
Guidelines for Procurement of Consultancy Services



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ACRONYMS

AusAID	-	Australian Agency for International Development
CVs	-	Curriculum Vitae
DFID	-	Department for International Development
DOH	-	Department of Health
EOI	-	Expression of Interest
FBS	-	Fixed Budget Selection
GOP	-	Government of Pakistan
LCS	-	Least Cost Selection
LOI	-	Letter of Invitation
M&E	-	Monitoring and Evaluation
MDG	-	Millennium Development Goals
MNCH	-	Maternal, Newborn and Child Health
MOH	-	Ministry of Health
PA	-	Procuring Agency
PC-1	-	Planning Commission Performa 1
PCSR	-	Procurement of Consultancy Services Regulations
PLO	-	Project Liaison Officer
PP	-	Procurement Plan
PPRA	-	Public Procurement Regulatory Authority
QAC	-	Quality Assurance Committee
QBS	-	Quality Based Selection
QCBS	-	Quality & Cost Based Selection
RAF	-	Resource Allocation Form
RFP	-	Request for Proposals
RP	-	Resource Person
SSS	-	Single Source Selection
TA	-	Technical Assistance
TAPC	-	Technical Assistance Procurement Committee
TOR	-	Terms of Reference

Preamble

This document encompasses three approaches:

1. The Guidelines in the form of procedures and process and interaction between the various departments, interested stakeholders and committees;
2. The *Public Procurement Rules 2004 (PPR-2004)* and *Procurement of Consultancy Services Regulations, 2010*, which are the regulatory rules of the Public Procurement Regulatory Authority (PPRA) of Government of Pakistan (GOP) and which are copied verbatim in their appropriate places; and
3. The Notes of Guidance which are written to alert the reader as to the thought processes and reasoning behind the rules and instructions. They are important as to be aware or forewarned is half the struggle and they are based on hard won experience.

The purpose of these Guidelines is to define procedures for selecting, contracting, managing and monitoring consultants¹ required for consultancy services or technical assistance (TA) in a specified field. The guidelines aim at facilitating and improving both analytical and practical aspects of the preparation and implementation of TA procurement and enabling the procurement staff as well as management to understand the entire TA procurement cycle and TA management.

There are still many unknowns and only actual experience will establish whether these Guidelines are practical, workable and realistic.

One area which requires greater research and examination consists of how to make available substantial funds to the health departments/institutions/programmes for procurement of consultancy services/TA procurement. After the announcement of Procurement of Consultancy Services Regulations, 2010 by the PPRA in November 2010, the government departments will thoughtfully plan adequate funds for TA procurement every year. One of the major gaps identified during the recent assessment of procurement system of the National Maternal Neonatal and Child Health (MNCH) Programme carried out by TRF was that of the government officials having a lack of experience in developing terms of reference (TOR), TA procurement and TA management, however, these guidelines will not only help the health departments/institutions/programmes' officials in all the three areas; rather it will ensure transparency, probity and value for money during TA procurement.

Please be aware that these are guidelines only and just reading them and/or attending a few orientation seminars are not a substitute for hands-on experience. Only practical experience will highlight the weaknesses or any omissions in this document and will occasion its necessary rewrite and revision.

¹ Consultants: Individual consultants, a group of consultants or a consultancy firm

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1. GUIDELINES FOR PROCUREMENT OF CONSULTANCY SERVICES

1.1 Technical Resource Facility – Scope of Work

1. The Technical Resource Facility (TRF) is a five year project, funded by UKaid from the Department for International Development (DFID) and the Australian Agency for International Development (AusAID). TRF supports improvements in the policies, strategies and systems and helps to build the capacity of the government at provincial and district levels by providing strategic and result oriented technical assistance. The purpose of the TA is to help the government achieve its goal of improving people's access to quality health care services thereby improving their health, with specific focus on poor people and marginalised groups.

2. One of the primary objectives of TRF is to strengthen the capacity of the government counterparts in procurement of technical assistance (TA)/consultancy services and TA management. In view of the existing capacity of government functionaries at federal, provincial and district levels in TA procurement, the TRF developed guidelines for procurement of consultancy services which will help to initiate, manage, monitor and complete the procurement process in an efficient manner.

3. Whilst the improvements have been slow to develop, some gaps have been identified in the implementation of these initiatives, particularly in the area of procurement. The government will strengthen ongoing health projects via filling in gaps through capacity building and by strengthening the linkages between the various projects, introduce initiatives and harmonise delivery of health services.

1.2 Purpose of Consultancy Services/Technical Assistance

PPRA –Procurement of Consultancy Services Regulations, 2010

S.R.O. (1)/2010- In exercise of powers conferred by section 27 of the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002), the Public Procurement Regulatory Authority is pleased to make the following regulations namely**:

Regulation 1. Short title and commencement

These regulations may be called the Procurement of Consultancy Services Regulations, 2010.

They shall come into force at once.

** as further quoted throughout these guidelines

4. The PPRA has announced Procurement of Consultancy Services Regulations, 2010 which are mandatory for all the government departments to follow in procurement of consultancy services/TA. The government departments will plan adequate funds for TA procurement every year in case the need arises to hire consultants/consulting firms for technical assistance in any of the required fields. A large part of the TA component will be administered by the procuring agency and the TA to be hired or procured, will be through open and competitive procedures. The procuring agency will identify, process, manage, evaluate, and monitor procurement of TA/ consulting services that have been identified.

5. The Ministry of Health (MOH) has not delineated in detail the procedures that are to be followed by its health projects for the various activities that it will undertake. These activities include preparation of work-plans and procurement plan for TA procurement, implementation of procurement plan, TA procurement, monitoring and evaluation of consultants' performance, disbursement under consultants' contracts, preparation and maintenance of financial statements and TA accounts, and conduct of audit. The purpose of this document is to set out a guideline covering the processes and operating procedures for some of the activities described above.

6. The processes and procedures for various activities described in these Guidelines will only cover activities financed from the TA. The Guidelines are designed to ensure that MoH procedures allow for timely, cost-effective, responsive and transparent procurement of consultancy services and under procedures acceptable to the Government of Pakistan and/or donors².

7. These guidelines cover the following areas:

- Governance structures (selection of committees) of procuring agency for TA procurement;
- Need identification and work planning;
- Preparation of terms of reference (TOR);
- Procurement of consulting services using different selection methods and procedures;
- Managing and monitoring of consultants;

1.3 Scope of Technical Assistance

8. A technical assistance/consultancy service is defined³ as:

- Transfer, adaptation, mobilisation, and utilisation of services, skills, knowledge and technology.
- Goals are designed to utilise recognised 'best practices' by organisations or individuals seeking answers to specific questions.
- Delivery is customised to meet the needs of the client, and offers prescriptive solutions to a specific issue.
- The delivery of expert programmatic, scientific, and technical support to organisations in the design, implementation, evaluation of interventions and programmes.

² In case funds for TA procurement are provided by the donor(s) and the donor insists for following their own guidelines, in such situation Rule 5 of PPR-2004 will apply which says "*whenever these rules are in conflict with an obligation or commitment of the Federal Government arising out of an international treaty or an agreement with a State or States, or any international financial institution the provisions of such international treaty or agreement shall prevail to the extent of such conflict.*"

³ Wikipedia

9. Technical assistance includes formulation of long, medium and short-term strategies and selection of advisors and consultants⁴ to conclude the assignments in a manner that all targets are ultimately achieved. The term “technical cooperation” is also used. Capacity development is regarded as the general objective of technical assistance, and the guidelines follow the capacity development priority areas of health departments. There is also a need to emphasise that technical assistance is only one of several possible solutions to overcome capacity constraints and these guidelines may be used as an inspiration for the preparation of TA procurement.

1.4 Difference in Procurement of Goods and Consultancy Services/TA

10. Some of the substantial differences between goods and consultancy services which play also a role in the procurement process are highlighted below:

Parameters	Goods	TA (Services)
Base for evaluation	Pre-defined specifications	TOR, qualification and experience
Tangibility	Tangible	Intangible
Variability	Standard	Variable
Ownership	Yes	No

1.5 General Considerations

11. Normally, the procuring agency is responsible for the selection, engagement and supervision of consultants. Though the guidelines to be followed for selection/hiring consultants depend on the circumstances of the particular case, the following six main principles need to be considered during selection process of consultants for each TA:

- i) high-quality services;
- ii) value for money/economy and efficiency;
- iii) fair and open competition among the eligible and qualified consultants;
- iv) transparency in the selection process;
- v) accountability; and
- vi) focus on the code of ethics (conflict of interest).

2. GOVERNANCE STRUCTURE

12. All procurements related to consultancy services (TA procurement) shall be carried out in accordance with Procurement of Consultancy Services Regulations, 2010 announced by PPRA in November 2010.

⁴ National or International

13. Further, the Procurement of Consultancy Services Regulations, 2010 shall govern the procurement of all TA under the health programmes. In the case of inconsistency, the Public Procurement Rules, 2004 as amended in July 2009 shall take precedence. These guidelines are based and structured upon the Procurement of Consultancy Services Regulations, 2010.

14. In order to gain the confidence of the GOP and/or the international donors (where applicable), in the transparency and probity of the procedures and processes involved, it is strongly recommended that a governance structure or selection of committees be adopted and implemented; demonstrating accountability and choice and where decision making is recorded and each step can be seen to have been taken in a fair and visible manner. It is advisable that the procuring agency may constitute and announce committees well in advance for the evaluation of proposals, short listing and selection of consultants under Regulation 9 of the Procurement of Consultancy Services Regulations, 2010.

