



FONDUL PROVOCĂRILE  
MILENIULUI MOLDOVA

**Millennium Challenge Account - Moldova**

**On Behalf of:**

**The Government of Moldova**

**Funded by**

**The United States of America**

**through**

**The Millennium Challenge Corporation**

**\*\*\***

**TERMS OF REFERENCE**

**\*\*\***

**REVIEW OF THE BIDS FOR  
THE ROAD REHABILITATION WORKS**

***/Short-term Assignment/***

**\*\*\***

**December 2011**

## Table of Contents

INTRODUCTION	3
A. Millennium Challenge Corporation Support	3
B. MCA-Moldova Program	3
C. MCA-Moldova Implementation Structure	3
1. ROAD REHABILITATION WORKS	3
2. OBJECTIVES OF THE ASSIGNMENT	4
3. SCOPE OF SERVICES	4
4. RESPONSIBILITIES OF THE CONSULTANT	4
5. OUTPUTS	5
6. REPORTING REQUIREMENTS	5
7. DURATION OF THE ASSIGNMENT	6
8. INSTITUTIONAL ARRANGEMENTS	6
9. FACILITIES AND INFORMATION TO BE PROVIDED BY MCA-MOLDOVA	6
10. CONSULTANTS' QUALIFICATIONS	7
Annex 1. PROCUREMENT RULES, PROCEDURES, REQUIREMENTS AND BEST PRACTICES	8
Annex 2. EXPRESSION OF INTEREST FORMS	9

## INTRODUCTION

### A. Millennium Challenge Corporation Support

The Millennium Challenge Corporation (“MCC”) and the Government of Moldova (the “Government” or “GoM”) have entered into a Millennium Challenge Compact for Millennium Challenge Account assistance to help facilitate poverty reduction through economic growth in Moldova (the “Compact”) in the amount of 262 million U.S. Dollars.

### B. MCA-Moldova Program

The goal of the Compact would be to reduce poverty through economic growth. The Compact contains two components.

- Road Rehabilitation Project. The project would improve profitability and marketability of goods carried on the roads, improve access to social services among communities serviced by the roads, and improve road safety. The proposed project comprises the rehabilitation of existing paved two-lane roads.
- Transition to High Value-added Agriculture Project. The project objective is to increase incomes in rural agricultural communities through transition to higher value-added production through rehabilitation of irrigation infrastructure, radical changes to its management, and increased access to finance, training, and market information, beneficiaries will transition to more intensive and varied crop production and better marketing of the production.

### C. MCA-Moldova Implementation Structure

MCA-Moldova is the legal entity responsible for Compact implementation and was established by the Government of Moldova as an independent legal entity. MCA-Moldova is comprised of a Steering Committee and a Management Unit. The Steering Committee has final decision-making authority over the implementation of the Compact. The Management Unit supports the Steering Committee and is responsible for the day-to-day management of the Compact, including program management, financial management and reporting, and coordination of monitoring and evaluation. MCA-Moldova also serves as the single point of contact for MCC, other donors, contractors and consultants, as well as the general public during implementation of the Program. MCA-Moldova is also accountable for the quality and results of the Program. In accordance with the Implementing Entity Agreement signed between MCA-Moldova and State Road Administration) (SRA), SRA will act as the Procurement Agent for the Road Rehabilitation Project (RRP) on behalf of MCA-Moldova to manage the procurement process for selecting the consultants and contractors.

## 1. ROAD REHABILITATION WORKS

MCA-Moldova has decided to procure two individual consultants to review the bids for the road rehabilitation of works, which has to be executed as specified in these Terms of Reference (TOR). The selected Individual Consultants shall be members of a Bid Review Panel (BRP) that shall be constituted to review the bids for the above-mentioned works.

The main objective for the rehabilitation of roads is to improve profitability and marketability of goods carried on the roads, improves access to social services among communities serviced by the roads, and improves road safety.

The interventions proposed for the rehabilitation, in general, are surface treatment, shape correction, resurfacing and strengthening by overlay, strengthening by reconstruction, repair and replacement of elements to ensure traffic safety, rehabilitation of bridges and foot bridges, rehabilitation of the roadside drainage system, and improvements to a number of intersections.

## 2. OBJECTIVES OF THE ASSIGNMENT

The overall objective of this assignment is to review the bids for the works of the Road Rehabilitation Project in accordance with the qualification, evaluation and award criteria set out in the bidding documents. This assignment shall be performed under supervision of the MCA-Moldova Procurement Director and in coordination with the SRA.

Review of the bids shall be performed by a Bid Review Panel (BRP) of three to five persons, including selected Individual Consultants, with observers from MCC and MCA-Moldova. The BRP members shall be technically qualified to review the bids. The competence and integrity of the BRP members are crucial for ensuring a fair and objective review of the bids.

