCA-Nepal and wished all consultants for a successful proposal submission.

The conference closed around 8:00 PM.

Annexes:

Annex A: Attendance Register Annex B: Presentations Annex C: Questions and Answers **Annexes/Attachments**

Annex A

Attendance register

In person Attendance_Pre-Prop

Zoom Registrants:

- S.N. Registrants
 - 1 Youssef CHAHB
 - 2 Reena Kori
 - 3 Siddharth Mani
 - 4 Tushar Kothavale
 - 5 Soumik Basu
 - 6 Ashish Bhandari
 - 7 Kunal Singhal
 - 8 Satyaki Mukherjee
 - 9 Nikilvish Paliwal
 - 10 Rahul Varshney
 - 11 Satyajit Suklabaidya
 - 12 Anshu Koul
 - 13 Krishna Poudel
 - 14 Jose Hereter
 - 15 Sachin Garg
 - 16 Rajib Dahal
 - 17 Nirav Sharma
 - 18 Laida Alonso
 - 19 Amit Goenka
 - 20 Anurag Raizada
 - 21 Harry Kendell
 - 22 Shweta Karna
 - 23 Myrto Stavrou
 - 24 Paritosh Jaiswal
 - 25 Nikhil Malik
 - 26 Ishwar Bhatta
 - 27 Tara Prasad Gnyawali
 - 28 Seamus Wai
 - 29 Mahendra Shrestha
 - 30 Jim Duignan
 - 31 Joann Riordan
 - 32 Michael Wimmer
 - 33 Mohnish Manchanda
 - 34 Pawan Joshi
 - 35 Shalini Tripathi
 - 36 SREERAM PETHI
 - 37 joyant nayal

S.N. Registrants

- 38 Pradeep Kumar
- 39 Kamala Regmi
- 40 Rakesh Kumar
- 41 Amit Koirala
- 42 Satish Joshi
- 43 Rohan Jadhav
- 44 SHARATH NAIR
- 45 Jessica West
- 46 Anisha Shrestha
- 47 Luis Villalta



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MILLENNIUM CHALLENGE ACCOUNT NEPAL (MCA-NEPAL) REGISTRATION SHEET

Program: Preproposal Conference- Consulting Services for Embedded Advisors for ERC Date: 06 October 2023

Venue: MCA-Nepal, Lapsephedi Hall

S.N	Name	Designation	Organization	Signature
1.	Khadga Bahadur Bist	ED	MCA-Nepal	
2.	Mahesh Acharya	DED-PD	MCA-Nepai	Mahed J. All
3.	Shalini Tripathi	DED-M	MCA-Nepal	
4.	Rajendra Thanju	GSI and Resettlement Manager	MCA-Nepal	RPhaner
5.	Shyam Krishna Upadhaya	ESP Manager	MCA-Nepal	Stapeste
6.	Biswa Dhoj Joshi	PM - PS TA	MCA-Nepal	Ran
7.	Pashupati Dhungel	Power sector Reform Specialist	MCA-Nepal	(Biel
8.	Mahendra Kumar Shrestha	Program Procurement Manager	MCA-Nepal	4.
9.	Ishwor Bhatta	Procurement Specialist	MCA-Nepal	Status
10	Ashish Bhandari	Procurement Specialist	MCA-Nepal	sterry
11	Pushpanjali Dhakal	Procurement Specialist	MCA-Nepal	al .
12	PAVAN 50 Shi Mahendra Lamsal	IT Specialist	MCA-Nepal	Port-
13.	Nirmal Kumar Khatiwada	CFO	MCA-Nepal	
14,	Contraction of the second s	Communication Manager	MCA-Nepal	
15.	and the second se	Assistant to DED-PD	MCA-Nepal	Kan
16,		CLO	MCA-Nepal	erner erner i solonen besetten er anter som
17	Lok Bahadur Sunar	Office Assistant	MCA-Nepal	4
18	Sanjay Tamang	Fleet Team	MCA-Nepal	formation
19.	Luis Villalta	PA Manager	DT Global	Tate
20.	Rakesh Kumar	Senior Procurement Specialist	DT Global	Rorosh
21.	Ram Regmi	Procurement and Contracting Specialist	DT Global	Racosh Megni



