



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

**Pre-qualification of Consulting Firms for the
Panel of Probity Advisors**

Responses to Questions Received from May 14-26, 2016
Date of Issuance: June 20, 2016

No.	Reference to the REOI	Question/Issue/Concern	Response/Clarification
1		At what stage of the bidding process would the probity advisor be engaged?	The probity advisor shall be engaged once the transaction advisor starts the drafting of the bidding documents and shall end once the PPP contract is signed.
2		Can a firm/association engaged as probity advisor in one project be engaged as the transaction advisor for another project of the same agency?	Yes.
3		Is the probity advisor, previously engaged as the transaction advisor for another project of the same agency, estopped from challenging the procedures it has previously implemented?	The probity advisor is not expected to assess or review the bidding procedures conducted for previous or other ongoing PPP projects of an implementing agency. In case however, that the probity advisor has taken part in the implementation of similar bidding procedures now being the subject of the probity advisor's review and assessment, the latter is expected to present an unbiased and professional report in keeping with its role to ensure probity, fairness, accountability and transparency of the bid process stage of its PPP assignment.
4	Paragraph 7 of REOI	If the consortium opts for an offline submission of its EOI, is registration in the ADB CMS required?	No.
5	Paragraph 8 of Appendix 2 – TOR	What is the difference between a probity advisor, and a transaction advisor?"	A probity advisor is responsible for maintaining integrity of the PPP procurement process by ensuring fairness, transparency, stakeholder confidence, and accountability. It provides, among others, independent assessment and/or advice to an implementing agency at each stage of the bidding process on whether the processes being undertaken are consistent with government procurement policies and procedures. On the other hand, a transaction advisor is responsible for the conduct of a robust and high-quality technical, commercial, legal and socio-environmental feasibility study, project structuring, and provision of advice during the bidding process until financial close.
6	Paragraph 8 of Appendix 2 – TOR	Will there be additional effort on the part of the transaction advisor and the implementing agency during the bidding	The probity advisor is among the parties to which the transaction advisor should also be dealing with during the bid process stage. Their

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		process with the involvement of the probity advisor?	tasks and reports should however be independent of each other. The coordination arrangements can be discussed between the transaction advisor and probity advisor during the call-down assignment stage.
7	Paragraph 8 of Appendix 2 – TOR	What will be the role then of the probity advisor on the finalization of the concession agreement?	Based on the indicative detailed tasks of the probity advisor (para. 8, Phase 3, Task (a) in the Terms of Reference, attached to the REOI), the latter will review the bid documents including the PPP Agreement, on a probity perspective, and provide advice if necessary. Thus, the probity advisor is expected to raise observations or concerns only with regard to matters or issues arising from the PPP Agreement that may affect the integrity, transparency, fairness and accountability of the PPP process of the project.
8	Paragraph 9 of Appendix 2 – TOR	Can a firm be pre-qualified if the firm's experience is heavy on probity audit services?	Firms will be evaluated based on relevant and proven work experience as indicated in paragraph 9 of Appendix 2 to pre-qualify. Probity audit may be considered as similar experience in the evaluation.
9	Paragraph 12 of Appendix 2 – TOR	Is it necessary for a firm or association of firms to include a national legal specialist as key expert at Stage 1 or will it be required during Stage 2 if the firm or association of firms were pre-qualified??	It is not necessary for a firm or association of firms submitting an EOI for pre-qualification (Stage 1) to include a national legal specialist as Key Expert.
10	Part I and Part VII of Appendix 3 – EOI	Is the written agreement to associate between/among consortium partners the same with the letter of association?	Yes.
11	Item E, Part II of Appendix 3 – EOI	Can firms submit more than 10 projects as references to assess the relevant experience of the firm or association?	Yes. All listed projects shall be taken into consideration during the evaluation of the firm's experience.
12	Parts IV and V of Appendix 3 - EOI	Given the scope of this EOI, can you please confirm that Section IV (Comments on Budget Adequacy) and Section V (Key Considerations in approaching this assignment) of the submission form (Appendix 3 of the EOI) are not relevant / applicable to this EOI?	Sections IV and V of the EOI are not applicable for pre-qualification purposes.
13	Part VI of Appendix 3 – EOI	Is the requirement to list experts as indicated in Part VI apply for this pre-qualification exercise?	Yes.
14	Part VI of Appendix 3 – EOI	Is there a limit on the number of pages for the CV of the experts (ADB policies normally impose a limit of 5 pages)?	None.
15	Part VII of Appendix 3 – EOI	Do the Certificates of Incorporation of each firm (as lead firm, JV member or sub-consultant) and the Letter of Association be certified true copies or consularized in their respective countries?	Firms may submit photocopies of the documents.
16	Part VII of Appendix 3 –	If the lead firm, JV member, and/or sub-consultant is a	There are no prescribed forms or formal requirements for the

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	EOI	professional partnership or a similar unincorporated entity, what certification, if any, would be required?	certifications mentioned, as well as for association documents or agreements among firms and association members. Firms may use the legal / formal requirement applicable in the country/place of execution.