2.1 TA Procurement Committee

15. Procurement of consultancy services/TA is a specialised and technical field therefore the TA Procurement Committee (TAPC) needs to be constituted within the department/institution. Members of the committee must have expertise in TA procurement from within⁵ or outside⁶ the procuring agency. Every procuring agency can notify its TAPC or adopt the existing committees according to the TA requirement, however, following is the proposed TAPC for the purposes of procurement of consulting services:

i.	Head of the concerned procuring agency	Chairperson ⁷
ii.	Technical Expert from within the procuring agency	Member
iii.	Technical Expert from outside the procuring agency	Co-opted Member
iv.	Head of the Procurement Section of the concerned procuring agency	Member/Secretary
v.	Financial Expert (in-house or outside)	Member

16. The mandate of TAPC is to:

- Guide, direct and monitor the entire TA component;

⁵ Even from the provinces/Special Areas

⁶ The procuring agency can engage international organisations like World Bank or ADB, who have an extensive expertise in TA procurement, as Procurement of Consultancy Services Regulations, 2010 allows that in case of non-availability of in-house expertise the procuring agency may engage outside appropriate sources

⁷ A quorum shall consist of three members, including chairperson.

- Review and recommend the work plan/strategic plan for approval of the competent authority;
- Approve Terms of Reference (TOR) for TA/consultancy services;
- Approve procurement processes under the relevant guidelines;
- Prepare final recommendations for approval of the competent authority and debriefing about the entire TA procurement process;
- Monitor TA progress according to established timelines and benchmarks.
- Monitor TA performance through reports;
- Provide guidelines to the procuring agency in managing the TA; and
- Require the procuring agency to present reports of evaluation of sub-projects.

3. IDENTIFICATION OF TA NEEDS

17. On receipt of a written request for TA, the procuring agency will assist the concerned unit in filling in the Resource Access Form (RAF). The template of RAF is at Annex- I. The RAF will be converted into a fully fledged proposal by the procuring agency in consultation with the concerned unit, and will be included in the work plan. In case the support is immediately required by the concerned unit, the procuring agency, after converting the RAF into detailed proposal, will submit it to the competent authority for approval.

18. The procuring agency, while engaging in the TA procurement process, will assess the needs for Technical Assistance required in the areas where gaps were identified. The assessment can be carried out through external sources or those available within the organisation. However, a few broader questions that link directly to the requirement of such assistance should be addressed while initiating TA procurement:

- i) Where does the request for technical assistance come from, and who is the overall beneficiary? Why is technical assistance necessary, what is the problem and what is the technical gap identified?
 - ii) Whether the proposed TA is in line with the strategic plan of recipient demanding the TA and if not, what is the basis/justification for demanding TA? The justifications should be evidence based.
 - iii) Whether sufficient funds are available and released for the proposed TA and whether extra funds can be arranged if TA needs further extension?
 - iv) Is the recipient/beneficiary capable of institutionalising the TA after being completed, and whether sufficient human resources and infrastructure are available to absorb/implement the TA outcomes? There must be government/partner commitment to improving and using their own systems and procedures. Does this commitment exist?
-

- v) What are the political risks that could limit impact and effectiveness of the TA, and can these risks be mitigated?
 - vi) The technical assistance provided should constitute an input to a specific process linked to capacity development wherever it is possible. What types of strategies are already ongoing or planned, and is the process linking support to these?
 - vii) What are the contributions from other development partners? The contributions from other partners in the form of technical assistance and other capacity development support should be mapped, and should include both current support and future, planned support.
 - viii) All technical assistance/consultancy services should be defined and fitted into an output-focused framework; a log-frame approach may be useful when identifying inputs needed to attain the desired outputs. Are the issues to be addressed mostly institutional or technical? Are the expected outputs of the TA clearly linked to the needs defined by the recipient/beneficiary?
19. Once the procuring agency is fully satisfied and found to have received adequate/valuable answers to the above questions then they may further proceed to initiate TA procurement process.

4. WORK PLANNING

4.1 Purpose of Work Planning

20. The purpose of work planning is twofold. Firstly, to prepare annual strategic plans⁸ of TA requirements, showing sectoral and spatial priorities for the coming year. Secondly, to prepare detailed quarterly work plans to be financed through the TA programme. The work plan will include sub-projects for supporting the health department or concerned stakeholders and other agencies.

Formulation of Strategic Work Plan

21. The annual strategic plan will be based on demands received from the TA demanding agencies or concerned stakeholders as well as the supply side proposals by the procuring agency. The process for the formulation and steps to be followed for formulation of a strategic work plan through demand and supply drive interventions are described below:

Demand Driven Interventions

22. In order to identify needs through a demand driven process, the procuring agency may hold workshops, meetings or focus-group discussions with the TA demanding agencies or concerned stakeholders. The purpose of holding workshops, meetings,

⁸ Strategic Planning is a vital component in Procurement Planning as it sets out the assignments in the context of an overall plan in achieving the aims and objectives of the Programme as a whole, both in time placement and in relationship with the other TA activities of the Programme; i.e., what is the final goal and what strategic steps are needed to get there?

etc., will be to inform the stakeholders about the resources available under the TA for technical support and explain how these resources can be accessed as well as assist the stakeholders in articulating their demands.

23. The design of the workshop, meeting or focus group discussion and the material required for the purpose will be prepared by the procuring agency. Strong efforts should be made to ensure that the interaction with the stakeholders and other agencies remain open and participatory.

24. During the workshops, meetings or focus group discussions, the participants will be provided copies of the RAF and assisted in filling in the form through a well structured process.

25. After the workshop, meetings or focused group discussions, the procuring agency will prepare a draft annual strategic plan, indicating, *inter alia*, the issues, needs and demands identified during the process, the sub-projects proposed to address them, the necessary sequencing and prioritisation, anticipated challenges and the resources available for implementation.

Supply Driven Interventions

26. In addition to the demand driven sub-projects, there may be a number of interventions, which in the opinion of the procuring agency, may be required for developing the capacity of the concerned stakeholders to deliver services and achieving the objectives of the procuring agency. The RAF, in such cases, will be filled in and given to the procuring agency for inclusion into the draft strategic plan.

4.2 Strategic Plan

27. After preparation, the draft of the strategic plan will be discussed and agreed at a meeting involving the procuring agency and representatives of concerned stakeholders and, if and where appropriate, the donors. The procuring agency will finalise the draft of the strategic plan in the light of the comments and suggestions received.

Strategic Plan Appraisal and Approval

28. The procuring agency will draw up the draft plan based upon agreed priorities and sequencing. This will be discussed with all stakeholders along with a short list of sub-projects for inclusion. The finalised draft Strategic Plan will be placed before the TAPC/TEC for review, discussion and comments. The draft Strategic Plan will be further amended and refined in accordance with the comments of the TAPC/TEC which will be followed by recommendations for approval by the competent authority. The concerned staff of the procuring agency will support in preparing documents for meetings of the committees.

29. The draft Strategic Plan will be placed before the approving/competent authority for its approval. On approval, the approved Strategic Plan will provide the guiding framework for subsequent work plans under the TA funds/grants.

30. Annual strategic plans will be reviewed each year by the procuring agency and work not completed will be rolled over into the following year and integrated with any

new demands. If and where appropriate, a copy of the approved plans will be shared with the donors.

Notes on Work Planning

The basic to all procurement is planning. There must be a Strategic Plan devolved from the department's policy documents/programmes PC-1. The policy document may illustrate references to various TA. These need extracting and planning:

- ~ Why was a procuring agency set up?
- ~ What is the purpose of the project? What are its goals?
- ~ How is it going to achieve them?
- ~ What are the **strategic** steps it has to take in order to get there?
- ~ In what order must the steps be taken?
- ~ Some do not have to be sequential

Defining the **NEED** of the TOR. How is the **need** defined? Does it come from the policy document, from the field; through meetings or workshops? Or is it because you have the funds and they have to be spent somehow? Most TA assignments draw attention to further TA assignments. Not everything can be planned ahead – some allowance must be made for *ad-hoc* procurement i.e. natural disasters, epidemics, etc.

Is the TA assignment going to be large or small: one consultant or several? If several, can the concerned procuring agency or recipient manage them? If not, it is easier to manage a consultancy firm.

4.3 Procurement Plan

PPRA –Procurement Procurement Rules- 2004

Rule 8: Procurement Planning

Within one year of commencement of these rules, all procuring agencies shall devise a mechanism, for planning in detail for all proposed procurements with the object of realistically determining the requirements of the procuring agency, within its available resources, delivery time or completion date and benefits that are likely to accrue to the procuring agency in future.

Rule 9: Limitation on splitting or regrouping of proposed procurement.-

Save as otherwise provided and subject to the regulation made by the Authority, with the prior approval of the Federal Government, a procuring agency shall announce in an appropriate manner all proposed procurements for each financial year and shall proceed accordingly without any splitting or regrouping of the procurements so planned. The annual requirements thus determined would be advertised in advance on the Authority's website as well as on the website of the procuring agency in case the procuring agency has its own website.

31. After approval of the work plan, the procurement unit of the concerned procuring agency will prepare a Procurement Plan (PP) for all the sub-projects/consultancy services included in the work plan for the following year. PP will be prepared in accordance with the implementation priorities indicated by the TAPC and other stakeholders and, if and where appropriate, donors.

32. The purpose of the PP is to:

- Provide a single point of reference for the procurement of consultancy service/TA;

- Create a tool that allows for process and reviews thresholds to be changed, if necessary over the lifetime of a project;
- Focus the procuring agency towards the need to plan and manage procurement and recruitment of TA consultants;
- Provide a synopsis of consultants recruitment opportunities to consulting services providers; and
- Increase levels of transparency.

33. The PP will include:

- Contracts for consultancy services/TA;
- Proposed methods for procurement of consultancy services/TA and types of proposals required for the same; and
- Procurement schedule and budget estimates for each contract.

34. The PP is a management tool and needs the approval of the competent authority. The approved and final PP will be advertised/announced in advance on the PPRA's website as well as on the website of the procuring agency. The PP will guide the procuring agency in the procurement of consulting services/TA. Once adopted by the procuring agency, it will be updated on a regular basis by the Procurement Section and forwarded to the interested parties for their information.