Panel shall review the bids for **all 4 lots** and provide SRA with appropriate inputs for the Bid Review Report (BRR) which is the SRA's responsibility to prepare.

## 3. SCOPE OF SERVICES

The BRP will review the bids using the evaluation procedure in accordance with MCC's Program Procurement Guidelines and the **Review Guidelines** that shall be provided to the BRP members by SRA before commencement of review process. MCA will form **one BRP**, including two selected individual consultants, for the **four (4) bid** packages listed below:

- **Lot 1:** Contract **PP3/RRP/W/CB/01/01**: "Rehabilitation of M2 Chișinău-Soroca road km 71+194 – km 95+400"
- **Lot 2:** Contract **PP3/RRP/W/CB/01/02**: "Rehabilitation of M2 Chișinău-Soroca road km 95+400- km 116+000"
- **Lot 3:** Contract **PP3/RRP/W/CB/01/03**: "Rehabilitation of M2 Chișinău-Soroca road km 116+000 – km 139+200"
- **Lot 4:** Contract **PP3/RRP/W/CB/01/04**: "Rehabilitation of M2 Chișinău-Soroca road km 139+200 – km 154+352 and R7 Soroca-Drochia-Costesti road km 3+414 – km 12+789"

All bid submissions are going to be in **English** language.

## 4. RESPONSIBILITIES OF THE CONSULTANT

The Consultants, collectively as a member of the BRP, have the responsibility to carry out the bid review process according to the requirements of the bidding documents (BD) for road rehabilitation works. The Consultants must commit to applying only the criteria and requirements designated in the BD and the Review Guidelines in a fair, transparent and

consistent manner in accordance with MCC Program Procurement Guidelines. Specifically, the Consultant as a member of the BRP shall perform the following duties:

- (i) Familiarize with the bidding documents (BD) for road works;
- (ii) Sign the Confidentiality and Conflict of Interest Agreements;
- (iii) Discuss and adopt the Review Guidelines and **Bid Review Report Format according to the template to be provided by SRA;**
- (iv) Review each bid under consideration;
- (v) Carry out a detailed review of the respective bids including responsiveness to the technical requirements, qualifications to perform the services, and prices offered (these requirements are further detailed in the bid document, available to the Consultant upon request);
- (vi) For each respective bid, determine the bid price reasonableness compared with the estimate and other cost data to be provided by SRA by reviewing the overall bid price, and overall price per km thereof.
- (vii) Determine whether key the unit bid prices are significantly unbalanced to the potential detriment of MCA-Moldova. If necessary, when key cost items that have significant effect on overall bid price are unusually high or low in relationship to the estimate and other cost data to be provided by SRA, the BRP shall check the accuracy of the estimated quantities as developed by the design engineer;
- (viii) Record, clearly and unambiguously, all issues about the bid under review, including where a bid fails to meet any of the specified requirements, or where the bid price is unreasonably low compared with the estimate and other cost data to be provided by SRA;
- (ix) The BRP shall identify key issues that require clarifications from Bidders during the bid review process and /or during contract finalization;
- (x) The BRP shall provide the SRA with appropriate inputs for the Bid Review Report (BRR) which is the SRA's responsibility to prepare. The BRP shall review and agree to the BRR which shall be finalized by the SRA.
- (xi) If needed, the BRP shall repeat the above mentioned process for the subsequently qualified bid, as directed by SRA.

## 5. OUTPUTS

Provide input in the preparation of the draft BRR. The completed BRR shall be submitted by the SRA to the BRP members for scrutiny within 5 calendar days after the completion of the review process.

In case any changes/revisions are requested subsequent to the signing of the BRR, the Consultants shall be available to participate in the discussions, and a separate, hourly consulting fee would be agreed if so required for this service.

## 6. REPORTING REQUIREMENTS

Contractually, the Consultants will report to MCA-Moldova Procurement Director, however day-to-day consultant activities will be coordinated by the SRA. The BRR shall be prepared by the SRA with assistance from BRP. The SRA shall be responsible for ensuring its

completeness and accuracy. The BRP members shall sign the final BRR before it is submitted to the MCA-Moldova Procurement Director -if needed such signature can be provided electronically by sending in a scanned signature sheet

## **7. DURATION OF THE ASSIGNMENT**

The assignment will commence on 8<sup>th</sup> of February, 2012 (the day following the bid opening). The number of working days for the Consultant participating in the BRP may depend on the number of bids received and will be agreed by the parties within three (3) working days following the deadline for the bids submission specified in the BD. It is expected that the Consultant will be contracted for a minimum of 10 workdays for this assignment.

## **8. INSTITUTIONAL ARRANGEMENTS**

The BRP members shall be under the Guidance of the SRA who shall provide clarifications on technical issues related to procurement as required.