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MILLENNIUM CHALLENGE ACCOUNT NEPAL (MCA-NEPAL) **REGISTRATION SHEET** Program: Preproposal Conference- Consulting Services for Embedded Advisors for ERC

Date: 06 October 2023

Venue: MCA-Nepal, Lapsephedi Hall

S.N	Name	Designation	Organization	Signature
22	Piyush Jha		PwC	
23	Ram Babu Adhikary	And the second	Alliance for Social Mobilization	
24.	Bipin Basnet	SeniorManager	Adam Smith International	Thousand
25.	Anisha Shrestha	The part of the second	Adam Smith International	
26	Ramesh P. Nepal	Alatinal Consil Sape	IMRCA	AD
27.	Adit Khiroria	1093	Deloitte	
28.	Sushmita Shahi		Cemat Consultant	and the second
29.	Sanket Kharel	Business Promotion Mana jon	Cemat Consultant	Cu.
30,	Prashant Joshi	Sr. Manager Assis. Officer		A
31.	Shristi Sunuwar	Assis. Officer	InfraConsult Pvt. Ltd.	Shrittyhy
32.	Krishna Poudel	-	Total Management Services Pvt. Ltd, Nepal (TMS)	
33.	Shubha Malla Thakuri		Total Management Services Pvt. Ltd, Nepal (TMS)	
34.	Laxman KC	MID	Executive Consulting Engineering and Planner Pvt. Ltd.	Ql.
35.	Manisha Basnet	Sinon in sed Derdym	Pre- Date Per- where the later of the second second	Dout
36.	Udeep Shrestha	Busines Der Dimeter	Fichtner/NCEC	Mayos .
37.	Anand Kumar Jha	Servin Advisor	Nangia & Co LLP	1-240
38.	Sauchesh alli	senior Associate	IWC	SA.
39.	Saugat Bhattoni	Computer Engreen	Executive,	Saugut
40.	Sangal Bhattonia Uanpph Barand	1		Tari







MILLENNIUM CHALLENGE ACCOUNT NEPAL (MCA-NEPAL) REGISTRATION SHEET

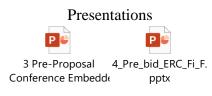
Program: Preproposal Conference- Consulting Services for Embedded Advisors for ERC Date: 06 October 2023

Venue: MCA-Nepal, Lapsephedi Hall

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Annex B









Electricity Transmission Project

Embedded (Resident) Advisors for Electricity Regulatory Commission (ERC) under Electricity Transmission Project (Power Sector Technical Assistance Activity) in Nepal Pre-Proposal Conference 6 October 2023







Objectives of the Pre-Bid Conference





Objective of the Presentation

- Provide Relevant Information/Clarifications To Prospective Consultants
 - Technical Information
 - Procurement Information
- Discuss Important Highlights of the RFP
 - Provide Tips and recommendations for submission of Proposals
- Receive Questions Clarifications from Prospective Consultants







Agenda

- From 6:00 PM to 8:00 PM
- During first Part: Presentations
- Second Part: Questions and Answers Session
- Closing Remarks
- Most Important Session:
 - Interactive Q&A session







Timeline

Event	Date	Remarks
Publication Date	22-September-2023	
Pre-Proposal Conference	6-October-2023	
Site visit	No Guided Site Visit for this Procurement	
	No oulded site visit for this Hocarchient	
Last date for requesting Clarification	13-October-2023	41 days before deadline for Proposals submission
Last date for responding to request for Clarification	2-November-23	21 days before deadline for Proposals submission
Submission Deadline	23-November-23	
Proposal's validity period	120 days after 23-November 2023	
Expected Entry Commencement of Services	April 2024	
Expected Entry commencement of Services	April 2024	







Important Highlights

- The Budget is Not published but the Level of Effort of Key Staff
- High Value Long Term Contract
- Base Period: 24 Months, four experts.
- Option Period: 24 Months, 3 experts
- Eligibility: No GoE Policy is applicable
- Two mandatory Criterion; one for the firm and a second one for the key staff
- Evidence of Financial Capacity: US\$360,000







Question and Answers

- MCA-Nepal will try to provide best answers to raised queries
- All answers shall be considered as "draft answer" as the official shall be in writing
- It is possible that some clarifications and its responses may trigger an addendum to the RFP document.
- Minutes of the meeting and recording of the meeting (as available) will be circulated







Fostering economic growth with better access to electricity and roads.







