



REPUBLIC OF THE PHILIPPINES
Public-Private Partnership Center of the Philippines

Pre-qualification of Consulting Firms for the
Panel of Project Preparation and Transaction Advisory Consultants

Responses to Questions Received as of May 13, 2016
Date of Issuance: May 20, 2016

No.	Reference to the REOI	Question/Issue/Concern	Response/Clarification
1.		Is the proposed Technical Assistance (TA) No. 48458-002 "Strengthening Public-Private Partnerships in the Philippines - Phase 2" in ADB's pipeline an extension of the current TA for the PDMF?	The proposed TA No. 48458-002, referred to as the 2nd phase of the current TA (TA No. 7796), is a new TA to the PPP Center to, among others, allow PDMF support for probity advisory and independent consultancy services. The said TA will not extend the closing date of the current TA.
2.		Does ADB have a projected timeline for the approval for the request for extension?	We expect to obtain ADB's approval for extension of the closing date of the current TA (TA No. 7796) by June 2016.
3.		Can a firm participate and be prequalified for all of the 3 panels (i.e., Panel of Project Preparation and Transaction Advisory Consultants, Panel of Probity Advisors, and Panel of Independent Consultants)?	Yes.
4.		Request for additional information on the competitive scope and instructions for responding to the REOI.	Please refer to the REOI posted at ADB's Consulting Services Recruitment Notice (CSRN).
5.	Para 4 and 5	If new firms are prequalified, will the indefinite delivery contract (IDC) be effective until July 31, 2016 only (effectively only 1 month long since the commencement date listed is June 15, 2016)?	The PPP Center is expecting ADB's approval of the extension of the current TA by June 2016. Thus, the IDC period shall be equivalent to the term of the extended TA, or until July 2018. In case the PPP Center's request for TA extension has not been approved by ADB prior to the completion of the pre-qualification process, the IDC will be effective until July 31, 2016. The IDC period shall be extended accordingly once the ADB has approved the TA extension.

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6.	Para 4 and 5	The IDCs of firms in the current Panel will expire on July 31, 2016. If firms in the current Panel wish to be considered after July 31, 2016, will the firms go through the same pre-qualification process?	Yes. Please refer to para 5 of the REOI for additional information.
7.	Para 6	Can the lead firm submit audited financial statements for the years 2012-2014 if the audited financial statements for 2015 are not yet available?	Yes.
8.	Para 7 and 8	Should we submit our proposal via ADB's Consultant Management System (CMS) or we can choose to submit our proposal directly to the PPP Center?	The proposal can be submitted either through ADB's CMS or directly to the PPP Center. Please refer to para 7 and 8 of the REOI.
9.	Para 8	Request for the contact persons for the pre-qualified consultants listed in Indefinite Delivery Contracts (TA 7796-PHI: Strengthening Public-Private Partnerships in the Philippines)	The contact details for the current Panel of Consultants can be downloaded at http://ppp.gov.ph/?page_id=82 .
10.	Para 8 and 9 of Appendix 2 – Terms of Reference (TOR)	Can a firm be included in more than one association? Please confirm that with respect to exclusivity, firms can be part of more than one association.	Yes, a firm may be included in more than one association except if such firm is the lead firm or a JV partner in another association, which association is similarly submitting an EOI for this prequalification exercise.
11.	Para 11 of Appendix 2 – TOR	If a firm is pre-qualified in Stage 1, we are to sub-contract technical due diligence to an engineering consultancy firm as part of Stage 2; however, no such arrangement is contemplated for environmental and social sector requirements. The TOR appears to anticipate that the transaction advisor will produce the environmental study and resettlement action plan, and undertake public consultations on itself without any external, specialist support.	Firms are pre-qualified in Stage 1 based on their financial and legal expertise. Should a call-down assignment (Stage 2) require technical expertise, the firm is expected to associate with appropriate technical firms to comply with the requirement if said expertise is not available within the firm. Technical expertise includes expertise required to deliver output and services related to engineering, environmental, social safeguards, among others.
12.	Para 14 of Appendix 2 – TOR	The TOR states that any change in the composition of an association during Stage 2 must be pre-cleared with the PPP Center. By implication, there is a risk that the PPP Center might reject a subcontracting arrangement with a specialist environmental and social consultancy even if it is in the best interest of the project.	Prior approval from the Client (i.e. PPP Center) is required under the standard Request for Proposal documents, for any change or modification in the composition of the prequalified consulting team or association. This is because, ideally, the composition of the consulting team or association when it was prequalified in Stage 1, should be maintained when competing in Stage 2; such that withdrawal of a member-firm or sub-consultant will only be allowed for justifiable circumstances. However, if the modification of the composition is done by way of association with additional sub-consultants or firms to enhance the team's expertise, it will generally be allowed.

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13.	Para 15 of Appendix 2 – TOR	Can a panel member not selected for a particular transaction work with potential bidders, lenders, or take any other non- PPP Center mandate with respect to that specific transaction?	<p>Yes, a panel member that has not been selected for a particular transaction may work with potential bidders, lenders, or take any other non-PPP Center mandate with respect to that specific transaction. However, provisions under para. 1.10 and 1.11 of ADB’s Guidelines on the Use of Consultants (March 2013) should be taken into consideration.</p> <p>Further, the conflict of interest provisions in the ADB’s Guidelines and RFP documents do not preclude the implementing agency from including any other COI situations in the bidding documents for the public-private partnership (PPP) project.</p>
14.	Para 15 of Appendix 2 – TOR	A prequalified association (“ A ”) receives a call down assignment for a particular project. One of A ’s member firms, “ B ”, excused itself from participating in the assignment due to potential conflict-of-interest (i.e. one of B ’s clients expressed its intention to bid for the project subject of the call down assignment). A proceeded by procuring other experts and later on won the selection process and was appointed the transaction advisor for the project. The project was developed by A without any participation on the part of B . When the project was approved and announced for tender, one of B ’s clients joined as a prospective bidder and hired B as its advisor. Will this be allowed?	A should ask the PPP Center’s prior approval for B ’s non-participation in the call-down assignment, before B can be replaced by another firm. Regarding the hiring of B as advisor of one of the prospective bidders in the PPP Project developed by A , it could be allowed if indeed B did not have any participation in the development phase of the PPP Project. It should be noted however that the rules on participation and disqualification of bidders/PPP proponents shall be governed by the terms of the bidding documents of the PPP Project.