Some more Notes on Procurement Planning

Basically it is a management tool which gives management some sort of control over the process. It defines the overall strategy and priorities; sequential planning is not an absolute but it is of importance. Not everything can be done at once even if urgent – manpower resources may not permit it. A PP allows management adequately to engage procurement staff and train them. Procurement thresholds are determined according to value and complexity of TA assignment. The method of approach is thus determined:

- ~ QCBS – quality and cost based selection
- ~ QBS – quality based selection
- ~ LCS – least cost selection
- ~ SSS – single source selection
- ~ FBS – fixed budget selection

(all methods will be explained later in this document)

A PP is essential for budgetary control. Are there sufficient funds for the procuring agency? At what stage will the funds be called down? Many procurement exercises when accumulated create a large demand on funding: the Treasury will want to know call-off schedule. The PP is disseminated to Management, Finance, Procurement and, where required, donors. The PP increases transparency as the process, methodology and budgets are disseminated widely.

5. PREPARATION OF TERMS OF REFERENCE

35. The originating departments or concerned stakeholders requiring the TA intervention will prepare draft terms of reference (TOR) for the sub-projects identified and finalised. The draft TOR must include the following information:

- A brief overview of the background of the procuring agency/recipient;
- A summary of the immediate circumstances of the current TA assignment;
- The purpose or objective of the intervention and the impact;
- The Scope of work;
- The output and deliverables and reports required;
- The expertise required;
- The duration for which the expertise is required;
- Whether an individual consultant or a team of individuals or a consultancy firm will be engaged;
- If a consultancy firm is to be engaged, which method will be used for its selection;
 - if a firm is to be selected using QCBS, QBS or any other procurement method, the evaluation criteria for the technical proposals;
- Cost estimates and financing plan;
- The recruitment and assignment schedule of personnel;
- Details of implementation arrangements;
- The facilities that the procuring agency or the unit making the TA request is required to provide;

Further:

- The Millennium Goals (numbers only) that will be targeted
- The title of the sub-project identified in the Procurement Plan and from what area in the policy document/PC-1 it is drawn
- If an ad hoc/fast track intervention, the area in the policy document/PC-1 becomes applicable
- The name of the agency or client and their contact details; and
- The name and designation of person who will sign off on the deliverables.

Notes on Terms of Reference

Drafting the TOR is a management issue and is not a procurement one.

The TOR is an extremely important tool for accomplishing effective and sustainable

development goals and they are the base of any TA Procurement. They define the background, the rationale, the approach, the inputs, the budget limitations and time-scales. Basically, it is **specification writing**.

The TOR defines the scope of work at each stage of the assignment. Prepare them well at the outset and a successful outcome is the more likely. But the opposite is definitely true – badly prepared TOR will cause muddle, chaos and failure. Take time to develop a good quality TOR as it needs a good understanding of the objectives of the assignment, the approach to it and the intended development outcomes. Stakeholders also need ownership and need to be engaged. TOR often do the rounds of stakeholders, adding necessary information and becoming clarified. A team effort almost always produces a better document. Each TOR is a different document because no two assignments are the same. However, there are common factors in both the information given and the process. These Guidelines should help to identify them and suggest their application.

The Purpose of the TOR

The TOR provide the basis for an individual or a team in undertaking an agreed TA assignment. They provide the benchmark against which the success of the assignment can be measured. They are used to define the contractual arrangements against which the consultant (s) operates; provides the rationale for the TA mission; details the tasks and responsibilities; sets out the time-frame for their completion; indicates the type of reports and documents to be produced and Sets out the professional requirements of the individual and / or team.

TORs are needed for pre-feasibility studies; feasibility design studies; appraisal missions; individual tasks in activity implementation; reviews and evaluations; technical advisory capacity and capacity building.

The Consultant is an “import” and is hired to fill a competency gap in the recruiting agency. Therefore, the Consultant must bring expertise, knowledge, skill and experience to the assignment which could not be obtained otherwise. Capacity building is, or should be, one of the objectives in any TA assignment. The Consultant must be qualified to an accepted standard. However, you will note that “qualifications”, although important and sometimes an absolute requirement, are usually given a lower weighting than “experience”. Qualification is a good indication that the consultant has the ability to study and apply him/herself to a given standard. Work experience is an essential requirement. It is most unusual for inexperienced Consultants to be engaged. If they are, it is perhaps as part of a bigger team to gain that specific experience. Obviously, the requirement for general experience is longer than specific experience. Extra requirements can be: languages, experience in other similar environments, specific skills such as IT or research work.

Developing a TOR

Firstly, give your TA Assignment a reference number. Then give it a long-worded title. For example: - Health Commission for Quality Assurance and Hospital Management in the XYZ province or district and then a short title – Commission for Quality Assurance and Hospital Management.

TOR do not come in isolation, they are drawn from an overall strategic plan. This is not necessarily a Procurement Plan but there are similarities. Identify the Programmes overall aims and objectives and plan the steps as to how one goes about achieving these. Decide on whether you have sufficient in-house skills to fulfil these tasks and whether there is a

departmental capacity deficit. If not, you will need to import the skills. This is identifying the need. You will need to cost this Plan and you will need to forecast the impact. Stakeholders must be involved; they need ownership of the plan. But in the constant re-writing, do not lose sight of the objectives. Also remember: every change has an impact on the budget.

Common Requirements of a TOR

- ~ Background
- ~ Objectives
- ~ Scope of Work
- ~ Outputs and Deliverables – Reports
- ~ Personnel Specification and Expertise
- ~ Work-plans, including approach and methodology
- ~ Seminars/Workshops/Group Discussions/Meetings
- ~ Timelines – Indicative Work-plan

These are the common requirements of the make-up of any TOR. All TORs should follow this outline plan. The order is not necessarily exactly the same, since not all TA is the same. But don't hide key tasks within another since they can be overlooked and any changes then may have to be done in 2 or more places not one. The level of detail and guidance in the TOR will depend on the scope of the assignment and the nature of the contract. It is important that the lines of communications, expectations by all parties and reporting relationships are clear. The TOR must be specific, focussed and agreed by all stakeholders before the assignment is initiated.

Do not over do it and be over-prescriptive, allow the consultant to bring in his/her own skill and expertise. Overly prescriptive direction on the approach to be followed may not be appropriate where a particular technical, specialist expertise is required. Some TOR leaves little for the consultant to add and has had the assignment virtually done for him/her. Consultants can only be held accountable for what they've been specifically asked to do. Ensure that there is a clear link between the goals, objectives and tasks.

Background of a TOR

The **Background** should be a concise and clear statement. It will vary in length from a few paragraphs to a couple of pages (but overly long ones tend to confuse as much could be considered irrelevant). Once written, the Background often remains the same for each and every TA assignment of the Programme. So take your time over it. Provide a short history and rationale of the Programme. What is the purpose of the Programme? Who are the Stakeholders – to what extent are they involved? Introduce partner frame-work policy. What is the funding source – amount and duration? How long has the Programme been running and where is this TA in it? What are the geographical areas covered by the PA and this TA? What segments of the community/population is being targeted? What is the Strategy to be applied – country/regional/sectoral strategy? Place this TA assignment in context of the sector or programme activity to which it relates. Describe how the PA fits into the Millennium Development Goals (MDG). What is the target audience of the PA/TA? What is the time-frame of the PA?

Aims and Objectives

Sometimes also called Goals or Targets.. This section is to specify clearly and concisely

the objectives of the assignment. What is the purpose of the intervention? There can be a wide range of objectives so, unlike the Background described in the previous slide, they cannot be really standardised from one TA to another. Nevertheless, they all follow the same basic structure. Identify one clear mission in terms of output. Identify a range of sub-issues, for example: “to make an assessment of an activity as to whether or not implementation can be undertaken”; or “to review implementation arrangements as part of overall risk strategy management”; or “to provide high level advice in identifying and resolving problems; improving activity implementation; to assess expected benefits. The consultant or team should be able to read the TOR and identify the outcomes required without needing to seek further advice or interpret ambiguous or unclear meanings. The TOR must be clear in what it wants and how it should get there and by what methods and to what standards. Unclear and ambiguous expression is likely to result in a different understanding of the assignment with the risk of not achieving the desired outcomes.

Scope of Work

This section of the TOR provides a detailed description of the tasks required of the individual consultant or team of consultants and the outputs required from the assignment.

The Scope of Work is individual to the assignment and, thus, varies from TA to TA. A balance must be struck between specifying too much detail yet detailed enough to ensure that the contractual obligations that satisfy the TOR and which can be met. Detail is appreciated but too much means less flexibility and blame can be passed back to the authors. The writing of the assignment’s Scope is probably the most difficult part of the TOR. Use a chronological approach to specify what should be done. Stages such as: preparatory, discussion, data collection, consolidation and wrap-up, writing and final report. Identify specific technical tasks and assessments. Explore specific sectoral issues for assessment. Explore cross-cutting issues favoured by many donors, such as gender, environment and poverty alleviation. Institutional, financial, economic and social analysis may also be required. Identification of risks or the strategies to manage risks. Consider sustainability and the preparation of a sustainable strategy. Specify the outputs or deliverables required. Specify the time schedule of these outputs

Approach and Methodology

Some direction on preferred approach to TA. But allow the consultant to bring in his own expertise. Especially applicable to technical / specialist expertise. Ensure the consultant keeps to the overall Goals and follows the TOR guidelines.

Have measures been undertaken during planning and implementation to ensure resources are used efficiently? Could the activities and outputs be delivered with fewer resources without reducing quality and quantity? Could more activities and outputs be delivered with same resources? Is it cost effective? Could the same goals be reached with a different approach and methodology? Is the TOR targeting the right audiences? Is the evaluation targeting a specific information or decision-making need? – Conference, planning or executive board/committee. Do the activities address the problems identified? Is the assignment consistent with C-4 and C-5 of MDG and other international development goals? Could there be unintended or negative outcomes? To what extent can the impact of the assignment be measured – short-term and long-term? To what extent can the changes be attributed to the assignment and not to other causes? How long can the benefits be maintained after procuring agency/health programme ceases?