Power Sector Technical Assistance Activity

Procurement of Consulting Services for Embedded (Resident) Advisors for Electricity Regulatory Commission (ERC) through the Consulting Firm

Pre- Proposal Conference

6th Oct 2023







Compact Objective to Electricity Regulatory Commission (ERC)

The Compact objective for Technical Assistance (TA) Program is to assist ERC in successfully operation/run as an independent electricity sector regulator through capacity building of the ERC commissioners as well as the staff members to help bring transparency, efficiency, and competition into Nepal's power sector.







Electricity Regulatory Commission (ERC)



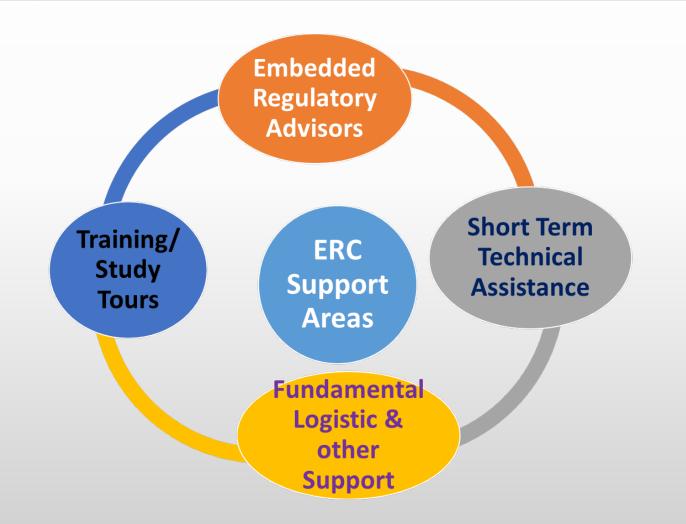
Electricity Regulatory Commission (ERC) formed under the Electricity Regulatory Commission Act, 2074 and the Electricity Regulatory Commission Rules, 2075, in order to regulate electricity market more competitive and to make electricity service reliable, accessible and better quality.







Compact Support Activities to ERC









Procurement of Consulting Services for Embedded Advisors

 Procurement of Consulting Services for Embedded (Resident) Advisors for Electricity Regulatory Commission (ERC) through the Consulting Firm