The Consultants will sign a daily fee contract. The participation in this assignment shall require full time presence in Chisinau, Moldova. In addition to the daily fee for days worked, MCA-Moldova shall reimburse the consultant a per diem and travel by economy class (or by road) for the days spent in Chisinau if the consultant is from outside Chisinau. Consultants who live in Chisinau shall not be eligible for any payment in addition to a daily fee. MCA-Moldova reserves the right to select the transport mode and carrier and pay directly for the transportation services. This shall be discussed during negotiations. As a notional guideline, it is anticipated that the in-country duration for this assignment will be between 10 and 14 days. Additionally, if needed an hourly fee will be agreed upon for follow up desk work of the consultants to review revisions of the BRR by email from their home location.

## **9. FACILITIES AND INFORMATION TO BE PROVIDED BY MCA-MOLDOVA**

The SRA shall provide office space where the BRP members shall review the bids.

The SRA shall also provide necessary documents/information such as:

- (i) Confidentiality and Conflict of Interest Agreements;
- (ii) BD for the road rehabilitation works and amendments and clarifications as issued;
- (iii) Draft Template of Review Report
- (iv) Guidelines for review of the bids (to be provided to the Consultant prior to the Commencement of the review);
- (v) Excel Worksheets with BoQ as per the BD;
- (vi) Engineer's estimate and comparison of the total price per km and selected unit prices in the recently accepted road contract if available;
- (vii) Eligibility and reference checks also including financial data and requirements;
- (viii) Any other necessary information, if required, to complete the review.

## **10. CONSULTANTS' QUALIFICATIONS**

The Consultant shall have the following minimum qualifications and skills:

- (i) Hold as a minimum a university degree in civil engineering or other related fields;
- (ii) Experience at international level for preparing bids and/or reviewing bids as part of a BRP for road works of similar size and scope, preferably involving projects funded by International Financial Institutions (IFIs) such as the World Bank;
- (iii) At least ten (10) years of experience in the field of civil engineering or similar activity with significant experience in projects similar to the RRP, preferably with IFI funding;
- (iv) Experience in cost estimating for construction works, preferably of similar projects;
- (v) Excellent written and oral communication skills in English.

## **ANNEX 1. PROCUREMENT RULES, PROCEDURES, REQUIREMENTS AND BEST PRACTICES**

In the performance of his duties the Consultant shall follow the procurement rules, procedures, requirements and best practices as listed below:

- (a) Conduct procurements and conclude procurement contracts in compliance with Millennium Challenge Corporation Program Procurement Guidelines dated October 23, 2009 which include the rules and procedures governing the selection of consultants and contractors;
- (b) Comply with provisions in Compact and the Program Implementation Agreement that apply to the procurement function;
- (c) Select the consultants and contractors using the methods of procurement set out in approved Procurement Plans unless exceptions have been granted, in writing, by MCC;
- (d) Ensure that the terms and conditions of procurement contracts include all provisions required by the MCC Program Procurement Guidelines and the governing MCC funding agreement;
- (e) Take measures to prevent, detect and remediate Fraud and Corruption in the conduct of procurements in accordance with the principles set out in MCC Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations found on the MCC website at <http://www.mcc.gov/mcc/panda/activities/fightcorruption/index.shtml>.
- (f) For all cost reimbursement type contracts, including Time and Material contracts, comply with the MCC “Cost Principles for Cost-Reimbursement Contracts Under MCC-Financed Grants” (the “MCC Cost Principles”) as may be amended from time to time. The MCC Cost Principles may be found on the MCC website at <http://www.mcc.gov/mcc/bm.doc/mcc-2007-cost-principles.pdf>, or by entering “Cost Principles Contracts” in the search box of [www.mcc.gov](http://www.mcc.gov).
- (g) Ensure strict compliance with the procedures and rules set out in bidding documents, especially the criteria and methodology for evaluation of bids and proposals;
- (h) In the performance of its duties, be mindful of “best practices” generally recognized by procurement professionals.



## **ANNEX 2. EXPRESSION OF INTEREST FORMS**

# **REVIEW OF THE BIDS FOR THE ROAD REHABILITATION WORKS**

**REOI# PP2A1/RRP/CS/IC/43**

### **Note to Consultants:**

The following standard Forms shall be used for the preparation of the Expression of Interest (EOI). The Consultant must use only these Forms and should not introduce changes to them. If the Consultant has a question regarding the meaning or appropriateness of the contents or format of the Forms and/or the instructions contained in them, these questions should be brought to the Procurement Agent's attention.

In preparing its EOI, the Consultant must ensure all requested information in the EOI Forms is provided and that the EXPLANATORY TEXT AND INSTRUCTIONS IN BRACKETS to help the Consultant prepare the forms accurately and completely ARE REMOVED.

If any of the EOI forms included is missing, the EOI may be rejected as non-responsive.