Outputs and Deliverables

Outputs and deliverables are not always the same but they are similar. A work plan may be an output but should not be considered a deliverable. Similarly a meeting may be considered as an output. A deliverable is held to be of greater importance than an output.

The work plan should be in line of the indicative one?? but it will need updating. Normally carried out in the inception report stage but if no Inception Report was called for, then the work plan is the next best thing. On the whole, interim reports should be brief and kept to a minimum. You do not want expensive consultants spending a lot of their expensive time writing up reports! . The final report, however, does require more attention and may need several revisions before it is acceptable. Sometimes, instead of a report, training materials or guidelines or SOPS are required. Every TOR should have a follow-up section of ideas and recommendations. Consider getting the consultant to draft the TOR for the next TA assignment.

Personnel Specification

- ~ National v International
- ~ Qualifications
- ~ Experience
 - o General – long term
 - o Specific – short-term
- ~ Knowledge and skills
- ~ Individual or Team composition
- ~ Each team member assigned different roles but
- ~ Designating a Team Leader is essential
 - o Provides uniform direction and control
 - o Standardises reporting

Most TORs have a section on team composition, skills and experience. Each member of a team must have his/her own set of Scope of Works and Deliverables.

Consider the knowledge, skills, experience and personal attributes required. Consider team composition – gender; international – local support, the involvement of counterparts and in-country contractors. Many assignments involve partner country participation. The range of skills depends on the nature of the assignment. The selection criteria should be specified in the TOR. The consultant must have a proven ability to work in a multi-disciplinary team. There should be an understanding of and commitment to cross-cutting issues with experience relevant to tasks; development knowledge and experience; country or regional experience; analytical and reporting skills; facilitation and negotiation skills; institutional strengthening/capacity building skills; sector or technical expertise particular to the assignment; capacity building and knowledge transfer skills. The Team Leader selection requires, as a must, previous development experience and skills and previous team leadership experience with proven person-management skills.

Duration of the TA

Generally, the following phases are involved: briefing, fieldwork, in-country debriefing, write-up, draft report preparation, initial feedback on report and finalising the documentation. In calculating the time required consider: the number tasks in relation to number of consultants; extent of preparatory work involved; the range of issues to be

considered; extent of participatory approach. What is the Stakeholders/beneficiaries involvement (often underestimated)? Take into account the number of institutions to be visited; the geographical area to be covered – the remoteness of locations; how many locations and availability of transport; the extent of preliminary or wrap-up meetings; opening and dissemination seminars and closing and final workshops; the likely time for writing reports, their composition and essential information. Thus commencement and conclusion dates can be determined and the dates for the various phases of activities can be envisaged. Thus milestones can be set.

Reporting

The **Inception Report**: Useful – as it allows consultants to report things as they see them. Often a long time elapses between TOR drafting and implementation. The Inception Report allows the Contract to be varied officially and adequately. .

Progress Reports – ensures the consultant is still on track. They set milestones against actual progress and provide an explanation of any mis-match. Often they are required to trigger stage payments of contract.

Final Report – the final report needs clarity, brevity and usefulness. Do not accept waffle, woolly thinking or padding out. Each section must have an introduction, development and conclusion. Each paragraph must have a beginning, an argument and an end. All Reports should be structured:

- ~ Executive Summary (maximum 1 page) which summarises the rest of the Report
- ~ Programme description (often cribbed from TOR)
- ~ Evaluation purpose and methodology (likewise)
- ~ Findings
- ~ Lessons learned and
- ~ Recommendations
- ~ Annexes – e.g. data collected, key documents consulted, people met, TOR

Seminars and Workshops

Their importance is often overlooked. Often the first point of awareness for the target audience. They allow the feeling of ownership for Stakeholders and beneficiaries. Think about who will attend – what is a target audience?

What are the possible costs: attendance allowance/per-diems/travel costs – the higher the rank the more it will cost; catering: meals, coffee breaks and finger-food; venue room hire – break-out rooms; desks, seating arrangements; equipment hire: overhead projector, screen, sound system, flip charts; printing and copying costs; banners and advertising? Group discussions and meetings, too, have cost implications as do room hiring, flip charts; even coffee or tea and biscuits and travel and attendance allowance.

All seminars and workshops should be anticipated and cost evaluated in detail, since once the budget has been set, it will be difficult to exceed it. Consultants should be under strict control not to go over budget.

The TOR Work-plan

The TOR Work-plan is both the start and end of the process. The initial sketched work-plan is fleshed-out and developed as the TOR progresses. The Work-plan can be written in prose (though not common). Better still in tablature form in chronological order. Even

better still in graphical format, like a Gantt chart – it provides a visual concept in time against which tasks are applied and measured. It provides a single point of reference for the staged procurement of consultants. It is a tool which allows for the review of process and thresholds to be changed over the lifetime of the programme.

The Work-plan focuses upon the need of the Client and Donor to coordinate their planning and manage the procurement and recruitment of consultants; provides a synopsis of consultant procurement and increases levels of transparency. It indicates the intended methods of procurement of consultancy services and provides a procurement schedule and budget estimates for the intended contract

Review of TOR

36. After preparation of the TOR in consultation with the concerned unit making the TA request, the draft TOR will be reviewed in accordance with the TOR check-list provided at Annex- II. The draft TOR, if found in order, will then be shared with the concerned stakeholders, to obtain their feedback, and to ensure full involvement of the concerned department, before any procurement of consulting services takes place.

37. The draft TOR along with comments of all stakeholders will be returned to the procuring agency for amendments and finalisation. In case the procuring agency does not agree with any or some of the suggestions for making changes in the TOR, for whatever reasons, it will inform the organisation that suggested the changes, explaining why the suggested changes could not be accommodated.

38. The revised draft of the TOR will then be submitted in the TAPC meeting for approval. All amendments suggested in the TOR are to be made in “track changes” mode in order that all can see who is making the change and why.

Appraisal and approval

39. The finalised TOR for all requested consultancy services, along with a draft TA work plan, will be placed before the TAPC for approval. In order to save time and for the purpose of clarity, it is suggested that all the documents including PowerPoint presentation of the TOR, be prepared by the procuring agency.

40. The TOR may be further amended and refined in accordance with the comments of the TAPC. If this should happen, the amended TOR must first be circulated to all concerned. The TOR will then be approved by the TAPC. The approved TOR will constitute the TA assignment under the TA funds/grants.

41. A copy of the approved TA assignment and TOR will be shared with all concerned and donors, if and where appropriate and stakeholders by the procuring agency within a week of approval by the TAPC.

6. PROCUREMENT OF CONSULTING SERVICES

6.1 Procedural Outline

42. Procurement of consultancy services/TA will follow the procedure given in this section. The procedure, framed by the procuring agency in its policy document/PC-1, to be used for procurements under the TA resources.

43. The procuring agency will procure in a cost effective, efficient, well targeted and transparent manner. Two elements are required. Firstly, there are the technical and administrative operations of the procuring agency itself, as an established management unit, which are defined in the policy document/PC-1. Secondly, there is the overarching framework of procedures and standards, acceptable to the GOP and, where required, donors, which provides the operational flexibility needed to ensure an acceptable procurement procedure. Such an overarching framework will allow the procuring agency to take on much of the management burden currently borne by donors with respect to donor aid funding and provide a flexible mechanism to support GOP. The following paragraphs in this section set out the principles of the overarching framework.

44. Each TA assignment managed by the procuring agency will involve:

- Identification of consultants to undertake the specific TA assignments;
- Consultancy support services;
- Quality control systems;
- Logistical support; and
- Financial control/management.

45. The TA performance requirements will be specified in the agreed TOR for each TA assignment. Most TAs will produce reports that must ultimately be reviewed and approved by the notified forums or concerned stakeholders.

46. The Procurement Section of the concerned procuring agency will develop a database of relevant expertise. To support this, the procuring agency may draw upon its many supporting agencies to provide access to their extensive and integrated health and related databases and built in quality assurance systems.

Some Notes on Procurement Methodology

The **Methodology of Procurement**: Many aspects effect the ways in which one procures. There is not only one way to decide a TA's methodology, in fact there are a combination of factors. Each method has its advantages and disadvantages. The easiest to see is the potential value of the TA assignment/contract. The larger in value the more controlled is the methodology – but not always: hiring an international consultant for a long time can cost as much as a short-term multi-disciplinary team. Size in personnel is an indication of the procurement method. A large team is better controlled and monitored by hiring a firm than conducting it in-house. The complexity of the assignment is more subjective and, thus, more difficult to define. Nevertheless, a complex assignment needs more careful

monitoring. The length of an assignment often determines its methodology.

The initial drafting of the TOR will give a good overall view as to its methodology. Then management, knowing the disadvantages of that methodology, may vary the parameters in the TOR, in order that the TA can meet the desired threshold.

6.2 Methods for Selection of Consultants/Consulting Firms

47. The selection system shall be determined by the procuring agency prior to issuance of the request for proposals from prospective consultants. A procuring agency may utilize one of the following methods for selection of consultants/firms, namely:

6.2.1 Quality based selection

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 3 (A): Quality based selection:-

- i. This method will be used for highly specialized and complex assignments, where quality is the only factor taken into consideration.
Provided that any procuring agency desirous of using quality based selection as a method of procurement shall record its reasons and justifications in writing for resorting to this method and shall place the same on record; and
- ii. Procedures for selection under the quality based selection:
 - a) a request for expression of interest as laid down under regulation 5 is advertised to invite interested applicants or firms to contest;
 - b) a request for proposals shall be prepared and sent to short-listed consultants selected following the laid down criteria;
 - c) the evaluation of proposals shall be carried out in two stages in the following manner, namely:
 - i) the technical proposals shall be evaluated and the procuring agency may discuss technical details, if it may deem necessary;
 - ii) the financial proposals of technically responsive or highest ranked proposal only shall be opened in the presence of the applicants or their representatives who may wish to attend the opening session; and
 - iii) highest ranked proposal is accepted, if it suits to the procuring agency in all respects.