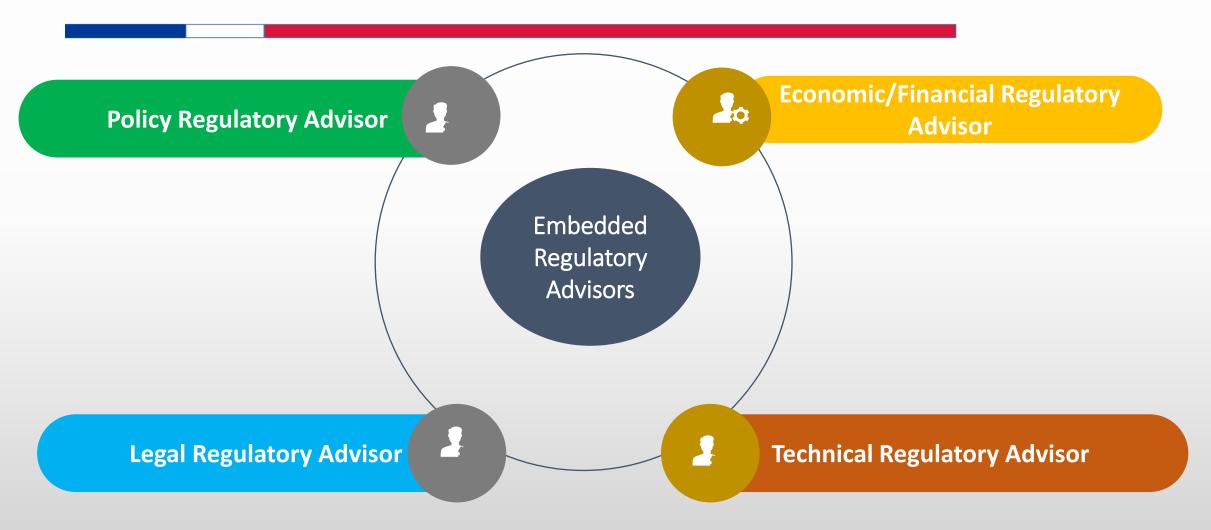








Procurement Activities









Role and Contract Period of Embedded Advisors

- > Embedded Regulatory Advisors will support ERC on following areas :
 - □ Regulatory Reviews and preparations
 - **Oversight of short term Consultants conducting various studies**
 - □ Participate in Technical Regulatory discussion
 - Develop core operational practices and procedures
 - □ Capacity building of ERC staff & Commissioners.

This assignment includes a Base Period of two (2) years and additional maximum two (2) years of Optional Period. The Option can only be exercised by MCA-Nepal based on Consultant's successful performance during Base period and which is satisfactory to ERC and MCA-Nepal, budgetary availability and MCA Nepal/ERC needs. Except Policy Advisor rest three Advisors will be embedded for both Base and Option Periods.

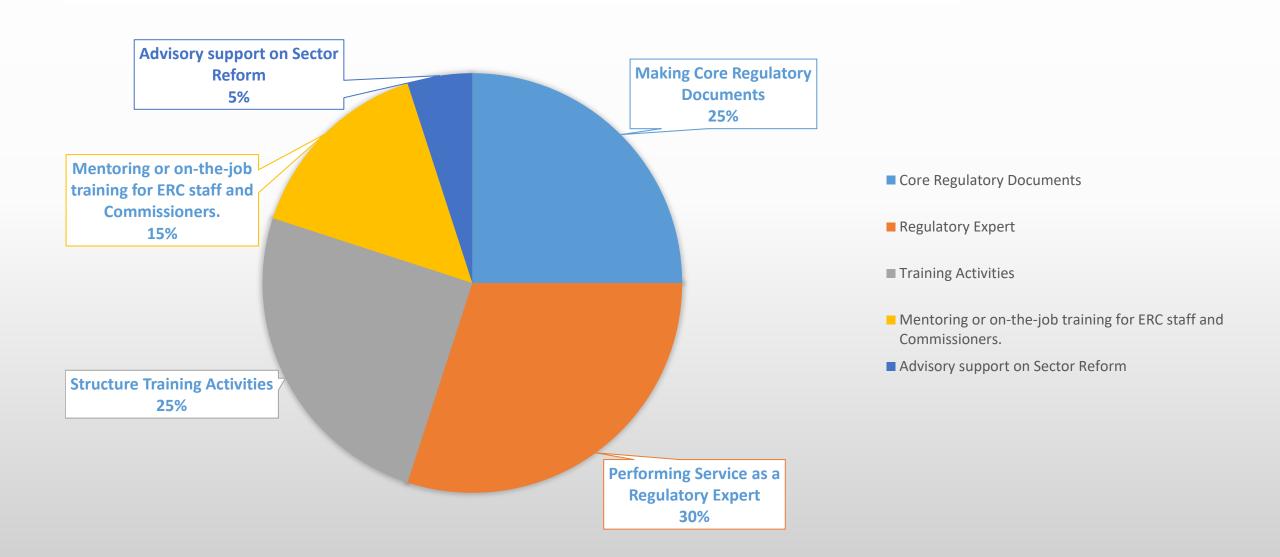
The Consulting Firm will identify one of the Regulatory advisor as the team leader/ Project Manager (except Policy Regulatory Advisor).







