

**Government of the Republic of the Philippines
Public-Private Partnership Center**

TA-7796 PHI: Strengthening Public-Private Partnership in the Philippines (45515-001)

**Empanelment of Project Preparation and Transaction Support Consultants
under Indefinite Delivery Contracts**

**Responses to Questions Received as of 11 March 2014
Date of Issuance: 19 March 2014**

NO.	QUESTION	ANSWER
<p>Note: On 11 March 2014, the PPP Center issued <i>Responses to Questions Received as of 03 March 2014</i>. Please refer to ADB's CSRN (http://www.adb.org/projects/45515-001/business-opportunities) and PPP Center's website (www.ppp.gov.ph) for the pdf file of said document.</p>		
1	Are there any requirements for the forms of association that can be formed?	<p>Please refer to para 1.14 of the ADB's Guidelines on the Use of Consultants (March 2013) for the forms/types of association.</p> <p>As regards the association documents or agreements, there are no prescribed forms or formal requirements. The firms may use the legal/formal requirements applicable in the country/place of execution. Note that these agreements are not yet required during the Expression of Interest (EOI) submission and evaluation.</p> <p>However, should your firm be prequalified, the PPP Center will require submission of these agreements, along with other relevant documents, prior to signing of the Indefinite Delivery Contract. The PPP Center will then review if the association agreements do not conflict with the terms of the Request for Expression of Interest (REOI).</p>

NO.	QUESTION	ANSWER
2	<p>Should the template from the ADB website be followed in submitting an EOI?</p> <p>On “Part II.D: Other Comments” of the EOI, what type of information should be written here?</p> <p>On “Part VI: Key Considerations in Approaching this Assignment” of the EOI, what type of information should be written here?</p>	<p>Please refer to Items 22 and 26 of the REOI and see further clarifications below:</p> <p>In submitting the EOIs directly to the PPP Center (offline mode), firms shall use the Customized EOI Template posted on 11 March 2014. Note that the Customized EOI Template generally follows the template provided in the link referred to in Item 22 of the REOI, but some modifications have been made to address the specific requirements of this empanelment/prequalification process and to allow firms without ADB’s Consultant Management System (CMS) registration to participate.</p> <p>Firms submitting EOIs through ADB’s CMS shall use the EOI template of the CMS system. Firms are encouraged to refer to the Customized EOI Template used for the offline submission mode mentioned above to see the modifications/clarifications made to address the specific requirements of this empanelment/prequalification process.</p> <p>Part II.D: Other Information is optional. Firms may provide any information which they deem necessary for the evaluation of EOIs.</p> <p>Part VI: Key Considerations in Approaching this Assignment is not applicable for empanelment/prequalification purpose. Please refer to the Customized EOI Template.</p>
3	<p>Is there a maximum number to be prequalified for inclusion in the Panel of Firms?</p>	<p>None.</p>
4	<p>What type of document is required in the certification indicating that the legal specialists and project finance specialists to be nominated during the 2nd stage shall be among the firm’s experts submitted during prequalification? Are individual letters signed by each expert required? Should documents be notarized?</p>	<p>There are no prescribed forms or formal requirements for the certification. The firms may use the legal/formal requirements applicable in the country/place of execution.</p>

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5	Are firms evaluated based on finished/completed projects only?	Firms will be evaluated based on completed assignments – as advisors to government procuring agencies, bidders or lenders – related to preparation and/or transaction of PPP projects..
6	<p>Is the submission of CVs of finance and legal experts required? Will a summary of qualifications in tabular form suffice?</p> <p>Is the submission of CVs of technical experts required?</p>	<p>Submission of CVs of finance and legal experts is required. There is no prescribed CV template. Firms shall ensure that sufficient information is provided to enable PPPC to assess experts' qualifications and experiences.</p> <p>Submission of CVs of technical experts is not required during Stage 1: Prequalification. Note that footnote 20 of the REOI is revised to read as:</p> <p>“If the association includes a technical/engineering firm, no similar certification is required for the technical specialists listed in its Expression of Interest.”</p>
7	Considering that “similar assignments” (Criteria 1 and 2, Appendix 3 of the REOI) refer to completed assignments <u>providing either (i) financial advice on PPP, or (ii) legal advice on PPP</u> , are these the only assignments/projects that the firms may list as “relevant projects” successfully completed in the EOI (Item E of EOI Customized Template/ Item E of ADB’s EOI Template), in demonstrating its qualifications and experience?	<p>For purposes of the evaluation criteria in Appendix 3, only similar assignments as already defined will be considered.</p> <p>However, for purposes of assessing if the firm or technical member-firm (in case the association includes one) also possesses technical/engineering experience, as reference for validating the condition in Footnote 11 of the REOI during the call-down assignment, the concerned firms are also required to list down relevant assignments or projects providing technical/engineering advice on PPP, in the Project References of the EOI.</p>
7	Does the core competence of the firm/association (para 22 (b) (i) of the REOI) refer to the sector experience as stated in page 17 of the REOI?	Yes, the “core competence” mentioned in para 22(b)(i) refers to “sector experience”.
8	Is there any conflict of interest if a member of an association wants to advise a private prospector in a bidding process? In case yes, can you specify in which cases?	Please refer to paragraphs 1.10 and 1.11 of the ADB's Guidelines on the Use of Consultants (March 2013).