48. QBS is a method based on evaluating only the quality of the technical proposals and the contract with the consultant/firm who submitted the highest ranked technical proposal. QBS is appropriate when:

- i. assignments are complex or highly specialised making it difficult to define precise TORs and the required input from the consultants;
- ii. assignments where the downstream impact is so large that the quality of the services is of overriding importance for the outcome of the project; and
- iii. assignments that can be carried out in substantially different ways such that financial proposals may be difficult to compare.

49. Generally, when QBS is used, as price will not be used as a selection criterion, the Request for Proposal (RFP) will request firms to submit both technical and financial

proposals at the same time, but in separate envelopes (single stage – two envelope system). The RFP shall provide inter-alia the necessary technical specifications for evaluation and submit their cost estimates. Using the same methodology as in Quality and Cost Based Selection (QCBS) for evaluation and ranking of the consultants/firms based on technical proposals, the procuring agency will also invite the consultants/firms with the highest ranked technical proposals, meeting the requirements of the procuring agency for opening their financial proposals. The procuring agency and the related consultant/firm shall discuss the work planning and the TOR etc of the contract. After successful completion of technical negotiations with the highest ranked consultant/firm, the rest of financial proposals will be returned unopened to the unsuccessful consultants/firms. Steps involved in the evaluation of QBS method are further described in the flow chart at Annex - III.

6.2.2 **Quality and cost based selection**

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 3 (B): Quality and cost based selection:-

- i. This method shall be used where high quality is the prime consideration while cost is a secondary consideration;
- ii. Procedures for Selection under the Quality and Cost Based Selection (QCBS).
 - a) a Request for Expression of Interest (EOI) as laid down in Article 5 of this regulation is advertised to invite interested applicants/firms to contest;
 - b) a Request for Proposals (RFP) shall be prepared and sent to short-listed consultants selected following the laid down criteria;
 - c) the evaluation of proposals shall be carried out in two (2) stages in the following manner:
 - i) the Technical Proposals shall be evaluated and the procuring agency may discuss technical details, if deem necessary;
 - ii) the financial proposals of technically responsive proposals shall be opened in the presence of the applicants or their representatives who may wish to attend the opening session; and
 - iii) a combined evaluation of technical and financial proposals shall follow and the applicant with the winning proposal will be accepted.

50. The preferred method for selection is Quality and Cost-Based, as this method ensures maximum economy and efficiency and allows for flexibility in weighing quality and costs depending on the case. This method will be used where high quality is the prime consideration while cost is a secondary consideration. Since under QCBS the cost of the proposed services is a factor in the selection, this method is appropriate when:

- i. the scope of work can be precisely defined;
- ii. the TOR are well specified and clear; and
- iii. the procuring agency and the consultants can estimate with reasonable precision the personnel time as well as the other inputs required of the consultants.

Steps involved in the evaluation of Quality and Cost Based Selection method are further described in the flow chart at Annex – IV.

Some Notes on Procurement Procedures

Procurement Procedures: QBS and QCBS are normally targeted at consultancy firms. Rarely, if ever, is it a recruiting method for individual consultants. The requirement for request for proposals increases the transparency of the selection procedure but the **disadvantage** is that it slows down the process very considerably – often by many months.

Other disadvantages are that, unless there is a fixed price requisite, open ended contract where cost is not a factor is not normally acceptable to Finance or donors, no matter what the other advantages are. Another disadvantage is that experienced firms are harder to control and direct if procurement staff and management are relatively experienced.

6.2.3 Least cost selection

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 3 (C): Least cost (selection):-

- i. This method will only be used for assignments of standard or routine nature, where well established practices and standards exist;
- ii. Procedures for selection under least cost selection:
 - a) following evaluation of technical proposals and opening of financial proposals, the applicant offering the lowest evaluated price shall be selected for discussions on technical issues if deemed necessary; and
 - b) under this method proposals passing the technical score threshold shall then be treated equally and evaluated on the basis of cost only.

51. Least Cost Selection (LCS) is one of the procurement procedures given in the Procurement of Consultancy Services Regulations, 2010 and may be suitable depending on the nature of the assignment. LCS is only appropriate for selecting consultants for very small assignments, of a standard or routine nature where well-established practices and standards exist. The RFP shall define the “minimum” qualifying mark for the “quality” and request the firms to submit at the same time technical and financial proposals in separate envelopes. Technical proposals will be opened first and evaluated. Those securing less than the minimum qualifying mark will be rejected, and the financial proposals of the rest will be opened in public. The firm with the lowest price shall then be selected and invited to finalise the contract. The process for the evaluation and approval of hiring of consultancy services using LCS method is shown at Annex- V.

Some Notes on Procurement Procedures

LCS is less formal and, in some views, is also the least transparent method and is generally frowned upon by many donors. Having said that, a 3 proposal requirement allows for a fair comparison and is also considered the least effort method. LCS uses a budget forecast as a guide but the actual cost can only be determined post evaluation.

6.2.4 Single source or direct selection

PPRA –Procurement of Consultancy Services Regulations, 2010

Regulation 3 (D): Single source or direct selection

- i. This method will be used only in exceptional cases, where it provides clear advantage over competition in following cases (only), namely:-
 - a) for tasks which are natural continuation of previous assignment and where continuity of technical services is unavoidable;
 - b) repeat orders as provided under sub-clause (iv) of clause (c) of rule 42 of the Public Procurement Rules, 2004;
 - c) in cases of emergency as provided under sub-clause (v) of clause (c) of rule 42 of the Public Procurement Rules, 2004;
 - d) where only one consultant is qualified or has experience of exceptional worth with reference to clause (c) or (d) of rule 42 of the Public Procurement Rules, 2004 and
- ii. Procedures for selection under single source selection:-
 - a) the justification for single source selection method shall be examined in the context of the overall interests of the procuring agency to ensure economy and efficiency and provide equal opportunity to all eligible consultants, therefore, the decision to use the single source selection method shall be approved in writing by the principal accounting officer, concerned on recommendation by a Committee; and
 - b) the request for proposals or TOR, as the case may be, shall be issued to the selected consultant and the selected consultant shall be requested to submit a technical and financial proposal upon the receipt of which discussions shall be held between the proposal evaluation committee and the selected consultant and all aspects of its proposal, whether technical or financial, shall be discussed together in order to reach an agreement/contract etc.

52. The recruitment of consulting firms for small assignments will generally follow the Single Source Selection (SSS) or the situations defined in the Regulation 3 (D) of Procurement of Consultancy Services Regulations, 2010 or as per donors' guidelines, if and where appropriate, and as amended from time to time.

Some Notes on Procurement Procedures

Single Source Selection or direct selection is rarely used and needs careful justification. It is, however, one of the quickest methods since it does not provide the benefits of competition in regard to quality and cost, lacks transparency in selection, and could encourage unacceptable practices. Therefore, single-source selection shall be used only in exceptional cases, where it provides a clear advantage over the competition such as:-

- i) for tasks which are a natural continuation of previous assignments and where continuity of technical services is required;
- ii) for very small assignments;
- iii) in cases of emergency; and
- iv) where only one Consultant is qualified or has experience of exceptional worth.

While going through this method of selection, the procuring agency will provide well described and evidence based justifications to ensure economies of scales, efficiency and value for money. The justifications shall be examined at an appropriate level for making the decision.

6.2.5 Fixed budget selection

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 3 (E): Fixed budget (selection)

- i. This method shall be used only when the assignment is simple, can be precisely defined and when the budget is fixed. The request for proposals shall indicate the available budget. Proposals that exceed the indicated budget shall be rejected. The ranking shall be based only on evaluation of technical proposals of the qualified bidders.
- ii. Procedures for selection under fixed budget.-
The procedures to be followed for the selection under fixed budget method shall be the same as for the quality and cost based method, with the following exceptions, namely:
 - a) the request for proposals shall indicate the available budget including taxes and ask the applicants to provide, in separate envelopes, their best technical and financial proposals within the budget;
 - b) the terms of reference shall be as complete as possible to make sure that the budget is sufficient for the consultants to perform the expected tasks;
 - c) the request for proposals shall required the applicants to provide breakdowns of their costs for the different activities with a provision that applicants who decline to provide the breakdown may risk the rejection of their proposals; and
 - d) the request for proposals shall state that, following opening of proposals, all proposals that exceed the indicated budget shall be rejected and the applicant who has submitted the highest ranked technical proposal among the rest shall be selected and invited to discuss further details for concluding the contract.

53. FBS is appropriate only when:

- i. the TORs are precisely defined;
- ii. the time and personnel inputs can be accurately assessed; and
- iii. the budget is fixed and cannot be exceeded.

To reduce the financial risk for consultants and avoid receiving unacceptable technical proposals or no proposals at all, this method can only be used for well-defined TA projects or projects where it is expected that there will be no changes during implementation. The RFP shall indicate the available budget, define the “minimum” qualifying mark for the “quality” and request consultants/firms to submit their best technical and financial proposals in separate envelopes, at the same time, and within the budget. Evaluation of all technical proposals shall be carried out first. Then the financial proposals of consultants/firms meeting the “minimum” qualifying mark shall be opened in public and prices shall be announced. Proposals that exceed the indicated budget shall be rejected. The consultant with the highest ranked technical proposal and simultaneously within the fixed budget limit financial proposal should be considered for the award.

6.3 Conflict of Interest

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 4: Criteria for eligibility of consultants.-

The procuring agency shall not hire a consultant (or a consultancy firm) for an assignment in which there is possibility of conflict of interest. If a consultant has been engaged by the procuring agency to

provide goods or works for a project, it shall be disqualified from providing consulting services for the same project. Similarly, a consultant shall not be hired for any assignment which by its nature, may be in conflict with another assignment of that consultant.

54. The staff working in the procurement unit of any procuring agency shall observe the code of ethics during the procurement process which are placed at Annex - VI.