First Year of Consulting Works: Areas of Support and Time Allocation

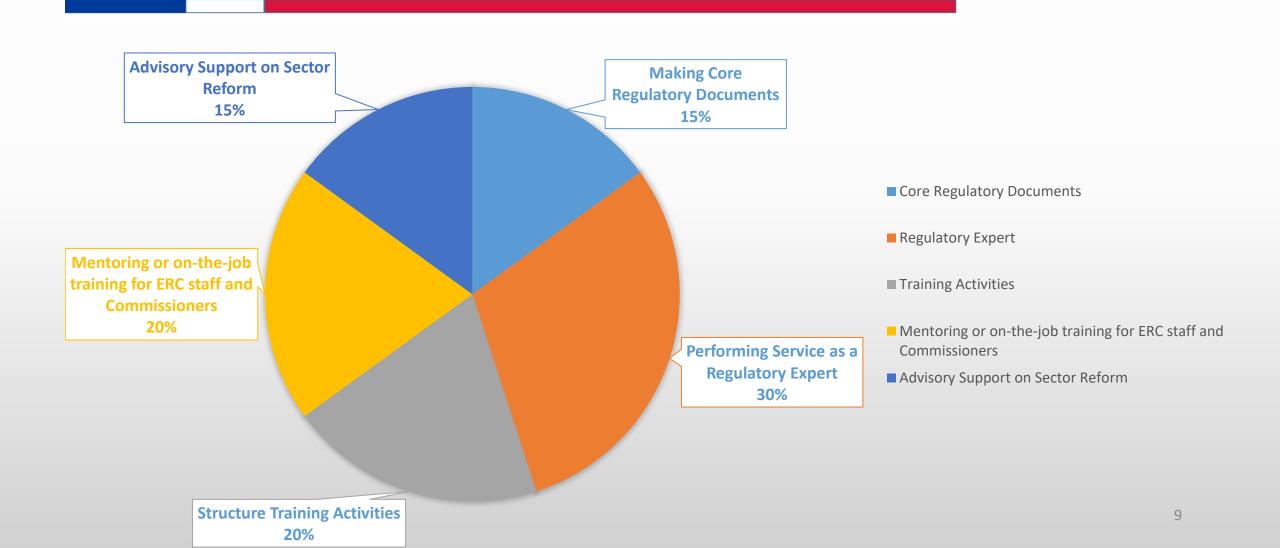








Second Year of Consulting Works: Areas of Support and Time Allocation









Important Notes-I

- Work station for Four Embedded Advisors will be in the ERC office in full time basis.
- ERC will provide office space for the Embedded Advisors.
- MCA-Nepal will act as project monitor for all contractual and administrative matters to ensure that quality work products are provided by the Consultant.
- MCA-Nepal will be responsible for procurements of all other activities which is not specified in the RFP for Embedded Advisors.







Important Notes-II

- ERC is in the process of recruiting permanent staff, however, this recruitment is contingent upon the approval of Employee Administration Bylaws by the Ministry of Finance.
- In the event of a delay in the recruitment of permanent staff, staff training scheduled for the first year will be postponed to the second year of Compact support and Embedded Advisors will carry out the activities on short-term technical assistance during the first year of Compact support. These changes should be reflected in the Inception phase.
- The Consultant (Four Embedded Advisors) will develop a defined set of objectives, success criteria and detail work plan (including major monthly deliverables, training schedule and flag dates of major deliverables) for the full base period of the assignment (two years) following the scope of work mentioned in the Terms of Reference in the Inception Report.
- The timeline of Key activities and milestones include in the Term of Reference (ToR) need to be updated and agreed with MCA-Nepal during inception phase.







Important Notes-III

- The Consultant is required to provide services to the ERC through the Embedded Advisors which are required to achieve current or amended objective of the ERC and which comes under the expertise of the Embedded Advisors. Any change in objective/scope of work shall not be considered additional work and the Consultant shall not be paid any additional amount for it.
- MCA-Nepal seeks an Economic/Financial Regulatory Advisor, a Technical Regulatory Advisor, a Legal Regulatory Advisor and a Policy/Institutional Regulatory Advisor through a consulting firm for a base period of Two (2) years. For an additional optional period of maximum of two yeas, MCA-Nepal will continue with the same Economic/Financial Regulatory Advisor, Technical Regulatory Advisor and Legal Regulatory Advisor from the same consulting firm based on performance under a contract option.
- The Consultant shall prepare an Inception Report covering a substantive and comprehensive approach in completing/delivering the scope of work (SOW) as mentioned in ToR, and detail work schedule (including major monthly deliverables, training schedule and flag dates of major deliverables).