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9	From the REOI we understand that we have to express interest through the Consultant Management System. Do we also have to send a Submission Form to the address indicated on page 14 of the REOI? In case yes, can we send this Submission Form only by email?	<p>Item 26 of the Request for Expression of Interest (REOI) specifies two modes of submission, online and offline. EOIs may be submitted online through ADB's Consultant Management System (CMS). PPP Center will have access to the documents submitted through CMS.</p> <p>Alternatively, firms may send their EOIs offline directly to PPP Center by way of:</p> <p>(a) mail at the following address:</p> <p style="text-align: center;">COSETTE V. CANILAO Executive Director Public-Private Partnership Center NEDA sa Quezon City EDSA, Diliman 1103 Quezon City Philippines</p> <p>or</p> <p>(b) email (in pdf) at: pdmf@ppp.gov.ph, indicating the addressee mentioned in (a) above.</p>
10	Can the new Panel of Firms be retained for at least three to four years instead of two years (until July 2016) as indicated in the REOI?	<p>We maintain that the new Panel of Firms will be retained for a period of two years (i.e., until July 2016) pursuant to para 6 of the REOI.</p> <p>Extension of the validity of the Indefinite Delivery Contract (IDC) may be considered later.</p>
11	With the key objective of building capacities of government institutions involved in PPPs, can a technical working group take the lead in the bidding process, while the Consultant/s provide technical assistance in terms of required specialist inputs?	<p>This can be considered in the preparation of the Terms of Reference (TOR) during Stage 2: Call-down Assignment.</p>

NO.	QUESTION	ANSWER
12	In Appendix 3, is the “and/or ethics code” inadvertently deleted in rating 100% and 90%?	<p>Appendix 3, No. 3 (a), Rating is revised to read as: The following documents are required: 1) lead firm’s audited financial statements (if not required by the law of the lead firm’s country, other financial statements acceptable to PPP Center) for the last three years showing positive net worth and no qualified opinion by an independent auditor; and 2) ISO 9000 (Quality Management) certification.</p> <p>Lead Firm has ISO Certification for more than 15 years– 100% Lead Firm has ISO Certification for 12-15 years – 90% Lead Firm has ISO certification for 9-11 years – 80% Lead Firm has ISO certification for 6-8 years – 70% Lead Firm has ISO certification for 3-5 years – 50% Lead Firm has ISO Certification for less than 3 years only – 0%</p> <p>Following the answer/clarification in Item (a) above, Section VIII paragraph 22(c)(i) of the REOI is revised as:</p> <p>Firm’s history (duration of being in the business and the track record in the field and/or region, as well as financial standing of the lead firm) with details of ISO 9000 certification, and submission of financial statements.</p>
13	Given that payment for various milestones and/or outputs are released based on the approval by a Project Study Committee (PSC), can a maximum time limit for said approval be set beyond which milestones and/or outputs shall be deemed approved?	This time limit will be specified in the Request for Proposals for each Call-down Assignment.
14	Can the requirement where the engineering /technical firm signing off on all technical-related deliverables of the association be dispensed with?	We maintain that the engineering /technical firm will sign off on all technical-related deliverables of the association to ensure increased level of quality assurance.

NO.	QUESTION	ANSWER
15	In enhancing expertise for the assignment during the Stage 2: Call-down Assignment, particularly with engineering firms, can obtaining written approval prior to submission of proposal be not required?	We maintain that shortlisted Consultant must obtain the written approval of the PPP Center prior to the submission of proposal.
16	Is the association with national experts/firms allowed on non-exclusive basis across various shortlisted firms to which the Request for Proposal (RFP) is sent during Stage 2: Call-down Assignment?	<p>Item 21 (iv) of the REOI stipulates that each association (including individual member consulting firms) is encouraged to submit only one EOI. It further clarifies that individual experts may be nominated in more than one proposal.</p> <p>Firms should be aware of the “only one proposal” rule specified in Clause 11 of Section 2 of the ADB’s Standard Request for Proposals which will be used in call-down assignments at the second stage.</p>
17	Can the firm nominate experts outside of the list of experts submitted during the prequalification stage?	<p>For legal and project finance experts, the firm should nominate experts from the association’s list of experts submitted during the empanelment stage. However, for reasons beyond the control of the association, nomination of other experts may be allowed provided that said experts have equal or better qualifications than the original experts included in the list during the 1st stage.</p> <p>For other experts, the firm can nominate experts outside of the list submitted during the prequalification stage.</p>
18	Can we forego the certification indicating that the legal and project finance specialists to be nominated during the 2 nd stage shall be among the list of experts submitted during the 1 st stage?	We maintain that the firms should submit a certification indicating that the legal and project finance specialists to be nominated during the 2 nd stage shall be among the list of experts submitted during the 1 st stage/empanelment stage. This is consistent with para 15 of the REOI which stipulates that “ <u>the legal specialists and project finance specialists nominated during the call-down stage shall be among the association’s list of experts submitted during the empanelment stage.</u> However, for reasons beyond the control of the association, nomination of other experts may be allowed provided that said experts have equal or better qualifications than the original experts included in the list during the 1st stage.”