6.4 Expressions of interest

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 5: Expression of interest:

- 1) A request for expression of interest shall be advertised by giving applicants at least fifteen calendar days for national competition and thirty calendar days for international competition to submit their interest to provide consultancy services;
- 2) The EOI shall contain at least the following information:
 - a) the name and address of procuring agency;
 - b) an appropriate description of the assignment providing scope of the intellectual and professional services required;
 - c) deadline and place of the submission of the EOIs; and
 - d) evaluation criteria required to be followed.

Some Notes on Expression of Interest (EOI)

An advertisement is to be published in the local print media for inviting of eligible consultants to show their interest in offering TA in a specific field of expertise. The advertisement should be in accordance with the rules prescribed by the PPRA in Public Procurement Rules – 2004 (PPR-20049)

Expressions of Interest (EOI) are invited, normally through the media of the press. Where National Consultants are concerned: it is to be in a language particular to the area where the TA is required, but also in a national circulated newspaper, either in Urdu or English or both and to be posted on procuring agency and PPRA websites.

Where national competition is concerned, the more usual deadline for receipt of EOI at a designated address is usually a minimum of 15 calendar days – if the TA is relatively simple, and more, if it is more complex or requires a multi-disciplinary team. Allow the applicant to assemble a team of likely members and gather their up-dated CVs.

Where International Consultants are concerned, besides a national circulated English newspaper and procuring agency and PPRA websites, place an advert on any reputable international media or donor website by giving a minimum of 30 calendar days. The commencement date runs from the date of the **latest** appearance of publication to give all applicants an equal chance. Sometimes but not always, the Evaluation Criteria is also advised. Responses to adverts are placed in the “Long List” data base.

⁹ Rule-12 of PPR-2004

6.5 Criteria for Short-listing and Pre-qualification of Consultants/Firms

PPRA –Procurement of Consultancy Services Regulations, 2010

Regulation 6: Criteria for short-listing of consultants:-

- 1) Whenever short-listing is deemed necessary, the procuring agency shall predetermine a criteria for short-listing. Except for single source, there will normally be a minimum of three consultants in the shortlist, but there is no upper limit for number of candidates to be short-listed. However, if less than three candidates apply, their proposals may be considered on merit.
- 2) The procuring agency while engaged in short-listing of consultants will take into consideration the following factors, namely:-
 - i. qualification;
 - ii. experience; and
 - iii. any other factor that a procuring agency may deem relevant, not inconsistent with these regulations or Public Procurement Rules, 2004.
- 3) All applicants shall be informed whether or not they have been short-listed.

Regulation 7: Criteria for prequalification of consultants:-

- 1) Whether short-listing is done or not, the procuring agency may engage in prequalification of consultants in case of complex assignments.
- 2) The procuring agency while engaged in prequalification of consultants will take into consideration the following factors, namely:
 - i. qualification;
 - ii. general experience;
 - iii. specific experience;
 - iv. past performance; and
 - v. any other factor than a procuring agency may deem relevant, not inconsistent with these regulations or Public Procurement Rules, 2004.

55. The procuring agency is responsible for the preparation of the shortlist and shall give first consideration to those consultants/firms expressing interest that possess the relevant qualifications and experience and any other factor that a procuring agency may deem relevant. Well defined criteria should be used for short-listing. All applicants shall be informed whether or not they have been short-listed. It is advisable that the procuring agency should form and announce a separate committee for short listing and prequalification of consultants/firms having members of technical expertise of relevant fields. The specimen sample format for short-listing of consultants/firms is given in Annex- VII.

Some Notes on Qualification Criteria

Curriculum Vitae (CVs) of participating consultants need to show:

- ~ Qualifications
- ~ Demonstrable experience
 - o General Experience
 - o Specific Experience
 - o Other factors, e.g. languages; IT experience

- ~ Past Performance
- ~ Sound financial background (firms)
 - o Accounts for past years - 3 years

Where applications from Individual Consultants are required, the CV required must be to a certain standard and format. CVs come in all sorts of guises – some good some dreadful but it is not the job of the evaluators to sift out the information required. Often the format can be down-loaded from the PA website or taken directly from the Office. Otherwise it becomes extremely difficult to compare like-for-like. Qualifications can be divided between **academic** and **professional**. As noted, remuneration depends on the level of qualification achieved. Good TORs do not call for absolutes but allow for some degree of flexibility; e.g. “should preferably be of a Master’s standard” – is a Master’s in the Arts more desirable than a qualified General Practitioner? Experience is given greater weight over academic qualification. Specific Experience is given greater weighting than General Experience – the more relevant to the TA the more desirable. Don’t be afraid to ask for a good photocopy of the Diploma or Certificate. Consultants may be asked to provide a sample of their previous work if necessary. Consultancy Firms should be able to produce a certified set of audited accounts.

6.6 Selection/Hiring of Consulting Firms

56. Consulting firms will be recruited for assignments to provide a wide range of services, for example, feasibility studies, large, country-wide surveys, project design and supervision. Consulting firms are usually hired when the assignment requires teams of individuals and where the collective experience of the team, resources and support facilities are important in the execution of the assignment. Since the contract will be signed between the procuring agency and the consultants, a template contract needs to be designed to suit procuring agency/GOP requirement, if and where appropriate, the donors.

57. Depending on the budgeted cost of the assignment and also taking into account the different procedures that need to be followed, recruitment of consultancy firms falls under three categories: i) small consultancy; ii) medium consultancy; and iii) large consultancy, in addition to the recruitment of individual consultants.

6.7 Methodology of Selection/Hiring of Consulting Firms

58. The method of procurement by the procuring agency shall be set out in the procurement plan, prior to the commencement of any action and shall be decided upon and approved by the competent authority. The individual steps in the procurement process vary slightly from the procurement of consultancy firms to that of individual consultants. However, the evaluation criteria remain very much the same and attention will be drawn to any differences.

6.7.1 Request for proposals

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 8: Request for proposals:-

- 1) The procuring agency shall use a request for proposals for seeking proposals from the consultants, whether short listed or prequalified or not, which shall include the following,

namely:-

- a) **Letter of invitation** – The letter of invitation shall mention the name and address of the procuring agency and shall state the intention of the procuring agency to enter into a contract for provision of consulting services.
 - b) **Instruction to consultants** – The instructions to consultants shall contain all necessary information that would help them prepare responsive proposals and shall bring as much transparency as possible to the selection system.
 - c) **Terms of reference** – Terms of reference shall unambiguously define the objectives, goals and scope of the assignment besides conditions of contract. Terms of reference shall list the services and surveys necessary to carry out the assignment and expected outputs.
 - d) **Evaluation criteria** – Except as otherwise provided, the evaluation of proposals shall be carried out giving due consideration to quality and cost
 - e) **Type of contract** – The procuring agency, depending on the circumstances, may use one of the following types of contract, namely:-
 - i) lump sum contract will be used mainly for assignments in which the content, duration of the services and the required output are unambiguously defined;
 - ii) time based contract will be used when it is difficult to define the scope and the length of services;
 - iii) hourly or daily rates based contract will be used for small projects, especially when the assignment is for less than a month; and
 - iv) any other contract, based on combination of the above and including out of pocket expenses, where required;
 - f) **Proposed contract format** – The procuring agencies should propose a draft specimen contract to be entered into with the successful bidder.
 - g) **Special provisions** – The procuring agency may specify any other requirement related to the assignment or contract etc. Where required.
- 2) The procuring agency shall invite the prospective consultants to submit their technical and financial proposals in separately sealed envelopes. The procuring agency shall give deadline for submission of proposals. Consultants shall be given adequate time to prepare their proposals which shall be in accordance with response time stipulated under Rule 13 of the Public Procurement Rules, 2004.

59. The procuring agency shall use the request for proposal (RFP) document for seeking proposals from the short-listed firms. The procuring agency will invite the shortlisted firms through the letter of invitation, being part of the RFP, to submit their technical and financial proposals in separately sealed envelopes. The procuring agency will give a deadline for submission of proposals and should be given adequate time (response time) to the firms in which they prepare their proposals. The procuring agency will use any reliable and trustworthy source for sending the RFP document to the shortlisted firms and will keep the record properly. Any proposal received after the deadline will be returned unopened, and no amendments to the technical or financial proposals will be accepted after the deadline.

Some Notes on Request for Proposals (RFP)

An RFP consists of:

- ~ Letter of Invitation (LOI) – including deadline
- ~ Instructions to Bidders – technical / financial

- ~ Detailed TOR
- ~ Type of Contract
 - Lump sum
 - Time based
 - Hourly or daily rate
- ~ Evaluation Criteria
- ~ Proposed Contract

The Request for Proposals is also known as a Bidding Document. It is quite large in structure. The LOI gives the basic background, funding details, deadline for submission of bids and a list of invited bidders. Detailed instructions to bidders:

Technical

- ~ How to submit their bid
- ~ The approach and methodology
- ~ Comments on the TOR
- ~ The technical requirements
- ~ The bio-data requirements – CVs
- ~ Implementation Plan

Financial

- ~ Consultants remunerations
- ~ Out-of Pocket-Expenses
- ~ Other Cost

The TOR (as discussed at length); detail of evaluation criteria; weighted points awarded; a Contract Example: most are a mixture of lump sum and time-base, rarely hourly based

- ~ Type of proposal
- ~ Bio-data Technical Proposal
- ~ Selection Method

Quite detailed costs are provided which are issued as guidelines. The Bidder can vary them if he so wishes but he must remain within the overall total budget allowed. Similar is the case with the person months and cost. The Bidder may vary the mix but not the bottom line.

Although PPRA (Regulation 5) requires that National bidders be given a minimum of 15 days and International bidders, 30 days to respond, consider giving a longer period, say 30 days or around 45 – 60 days respectively in order to get a greater chance of obtaining a better response. This period also depends on the complexity of the TOR. A large team requires more time to put together.