Important Notes-IV

- Payment will be made based on Consultant's delivery and the satisfactorily acceptance of monthly/quarterly/annual major deliverables as per detailed work schedule mentioned in the Inception Report or revised and agreed in previous Monthly / Quarterly Report by MCA-Nepal and subjected to positive recommendation by ERC.
- MCA-Nepal will be responsible for arranging the venue and managing the logistics (lodging, food, travel, reproduction of training material and other necessary arrangements for the participants) (excluding the cost for the Consultant) for the training/workshops; and will bear the cost for these arrangements.
- The consultant will be required to follow MCA-Nepal Branding guidelines and Communication Protocol related to media and digital media, which will be provided by MCA-Nepal to the Consultant during inception workshop.







Responsibilities of Consultant-I

- The Consulting firm will be responsible for equipping its team with computers, laptops, cell phones, transportation facilities etc.
- The Consultant will also be responsible for securing work visas (if necessary) for Embedded Advisors; although, MCA-Nepal may provide support for applications for those work visas.
- Living accommodations for the Embedded Advisors will be the responsibility of the Consultant.
- The cost of all other facilities, flight tickets, allowances, insurances, etc., required by the Consultant to carry out the assignment shall be included in the consultant's financial proposal.







Responsibilities of Consultant-II

- Consultant is not required to engage additional key personnel beyond the Embedded Advisors, it is essential that the Advisors have the ability to focus on technical, substantive regulatory work.
- Moreover, the Consultant may propose non-key personnel to strengthen their team to successfully complete the assignment. The roles and responsibility of the non-key and support staff proposed by the Consultant must be explained in the consultant's approach and methodology which will be evaluated by the MCA-Nepal.







Major Milestone









Fostering economic growth with better access to electricity and roads.

Annex C

Questions and Answers

#	Questions and An	
	Questions	Answers
<u>Questi</u> 1.	Apologies for repeating same question - "Lead Partner Must propose at least 1 (one) Key Personnel" - Please confirm whether he must be an employee of the Lead Partner or can be an individual consultant representing Lead Partner	Any Key personnel may be an employee of the Lead Partner or be an individual consultant representing and proposed by the Lead Partner. However, please note that there are certain restrictions for proposing key personnel which are described in the Instructions to Consultants ITC 5 of the Request for Proposals (RFP) document such as Government Employees, MCA Entity Staff etc.
		Further, the consultant shall have the confirmation of availability of all Key Professional Personnel that are proposed in the Proposal.
2.	Please confirm the correctness of the following regarding the Nationality of the EMBEDDED ADVISORS - With reference to the ITC Clause 5, it is understood that there is no restrictions on NATIONALITY -(in positioning all the EXPERTS based out of NEPAL)	Except the restrictions on nationality that can be found under eligibility requirements as mentioned in the ITC 5 and MCC Program Procurement Guidelines Part 10 and Form Tech-12, there is no preference for domestic consultants, or any other nationality.
3.	Whether a Proprietorship Consultancy firm can participate in the bidding?	A Consultant may be a private entity, certain government-owned entities (in accordance with MCC Program Procurement Guidelines as described in ITC Sub-clause 5.6), or any combination of such entities supported by a letter of intent to enter into an agreement or under an existing agreement of association in the form of a joint venture or other association.
4.	In two projects with a duration of at least six months for each project related to technical regulation covering three of the areas such as power sector technical operations, grid code, power sector planning, monitoring of regulated entity of technical performance and service delivery, tariff design including service standards and technical parts of the tariff design and so on,	The Consultants are required to satisfy the requirement mentioned in the RFP. The Consultant are required to demonstrate experience in two projects with a duration of at least six months for each project related to technical regulation covering three of the mentioned areas.
5.	In the above scoring clause, can a firm show more than 2 projects to cover the three areas As this is embedded consultant, everything needs to be shown as Field in Tech 9??	Yes. All four embedded advisors must be working full time with ERC in Kathmandu

