

## TERMS OF REFERENCE FOR CONSULTANTS

1. The proposed TA facility plans to recruit consulting firm (Nepal Administrative Staff College) through direct contracting, 8 individual national consultants and 1 individual international consultant. ADB will engage the consultants following the ADB Procurement Policy (2017, as amended from time to time) and its associated project administration instructions and/or staff instructions.

### **A. Consulting Firm (Capacity Building)**

2. A consulting firm (the Nepal Administrative Staff College) will be recruited through direct contracting. The firm will implement the capacity building program for 1,500 staff of the executing and implementing agencies (EAs/IAs) in the areas of procurement, consultant selection, contract management, project management, safeguards, Gender Equality and Social Inclusion (GESI), financial management and topics assessed from the periodic surveys. The firm will field a team of consultants to implement the following activities.

- (i) design an overall structure of the training in close coordination with the team leader, the deputy team leader, ADB and relevant agencies;
- (ii) conduct a training needs assessment in close coordination with the team leader and the deputy team leader;
- (iii) prepare training schedule in consultations with thematic staff of ADB and other relevant stakeholders;
- (iv) coordinate with the government agencies, such as PPMO, MOFAGA, FCGO and MOF when appropriate, to ensure that there is no overlap;
- (v) provide overall supervision of the training sessions;
- (vi) summarize key areas of discussion at the end of each training session;
- (vii) ensure the overall quality of the training;
- (viii) manage overall logistics of the training, including the sending out of invitations to participants and management of the training venue management;
- (ix) manage all payments related to the training that will be charged to ADB, ensuring sufficient documentation for these payments as required by ADB;
- (x) submit quarterly/annual progress report on the impact of training conducted.
- (xi) roll out of online registration system and e-learning modules; and
- (xii) maintain roster of training of trainers

3. The firm is expected to be fielded from December 2019 until June 2023.

### **Consultant requirements**

4. The following specialists are expected to be included in the proposal

<b>No.</b>	<b>Expertise</b>	<b>Period (person-months)</b>
1.	Financial management specialist	8
2.	Contract management specialist	8
3.	Social and Environmental Safeguards Specialist (i)	8
4.	Social and Environmental Safeguards Specialist (ii)	8
5.	Gender Equality and Social Inclusion Specialist	8
6	Project Management Specialist	5
7	Information System Development Specialist	8

- (a) **Financial Management Specialist** (8 person-months, intermittent). The specialist should have a professional qualification in finance, like CPA/CA/ACCA, or an equivalent qualification and 7 years of relevant experience in financial management and/or budget management. The specialist will undertake, but not limited to, the following tasks:
- (i) in close interaction with the MOF, the specialist will review the existing budgetary cycle and steps and arrangements followed;
  - (ii) review the financial management capacity of executing and implementing agencies, particularly the key infrastructure development agencies, and recommend institutional strengthening measures based on the review;
  - (iii) review and assess the current institutional position of the key sector agencies; and undertake capacity assessments of the executing and implementing agencies concerned, provide input to annual training calendars; and
  - (iv) prepare training modules and conduct training.
- (b) **Contract Management Specialist** (8 person-months, intermittent). The specialists should have relevant engineering degrees and 10 years of relevant experience in construction management of civil works. The specialists will undertake, but not limited to, the following tasks:
- (i) build on existing materials to develop updated training materials for construction management and related subjects and help arrange the training;
  - (ii) build on existing materials to draft standard progress monitoring and troubleshooting tables for managing major work and equipment supply contracts and consultant performance; the tables are to be applied to the projects concerned;
  - (iii) help executing agencies and implementing agencies put the monitoring and troubleshooting system into operation;
  - (iv) help to identify trainers to impart the relevant training;
  - (v) help prepare the designated outputs of the trainings, including the manuals for construction programs, control and management of work progress and work quality, recording of work completed, and technical audit and accreditation system of construction supervision engineer; and
  - (vi) conduct training programs.
- (c) **Social and Environmental Safeguards Specialists** (2 positions, 8 person-months each, intermittent). The social and environmental safeguards specialists should have relevant degrees and at least 5 years of relevant work experience. The specialists will undertake, but not limited to, the following tasks:
- (i) review the social and environmental management capacity of executing and implementing agencies, particularly the key infrastructure development agencies, and recommend institutional strengthening measures based on the review;
  - (ii) prepare training materials and manuals, provide inputs to the training calendar; and
  - (iii) conduct training programs for the executing and implementing agencies.