6.7.2 Evaluation of proposals

60. Precise evaluation procedures vary between the different methodologies, but all consist of three stages:

- a preliminary screening, while using specimen format at Annex-VII, to eliminate proposals which do not comply with the basic requirements of the RFP and the firm does not meet mandatory eligibility requirements;

- a detailed evaluation, while using specimen format in Annex-VIII, to determine whether proposals are responsive to the RFP document, to assess the relative quality of the proposals, using a merit point scoring system and to determine which proposals should proceed to the financial opening and evaluation; and
- a financial evaluation to examine the prices of the proposal or proposals and determine which is the successful proposal that should be recommended for the award of contract.

Evaluation of technical proposals

61. The evaluation shall be based on the evaluation criteria defined in the RFP. After the technical quality is evaluated, firms whose technical proposals did not meet the minimum qualifying score or were considered non-responsive to the invitation requirements will be advised and their financial proposals will be returned unopened. Firms that have secured the minimum qualifying technical score will be advised of the location, date, and time for opening of financial proposals.

Opening of financial proposals

62. The financial proposals of technically qualified firms will be opened publically in presence of firms or their representatives who choose to attend. The name of the firm, the technical quality scores, and the quoted prices shall be announced, and recorded when the financial proposals are opened.

Evaluation of financial proposals

63. The procuring agency shall then review the compatibility of the technical and financial proposals, make adjustments as appropriate, and correct arithmetical or computational errors.

Ranking of proposals

64. The total score shall be obtained by weighting and adding the technical and financial scores; this will determine the overall ranking of the firms' proposals. The weight for the "cost" shall be chosen, taking into account the complexity of the assignment and the relative importance of quality. Except as provided for in the case of other selection methods, the weight for cost shall normally be 20 to 30%.

Announcement of evaluation reports

65. Under Rule 35 of PPR-2004, a procuring agency will announce the results of a firms' evaluation in the form of a report giving justification for acceptance or rejection of proposals at least ten days prior to the award of contract. This announcement may be through PPRA's as well as procuring agency's websites (if the procuring agency has its own website).

Rejection of all proposals and re-invitation

66. The procuring agency may reject all the proposals only if all proposals are non-responsive because they present major deficiencies in complying with the RFP or if they involve costs substantially higher than the original estimate. However, the

procuring agency should inform all the firms in writing who submitted proposals about the grounds for rejection of all proposals. The procuring agency may call for re-invitation of new proposals in accordance with rules prescribed in the PPR-2004¹⁰.

6.8 Selection Committee

PPRA –Procurement of Consultancy Services Regulations, 2010

Regulation 9: Selection Committee

- 1) The procuring agency shall appoint Committee for short listing and selection of Consultant. The Committee shall comprise of at least three competent relevant persons to evaluate the consultants as per evaluation criteria. In case of non-availability of in-house expertise the procuring agency may engage outside appropriate sources.
- 2) The Committee shall advise on short listing and prequalification of consultants.
- 3) Except for single source selection, the Committee shall evaluate the request for proposals in accordance with clause (b) of rule 36 of the Public Procurement Rules, 2004.
- 4) The bidder whose technical and financial proposal is the most advantageous shall be ranked highest and his bid shall be accepted.

Provided that adjustments in the main days of various levels of professionals etc. may be negotiated, as per requirement if deemed necessary, without any price or rate negotiations.

67. Keeping in view the technicality and complexity of consultancy services, the procuring agency will require constituting of the Technical Evaluation Committee (TEC) for short listing and pre-qualification of consultants. Members of the committee must have extensive expertises in the relevant field for which the TA is required and TA procurement from within or outside the procuring agency. Every procuring agency can notify its technical committee regarding the TA requirement, however, the following is the proposed TEC for the purposes of short listing and prequalification of consultants:

i.	Technical Expert from within the procuring agency	Member
ii.	Technical Expert from outside the procuring	Co-opted Member
iii.	Head of the Procurement Section of the concerned procuring agency	Member
iv.	Financial Expert (in-house or outside)	Member

68. The mandate of the TEC is to:

- Evaluate technical and financial proposals/CVs in accordance with the evaluation criteria, shortlist/rank qualified firms/individual consultants/team of consultants;
- Prepare final recommendations for approval of the competent authority/TAPC and debriefing about the entire TA procurement process;

¹⁰ Rule 33 and 34 of PPR-2004

- Negotiate or discuss with the preferred firm/individual consultant/team of consultants under Regulation 10 of Procurement of Consultancy Services Regulations, 2010;

6.9 Recruitment of Individual Consultants or a Team of Consultants

69. Depending on the nature of assignment, the type of consultants (either firm or individual) shall be set out by the procuring agency in the procurement plan prior to the commencement of any action and shall be decided upon and approved by the competent authority. For some assignments, individual consultants or team of consultants are more appropriate and cost-effective than firms. Individual consultants (independent individual) may be recruited directly or through an organisation, such as a consulting firm, an academic institution, a government, or an international agency. The procedures for selection of individual consultants are simpler than those for selecting international and national consulting firms. Individual consultants are recruited on the basis of their qualifications for the assignment. While hiring the services of individual consultants the procuring agency will focus on (i) the type of consultant best suited for the assignment, (ii) the applicable rules and regulations and (if and where applicable) the donor's procedure. For consultancy services, the procedure for hiring is contingent upon complexity of the TOR, and the duration of the assignment.

70. All TA assignments of individual consultants with a duration less than or equal to 4 months will be termed as short-term assignments; over 4 months up to 12 months are considered medium-term and those consisting of a duration of more than 12 months will be termed as long-term assignments, but the procedure for recruitment of consultants for such assignments is virtually the same. The process for hiring of the services of individual consultant is described in Annex-IX.

The competent authority may delegate some financial as well as administrative powers to the TAPC for recruitment of individual consultants for shorter period (less than 30 days) assignments. This will ensure time saving and also expedite the urgent nature assignments.

71. For all TA assignments which require hiring of individual consultants and either part of the approved work plan or new intervention, the procuring agency will prepare the TOR with the assistance of the agency requesting the TA. The TOR should be clear, precise, appropriate and achievable. The TOR will be approved by the TAPC after due appraisal. In special circumstances, the procuring agency may engage consultants to prepare and finalise TORs, subject to concurrence by the competent authority. In such an instance, to avoid any conflict of interest, the consultant thus engaged, may not be recruited for the assignment of the TOR in question.

72. Individual consultants for any assignment will be recruited in accordance with the TOR and laid down procedure. A minimum of three CVs will be required from the potential candidates. The procuring agency will prepare the advertisement and get it approved by the competent authority. The position must be advertised in the national press (and international press in case international expertise are required) and posted

on the websites of PPRA and the procuring agency giving at least 15 calendar days¹¹ notice for national consultants and 30 calendar days for international consultants to respond to the advertisement from the date the advert last appeared. Better results will be obtained if a maximum time period is given.

73. The procuring agency will be required to develop a database of consultants in accordance with the categories, field of expertises, positions specified in the work plan which can be used for shorter period assignments and single source selection. The database will be supplemented as needed by networking among academic institutions, consultancy organisations, non-governmental organisations and any other potential sources of relevant expertise.

74. The applicants will be requested to submit a covering letter along with their CV in a standard format and with relevant supporting documents as required in the advertisement. A long list of applicants will be prepared by the procuring agency.

75. Preliminary screening of receipted curriculum vitae (CVs) will be conducted by the TEC of the procuring agency and the initial short list along with draft evaluation sheets will be developed for the TAPC meeting. The TAPC will formally meet for review and finalisation of the short list and evaluation report. After finalisation by the TAPC, the procuring agency may issue non-committal inquiry to the short listed consultant(s) to check their availability and present interest in the assignment.

76. The TAPC may request an interview with top ranked candidates, as the need may arise. Additionally, candidates may be asked to submit a sample or a copy of any assignment report they were responsible for producing and the names of two referees of relevant assignments, such as previous clients or team leaders. Depending on the complexity of the assignment and the expert's level of seniority and experience, they may also be invited to set out their approach regarding both the technical work and consultancy processes during the interview. This will also enable an assessment of the capacity of the consultant to undertake the role. However, the TAPC may skip this step if it is not considered necessary in the recruitment process.

77. In the eventuality that the TAPC has any objection to the top ranked candidate, the same will be communicated to the TEC/procuring agency within a reasonable time along with argued reasons in writing for the objection and the procuring agency will contact the next ranked candidate on the short list. The TAPC will finally evaluate and recommend the top ranked candidate (along with other candidates).

78. The final report with recommendations will then be submitted to the competent authority for approval.

79. The procuring agency will arrange for final negotiations with the preferred expert through the designated committee/TEC and issue a contract to the selected consultant on behalf of GOP. The final contract will be issued by the procuring agency.

¹¹ Under Rule 13 of PPR-2004

80.

Contract templates for both individual consultant and consulting firm will be first referred to the Law & Justice Department for vetting and concurrence and the same approved template may be used for all other assignments.

81. If there are no suitable and/or available responses to the adverts from experts, then the TOR should be reviewed by the procuring agency and the TOR should be amended, if necessary. Occasionally, it may be more realistic to have two or more separate consultants to cover the scope of work. However this should be determined at the time of preparation of TOR or at the stage when a single person with the appropriate skills-mix is deemed not to be available. In these cases, the TOR should be amended to use two or more persons to ensure that the skills-mix needed for the assignment is obtainable.

6.10 Recruitment of Resource Persons

82. A resource person (RP) may be hired for short inexpensive assignments for a period not exceeding 14 consecutive days (subject to prescribed procedure and allowed financial thresholds and in case donors are involved, their concurrence). The services of an RP may be hired for:

- planning, designing and managing a workshop, seminar, meeting or short term training programme; and
- developing handbooks, manuals, policy notes, concept paper on different subjects relevant to the department.
- quality assurance or any short-term TA gap in capacity or expertise the procuring agency may have at any given time.