#	Questions	Answers
		place other than the Consultant's home office, in this case ERC office.
6.	For Embedded Economic/ Financial Regulatory Advisor position one of the criteria is: Experience in senior position at an electricity regulatory entities/ firm/ utility for five years. Whether experience as Regulatory Consultant for 5+ years in a consulting firm be counted to meet this criteria?	Yes. Experience as Regulatory Consultant for 5+ years in a consulting firm be counted to meet this criteria.
7.	Will ERC be providing support staff to assist the embedded consultants to draft policy/regulations	No, ERC will not be providing any dedicated support Staff to advisors.
8.	Whether the Technical Evaluation Framework at 3.6 of RFP also applicable while scoring the Organizational Capability and Experience of the Consultant and Past Performance?	The Technical Evaluation Framework stated in 3.6 Qualification Evaluation Criteria is applicable for all the criteria which will be evaluated based on the point system.
		Past Performance will be evaluated as per ITC 26.1.
		Please note that in the case of Joint Venture, Organizational Capability and Experience of the Consultant shall include the purpose of the Joint venture, what each Joint Venture partner will be undertaking as well as their input during contract implementation.
9.	Can you please confirm that MCA Nepal will be the entity with whom the selected consultant shall (a) sign the agreement, and (b) raise the invoices?	
10.	"Experience in a senior position at an electricity regulatory entity / firm / utility for five years. "As consultants firms personnel experience generally remains in consulting experience to utilities/ Regulators only and very few personnel have direct employment in these entities, we suggest that this scoring criteria may be evaluated for removal. Such criteria for each of the positions may be evaluated to be removed	The Request for Proposal will not be amended.
Ques	tions from the Floor:	·
1.	Does all the consortium members have to meet all the mandatory criteria?	In case of Joint Venture, all members combined shall fulfill the <i>mandatory requirement</i> . Concerning all other requirements to be fulfilled by a JV, we strongly recommend carefully review Table 3.7. Qualification Table.

#	Questions	Answers
2.	Is there any limitation on number of members for consortium?	As per the RFP document, there is no limitation on the number of members of a Joint Venture or Association.
3.	Can JV partners not provide lead partner But comply and satisfy the other requirements?	No. Please refer to ITC 5.7, ITC 12.2 and 12.4. The 12.4 (b) indicates "In case of a joint venture, all partners shall be jointly and severally liable and shall indicate who will act as the leader of the joint venture. "
4.	Elaborate on Evidence of financing and what sort of exact document has to be submitted.	If the query is related to Form Tech-2A, Evidence of financing (US\$360,000), documents such as (i) letter from consultant's bank which provides evidence of availability of those funds for the implementation of the Project and (ii) available cash as reflected in audited financial statements.
5.	Is it tax free? Not clear whether the clause 2.8 in the Compact or PPG clause applies for Consultant or not?	Please refer to MCC Nepal Compact that you may download from the MCA-Nepal website. The MCC Nepal Compact Section 2.8 (Taxes) along with Annex VII Tax Schedules provides the details on the Taxes provision under this Compact. Taxes provisions apply for all expenses/purchase/services/good and works procured
6.	What is the working hours for embedded advisor? Do they have to follow ERC's schedule and holidays? What about Leave (sick or personal) provisions ?	Please refer to Annex D of Section VIII. Contract Forms and Annexes.
7.	Will all the logistic cost be bear by MCA-Nepal for all the training, workshop or any events?	Please refer to chapter H of the Terms of Reference "Facilities to be provided by ERC and responsibility of Consulting Firm" of Section V- Terms of reference.
8.	Lead partner has to propose a team leader or can be from JV partner?	The Lead partner "Must propose at least 1 (one) Key Personnel"
9.	Section 2.8 from MCC compact is not clear enough hence can you please suggest cany sub clause for clear understanding.	You are requested to go through the MCC Compact clause 2.8 with should be read in conjunction with Annex VII "Tax Schedules".
10.	Is a Sub-consultant allowed to propose an Advisor?	Only Consultant can propose the advisor, but they may source the advisor through sub- consultant.
11.	What kind of evidence is required for the Experience related to Tech-4?	Submission of evidence related to the experience mentioned in Tech-4 is not mandatory. However, the Consultant might be requested to submit documentary evidence of the claimed experience via clarification during evaluation of proposals, if required. Also, MCA-Nepal will contact all referees provided in Form Tech-4 to validate the submitted information.

#	Questions	Answers
12.	What does it mean by Home and field input from Embedded Advisors in Tech-9?	Fieldwork means work carried out at a place other than the Consultant's home office, in this case work performed at Nepal/ERC office is considered as Field Work.