- (d) **GESI Specialist** (8 person-months, intermittent). The GESI specialist should have relevant degrees and at least 5 years of work experience. The specialists will undertake, but not limited to, the following tasks:
- (i) review the GESI management capacity of executing and implementing agencies, particularly the key infrastructure development agencies, and recommend institutional strengthening measures based on the review;
  - (ii) prepare training materials, provide inputs to the training calendar; and
  - (iii) conduct training programs for the executing and implementing agencies.
- (e) **Project Management Specialist** (5 person-months, intermittent). The specialist should have relevant degree and at least 10 years of work experience. The specialist will undertake, but not limited to, the following tasks:
- (i) review the project management capacity of executing and implementing agencies, particularly the key infrastructure development agencies, and recommend institutional strengthening measures based on the review;
  - (ii) prepare training materials, provide inputs to the training calendar, and
  - (iii) conduct training programs for the executing and implementing agencies.
- (f) **Information System Development Specialist** (8 person-months, intermittent). The information system development specialist should have a degree in information technology or an equivalent degree. The specialist will undertake, but not limited to, the following tasks:
- (i) update a web-based Capacity Development Resource Center (CDRC) management system;
  - (ii) help CDRC to nominate the trainees through the management system;
  - (iii) conduct training for the users;
  - (iv) help CDRC to establish a data base of trained staff; and
  - (v) support in developing on-line learning approaches.

### **Management and reporting requirements**

5. The firm will work closely with the individually recruited team leader and deputy team leader. The firm will provide the following reports, etc.

- Training needs assessment report
- Quarterly progress report
- Annual progress report
- Impact evaluation of trainings
- Completion report

## **B. International Individual Consultants**

**6. Team Leader/Capacity Development Management Specialist** (12 person-months, intermittent). The portfolio management specialist and team leader should have 15 years of relevant national and international experience in capacity development in developing countries and or implementation of development partner financed projects. Experience with ADB financed projects and or experience with working in Nepal is an added advantage. The consultant is expected to be fluent in English. Being able to communicate in Nepali is an added advantage. The consultant should have a relevant education qualification, like a qualification in engineering, public administration or another relevant field. The specialist will undertake, but not limited to, the following tasks:

- (i) coordinate with the government and other stakeholders in carrying out the technical assistance (TA) tasks;
- (ii) provide an inception report within 2 months of the start of the assignment outlining the activities to be carried out and the time frames;
- (iii) coordinate, supervise, monitor, and manage all national consultants, providing time and quality control of outputs;
- (iv) provide regular reporting of the progress to the government and the Asian Development Bank (ADB) on quarterly and annual basis;<sup>1</sup>
- (v) lead the process of undertaking executing agency and implementing agency capacity assessments, preparing and updating a training calendar, improving or developing training modules, and coordinating implementation of the training programs;
- (vi) support the deputy team leader in developing the impact assessment, including developing baselines and monitoring mechanism during implementation, which should also cover training contribution to improvement of portfolio performance and evaluation;
- (vii) identify trainers that can deliver relevant training programs, and arrange training of trainers;
- (viii) coordinate the delivery of the other outputs envisaged under the TA in close coordination with ADB staff; and
- (ix) prepare a final report on the TA, highlighting the outputs delivered, impact of training, and lessons learned.

**7. FIDIC Tutor** (14-person days). The FIDIC accredited trainer (the trainer) will conduct 2 training programs on FIDIC Conditions of Contract with special emphasis on harmonized version of FIDIC Conditions of Contract developed for MDBs. The topics to be covered during the training includes:

- (i) introduction to FIDIC Documents: Introduction to the MDB version;
- (ii) responsibilities of Main Parties: General provisions, responsibilities of the employer, contractor, engineer and nominated Sub-Contractor;
- (iii) management of projects – key areas- Workmanship and Time: Staff and labor, plant, materials and workmanship, commencement, delays and suspension, tests on completion, employer's taking over & defects liability;
- (iv) financial clauses and procedures: Measurement and evaluation, variation and adjustment, contract price and payment, guarantees, bonds;

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<sup>1</sup> An annual capacity development report will be prepared to document the improvement in the portfolio, training programs conducted, feedback from participants, best practices, and sector and thematic knowledge developed.