The Consultants must be aware also that any information regarding their qualifications and experience that is presented outside the EOI Forms will not be considered during the evaluation.

## EXPRESSION OF INTEREST SUBMISSION FORM

Date: *[insert: date of EOI submission]*

*[insert: full address of Consultant]*

To: Millennium Challenge Account – Moldova

Attention: Ion Josan

Procurement Director

c/o: Procurement Agent

Attention: *[insert: name of PA team member specified in the SPN]*

*[insert: title of PA team member specified in the SPN]*

Email: *[insert: e-mail address of PA team member specified in the SPN]*

Dear Mr. *[insert: name of PA team member specified in the SPN]*,

### **Re: Review of the Bids for the Road Rehabilitation Works REOI Ref: PP2A1/RRP/CS/IC/43**

I, the undersigned, offer to provide the consulting services for the above mentioned assignment in accordance with your Specific Procurement Notice (SPN) dated *[insert: date]* and your Terms of Reference (TOR).

I am hereby submitting my Expression of Interest (EOI), which includes my CV (Form EOI-1), information on relevant assignments (Form EOI-2)a and contact details for references (Form EOI-3).

I hereby declare that all the information and statements made in this EOI are true and accept that any misinterpretation contained in it may lead to my disqualification.

My EOI is binding upon me and subject to the modifications resulting from Contract negotiations, and I undertake, if my Proposal is accepted, to initiate the consulting services related to the assignment not later than the date indicated in the TOR.

I understand you are not bound to accept any EOI that you may receive.

Yours sincerely,

Signature:

*[Insert: full name of Consultant]*

### Form EOI-1 CURRICULUM VITAE (CV)

1. Name of Consultant [insert: full name]
2. Date of Birth [insert: birth date] Nationality [insert: nationality]
3. Education [*indicate: college/university and other specialized education of staff member, giving names of institutions, degrees obtained, and dates of obtainment*].
4. Membership in Professional Associations [*indicate: names of professional associations and years of membership*].
5. Other Training [*indicate: appropriate postgraduate and other training*]
6. Countries of Work Experience [*list countries where you have worked in the past*]
7. Languages [*indicate: proficiency in each language: good, fair, or poor inspeaking, reading, and writing*]
8. Employment Record [*insert: starting with present position, list in reverse order everyemployment held since graduation, giving for each employment (see format below): dates of employment, name of employing organization, positions held.*]

From [year]: To [year]:  
Employer:  
Position(s) held:  
Activities performed:

9. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes me, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

I further declare that I am able and willing to work:

1. for the period(s) foreseen in the Terms of Reference and
2. within the implementation period of the contract.

Signature:

[Insert: full name of Consultant]

## **Form EOI-2 RELEVANT EXPERIENCE OF THE CONSULTANT**

*[Using the format below, the Consultant shall provide under this Form information on each relevant assignment for which he/she was legally contracted either individually or through other consultants, for carrying out consulting services similar to the ones requested under the TOR. The EOI must demonstrate that the Consultant has a proven track record of successful experience in executing projects similar in substance, complexity, value, duration, and volume of services sought in this procurement.]*

### **WORK UNDERTAKEN THAT BEST ILLUSTRATES CAPABILITY TO HANDLE THE TASKS UNDER THE ASSIGNMENT:**

Assignment name: *[insert: full name]*

Country: *[insert: name of country]*

Name of Client: *[insert: full legal name]*

Address: *[insert: full legal address]*

Position held: *[either individually or through other consultants]*

Start date: *[insert: date]*

Completion date: *[insert: date]*

Value of the contract  
(in current US\$): *[insert: amount]*

Level of effort: *[insert: number of days/months]*

Narrative description of  
project:

Description of Actual  
Services provided by you  
within the Assignment:

### **Form EOI-3 REFERENCES OF THE CONSULTANT**

*[The Consultant shall provide under this Form contact information for at least three (3) references that can provide substantial input about:*

*(i) The type of work performed*

*(ii) Confirm the quality of the work experience listed in Form EOI-2.*

*For each reference, list a contact individual, his/her position in the organization, address, and current phone and e-mail address.*

*MCA-Moldova reserves the right, at its sole discretion, to contact other sources as well as to check references and past performance. Should a cited references be unavailable, MCA-Moldova reserves the right, at its sole discretion, to disqualify the candidate.]*

#### **CONTACT DETAILS OF INDIVIDUALS TO CHECK REFERENCES:**

1. Name: [insert: full name]
2. Position held: [insert: position held in the organization shown below]
3. Name of organization: [insert: full name]
4. Country: [insert: name of country]
5. Address: [insert: full address]
6. Telephone: [insert: telephone number]
7. Facsimile: [insert: fax number, if applicable]
8. E-mail: [insert: e-mail address]