- (v) claims: causes and risks, inherent project risks, analysis of contractual risk, allocation of risks under FIDIC contracts, liability and insurance;
- (vi) claims procedures: Clauses required notice by the contractor, clause 2.5 employer's claims, clause 3.2 delegation by the engineer, MDB's restriction on engineer's authority; Clause 20.1 Contractor's claims: Notification of claims, contemporary records, preparation of claims, engineer's assessment and principles of claim, engineer's valuation, engineer's determination; Delay claims: Extension of time, Sub-clause 8.4 & 8.5, terminology for program and delay analysis, prolongation and disruption costs;
- (vii) the Resolution of Disputes: Principles governing the Dispute Adjudication Board, DAB/DB workings, arbitration;
- (viii) contract administration Clinic: Executing agencies will raise various issues faced during contract administration and FIDIC trainer will provide advice on how to resolve these issues; and
- (ix) sensitize the participants on various documentation requirements to prevent avoidable claims from the contractors.

### **C. National Individual Consultants**

8. **Procurement Specialist/Deputy Team Leader/Training Coordinator** (24 person-months, intermittent). The procurement specialist and deputy team leader should have an engineering or relevant degree and 10 years of relevant professional and procurement experience. He should be fluent in English. The specialist will undertake, but not limited to, the following tasks:

- (i) support the TA team as a deputy team leader and undertake necessary coordination for planning, implementing, reviewing, and reporting TA activities;
- (ii) coordinate with other consultants and ADB staff in undertaking assessments of the capacity of executing and implementing agencies, update their ratings, prepare and update training calendar, and coordinate for implementation of the training programs;
- (iii) help the team leader to identify trainers that can deliver relevant training programs, and arrange training of trainers;
- (iv) assist the executing and implementing agencies in preparing and updating procurement plans, preparing standard and subsequent bidding documents, and undertaking the procurement process for initial and major procurement packages and those with higher risks;
- (v) assess the executing and implementing agencies procurement capacity and performance at federal, provincial and local levels; provide inputs to prepare and update the annual training calendar, and support procurement training programs, as well as provide support to the procurement staff members (EA/IA) that have weak capacity and awareness;
- (vi) build on the existing materials and prepare and improve training modules for procurement and related subjects, identify trainers that can impart training, and provide training to them;
- (vii) review the performance of contractors and consultants pursued under the TA, and recommend improvements in the bidding documents to address the identified problems;
- (viii) help organize the business opportunity seminars of ADB-assisted projects;
- (ix) provide overall supervision of the training sessions;
- (x) summarize key areas of discussion at the end of each training session;

- (xi) prepare impact assessment of training programs from the start of the training program, including developing baselines and monitoring mechanism during implementation, which should also cover training contribution to improvement of portfolio performance and evaluation;; and
- (xii) ensure the overall quality of the training.

9. **Social and Environmental Safeguards Specialists** (2 positions,5 person-months each, intermittent). The social and environmental safeguards specialists should have relevant degrees and at least 5 years of relevant work experience. The specialists will undertake, but not limited to, the following tasks:

- (i) support in review and monitoring compliance of Environment Impact Assessment, Initial Environment Examination and Environment Management Plan of ADB assisted projects;
- (ii) support in monitoring of social safeguard (Resettlement Plan and Indigenous People Plan) compliance of ADB assisted projects; and
- (iii) undertake field monitoring and prepare a monitoring report with a mitigation plan.

10. **Procurement Specialist** (24 person-months, intermittent). The procurement specialist should have an engineering or other relevant degree and 15 years of procurement experience. The specialist will undertake, but not limited to, the following tasks:

- (i) assist in quality checking the draft bidding documents (goods, works, and plant) prepared by the implementing agencies (IAs) to ensure quality control;
- (ii) assist in checking the bid evaluation reports (goods, works, and plant) prepared by the IAs;
- (iii) technical backstopping for the application for consulting services recruitment notice, short-listing including Expression of Interest evaluation, request for proposal, technical evaluation, and financial evaluation and overall ranking of the consulting firms for consultant selection;
- (iv) assist in updating procurement plans and provide guidance to IAs' staff;
- (v) assist in forecasting of contract award and disbursement linked to procurement plans;
- (vi) assist in procurement capacity assessment of EAs and IAs;
- (vii) assist in performance checking of projects on procurement, contract management, disbursement, and safeguards and preparing score cards;
- (viii) assist in organizing internal and external briefing and/or orientation sessions on procurement and contract management;
- (ix) assist in conducting procurement and contract management training for district level officers;
- (x) suggest ways of streamlining and improving existing procurement processes to ensure consistency and measures to minimize malpractices during bid submission;
- (xi) provide advice to Nepal Resident Mission staff on procurement process and recruitment of consultants;
- (xii) advise government staff in finalizing bidding documents and bid evaluation reports of complex projects;
- (xiii) support Nepal Resident Mission to expedite contract award and disbursement;
- (xiv) work as a resource person to impart training and preparing the training materials under CDRC; and
- (xv) supplement Nepal Resident Mission resources in procurement.

11. **Electronic Government Procurement (e-GP) Coordinator** (5 person-months, intermittent). The e-GP coordinator should have an Information and Communication (IT) engineering or other relevant degree and 5 years of professional experience. The specialist will undertake, but not limited to, the following tasks:

- (i) assist Public Procurement Management Office (PPMO) to undertake operation and maintenance of the e-GP system;
- (ii) provide e-GP support to ADB-funded projects;
- (iii) support PPMO to cascade down to the e-GP system to provincial and local levels;
- (iv) undertake field visits to provincial and local levels to ensure use of the e-GP system, identify issues, areas of improvements, and report back to PPMO and ADB;
- (v) assist PPMO and ADB to conduct capacity building programs on the e-GP system for provincial and local levels;
- (vi) support EAs and IAs to operate the e-GP system in ADB-funded projects; and
- (vii) report ADB on the status of e-GP use by EAs and IAs.

12. **Quality Control Engineer for School Buildings** (12 person-months, intermittent). The engineer should have a degree in structural and construction engineering or similar area with 8 years experience in carrying out technical quality control for various construction projects, supervision of contractors of infrastructure projects during construction, and specific and proven experience in checking adherence to material, labor, equipment and structural specifications. The engineer will undertake, but not limited to, the following tasks:

- (i) review and operationalize quality control system for the school building construction and retrofitting, through strategic and intermittent spot checks on input materials, and ongoing and finished work;
- (ii) organize field visits to assess the effectiveness of implementing Quality Assurance (QA) plans, and advise on their improvements;
- (iii) prepare reports for each visit detailing date, time, persons met; works, materials, equipment and processes inspected; quality of work and any actions to be taken;
- (iv) where work seems to be of extremely poor or dangerous quality, the expert shall inform the ADB and the IA (jointly) and suggest actions to be taken;
- (v) submit a comprehensive report on the QA compliance with recommended measures for improvements; and
- (vi) arrange and undertake training for mason and engineers with respect to QA by identifying appropriate local training institutes.

13. **Financial Consultant/Analyst** (12 person-months, intermittent). The specialist should have a degree in Finance or Account with preferred 3-4 years of Audit experience (CA/ACCA Finalist). The specialist will undertake, but not limited to, the following tasks:

- (i) Review and process withdrawal applications (WAs), Summary Sheet, Statement of Expenditures (SOE) and other disbursement related documents under Direct Payment, Replenishment/Liquidation, Reimbursement procedures for assigned ongoing loans and grants and ensure accuracy, validity, correctness, compliance with the conditions of loan/grant agreement and Service Level Standards (SLS).

- (ii) Requests project staff concerned in NRM and sector divisions for issuance of PCSS/Procurement Contract Update Sheet (PCUS) for WAs not covered or partly covered by PCSS.
- (iii) Monitors the status of withdrawal applications, uploads applications to share point and CPD, maintains files and updated records of WAs received and processed.
- (iv) Pre-screens commitment letter applications to ensure that they are in conformity with requirements with the Loan Disbursement Handbook, such as appropriate format, attachments and signature and that related PCSS has adequate balance to support issue of CL and send to CTLA.
- (v) Keeps up-to-date on changes in Disbursement Guidelines, policies and Project Administration Instructions, project documents on disbursements etc. and familiarizes executing agencies with those.
- (vi) Support Functions include:
  - i. downloads disbursement data from the System and generate various reports and prepare disbursement related correspondences.
  - ii. performs SOE reviews/verification for loan disbursements under SOE procedure for selected projects.
  - iii. accomplishes any other related tasks assigned by Financial Control Officer, NRM.
- (vii) Coordination Functions & Others
  - i. attends to inquiries by EAs, CTLA and other ADB staff on disbursements related documents and information. Assists in conducting disbursement seminars CPD system for staff in EA's, and others.

14. **Portfolio Database Management/Training Assistant** (24 person-months, intermittent). The assistant should have a degree in IT management or other relevant field with 5 years experience in carrying out data management activities. The assistant will undertake, but not limited to, the following tasks:

- (i) support Portfolio management Unit (PMU) team in compilation of portfolio data (loan, grant, TA, Japan Fund for Poverty Reduction and co-financing) and facilitate in monitoring disbursement progress of Nepal portfolio on weekly, monthly and quarterly bases;
- (ii) quarterly update advance project performance rating matrix; and
- (iii) support logistic arrangement to conduct trainings in close coordination with Nepal Staff Administration College.