83. The procuring agency may use single source selection to hire an RP for any of the above assignments. Repeat engagements of resource persons are allowed¹², subject to approval by the competent authority. For intermittent engagements spread over a longer period of between 6 months to a year, where no single input is required for more than 14 consecutive days, the procuring agency may engage an RP under a single contract.

84. The fee ceilings for national and international resource persons as agreed will be applied.

Approval procedure

85. The TA need and the decision to engage the services of an RP may be suggested by the procuring agency or concerned stakeholders.

¹² Under Rule 42 (c) (iv) of PPR-2004

86. The procuring agency, on receipt of a TA request from the concerned department/section or stakeholders, will prepare the TOR of the activity for which the services of RP are required. The process for approval of hiring of the services of an RP is depicted in Annex-X.

87. A proposal containing the TOR, qualifications and experience required, cost estimates (fee and out of pocket expenses) and the proposed RP's bio-data, will be prepared by the procuring agency and submitted to the competent authority for clearance.

88. Upon clearance and, if applicable, approval by donors, the procuring agency will issue the Letter of Invitation to the RP along with the TORs of the assignment to be performed and the fee structure and out of pocket expenditures to be paid for the services to be provided.

89. The RP will be paid by the procuring agency from the TA resources available for work plan activities.

Monitoring and reporting procedure for RP

90. The focal person¹³ and Monitoring and Evaluation (M&E) Officer (if any) of the procuring agency will monitor the performance of the RP and ensure that all tasks are performed according to the TOR.

91. A lump sum payment will be made to the RP on completion of the assignment. The direct costs of attributable to holding of any seminar or workshop may be paid to the RP in advance if not paid out directly by any other entity/stakeholder/donor. Payment to an RP will be linked to the quality of output. In case the output is not of the desired quality, the procuring agency will withhold the payment until the requisite improvements are made by the RP in the deliverables.

92. The procurement unit of the procuring agency will maintain full records of all RPs along with the status of payments made against their services.

93. Depending on the nature of the assignment, the procuring agency will decide about the facilities and support to be provided to the RPs and the same may also form part of the TOR.

6.11 Contract Negotiations

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 10: Extent of Negotiations or discussions:-

The Committee of the procuring agency may negotiate with the highest ranked bidder regarding methodology, work plan, staffing and special conditions of the contract. The Committee shall not permit substitution of key staff, unless both parties agree that undue delay in selection process makes such substitution unavoidable. In case of failure of negotiations with highest ranked bidder, the Committee may invite the next ranked bidder for such negotiations or discussions. Negotiations are to be carried out by committee and its minutes

¹³ An officer, nominated by head of the procuring agency, responsible to technically manage the TA assignment

shall be recorded. Negotiations by a single person Committee shall never be allowed.

Provided that negotiations shall not seek changes in the rates quoted by the bidder in accordance with restriction imposed on financial negotiations under Rule 40 of the Public Procurement Rules, 2004.

Some Notes on Contract Negotiations

Contract Negotiation is not price negotiation! Because of the time lapse between concept and implementation, and also between the RFP and Contract, many aspects require review and adjustment. Different consultants' CVs may now be presented. Are the CVs the same? If not, would it affect the rankings? You can negotiate on relatively minor points such as methodology: often consultancy firms come with their own methodology which they have used for years. The work plan may be redrafted. Payment terms may be varied (often a cause for concern) You may discuss retention payments / advance payments / stage payments. If it is not in accordance with your views, you are entitled to negotiate. However, the basic principle remains: "The firm bid against your invitation and your conditions, so any variations will be small and transitory". GOP taxation policies, consultant's tax liability and out of pocket expenses should clearly be defined and recorded during negotiations which will be incorporated in the contract. Resist any firm trying to impose their conditions. That should lead to disqualification.

Negotiation with the highest ranked consultants or consultancy firm must be carried out by a designated committee consisting of a minimum three members. The procuring agency shall discourage single person negotiation with consultants. The **Minutes of Negotiation** should be agreed and signed by both parties and form part of the final contract.

6.12 Contract Award

Some Notes on Conformed Contract Document

A conformed contract document is made up of:

- ~ A formal letter of Award of Contract, which formally instructs the contractor to commence the TA assignment.
- ~ The signed minutes of contract negotiations. These take precedence over any other related part of the contract.
- ~ The contract data - wherein much of the specific data and TA information lies
- ~ The personnel schedule as agreed, including the CVs of any change of personnel
- ~ The agreed cost estimate including contingency and conditionality to access it
- ~ Agreed payment schedule (this is highly important)
- ~ The original terms of reference - against which the contractor will be held
- ~ The terms and conditions of contract as originally drafted in the RFP
- ~ Any other annexes which will assist the contractor in its task

6.13 Professional Liability of Consultants

PPRA – Procurement of Consultancy Services Regulations, 2010

Regulation 11: Professional liability of consultants.-

- 1) The consultant selected and awarded a contract shall be liable for consequence of errors or omissions on its part. The extent of liability of the consultant should be incorporated in the contract and in no case should it be less than remunerations excluding the out of pocket expenses, nor should the liability exceed twice the remunerations.
- 2) The procuring agency may demand insurance on part of the consultant to cover its liability under sub-regulation (1) and necessary costs shall be borne by the consultant which shall be reimbursed by the procuring agency as out of pocket expenses by the consultant.
- 3) The consultant shall be held liable for all losses or damages suffered by the procuring agency on account of any misconduct and unsatisfactory performance by the consultant in performing the consulting services.

94. The consultant is expected to carry out assignments with due diligence and in accordance with prevailing standards of the profession. The consultant's liability to the procuring agency will be governed by the applicable law of The State. The consultant will prepare a work plan in accordance with the scope of work and they are bound for timely completion of the assignment and submission of milestones/deliverables agreed in the TOR.

94. Termination of consultants' contracts will be governed by the provisions made in this regard in the contract or the donors guidelines, if and where appropriate, as may be amended from time to time.

6.14 Inconsistency

PPRA –Procurement of Consultancy Services Regulations, 2010

Regulation 12. Inconsistency

The Public Procurement Rules, 2004 and these regulations are to be taken as mutually explanatory of one another but in case of inconsistency, the Public Procurement Rules, 2004 shall take precedence over these regulations.

Some Notes on Inconsistency

For instance, the Procurement of Consultancy Services Regulations, 2010 do not provide an explanation on procurement planning and announcement of evaluation report on the Authority's website which are essential steps in procurement; in such cases the Public Procurement Rules 2004 would be followed.

6.15 Support to Consultants

95. The following support will routinely be provided to consultants by the procuring agency or those who manage the consultancy services in order to facilitate the achievement of the objectives of the consultancy:

- TORs will be discussed and agreed upon with the consultant before the commencement of the assignment;
- Relevant up-to-date documentation will be supplied ahead of the assignment by the procuring agency;

- Where possible, a face to face briefing with the department that requested the consultancy services or concerned stakeholders and the procuring agency will take place prior to the commencement of the TA assignment during which any contextual or other information which is not possible or appropriate to convey in written form will be imparted and discussed;
- Where consultants are working in a team, the opportunity for the team to meet shortly before the work commences will be provided where and when practicable. However, it is the prime responsibility of the consultants and the Team Leader to ensure that due deliberations take place before the commencement of team assignments;
- In some cases, logistical arrangements for the TA assignment will be made by the procuring agency. However, request for the same will be made by the consultants in advance;
- The procuring agency will keep in touch with the consultant and other stakeholders during the assignment to ensure that work is progressing smoothly, and that any questions or queries are answered appropriately and in a timely manner; and
- The procuring agency will ensure the quality control of consultant's reports and discuss any editing or redrafting required with the concerned stakeholders.

Some Notes on Contract Support

Logistical Support - The appointed Project Liaison Officer (PLO) or Focal person has a very important role.

There may even be two persons at the Programme / Department level who would take on this role and contact the consultant: one for technical matters and the other one for logistical and administrative support, although one person can do both. But the technical person should only focus on technical matters of the TA and quality assurance and he or she should not be involved in logistical issues, etc. This person(s) can be named either the Focal Person or PLO.

This role can be divided between Individual consultants and firms. Then further divided between national and international. Individual consultants require more looking after than firms. International consultants require more looking after than national consultants.

Firms look after their own consultants in terms of transport, accommodation, communication and office facilities. But they should not be allowed to fade into the background and weekly and monthly contact needs to be established. .

The PLO must provide logistical support to national consultants in terms of office accommodation. Per diems and advance payments should enable nationals to arrange their own transport, communication and accommodation. However, office facilities need to be provided at the head office. Printing and photocopying may be also be required.

For international consultants, the PLO arranges a formal Letter of Invitation for visa requirements of international consultants. He/she arranges both international and national

flights. Often the international consultant is provided with an advance to enable return flights to be purchased – including airport pick and drop facilities. The PLO arranges local accommodation and arranges local transport – car hire, taxis or department pool vehicles.

Security arrangements are paramount and a system of liaison and contact needs to be instigated for this purpose.

6.16 Disbursement for Consulting Services

96. All payments to the consultants will be made by the procuring agency, in accordance with the agreed payment schedule in the contract of the consultants. However, before any payment is made, concurrence will be sought from the procurement unit. Mobilisation advance is permissible to the extent allowed under donor guidelines. A penalty clause may be built in the contract of consultants for a delay in submission of outputs and/or non-compliance of contractual obligations.

97. All payments made to the consultants will be subject to deduction of taxes in accordance with the prescribed taxation policy of the government of Pakistan and the procuring agency will be responsible for depositing the taxable amount in the government treasury. However, in case the procuring agency is paying the full amount to the consultant/firm, arrangements to pay the tax to the appropriate authorities will be the responsibility of the consultant concerned. Nevertheless, if the consultant/firm is exempted from any deduction of tax at source, he/she may have to provide documentary evidence along with the pertinent bills to the appropriate authorities.

98. Full or part payment, as the case may be, will only be processed on the acceptance of the deliverable and/or output with which the payment is linked, for approval of the competent authority. All payments will be made in the manner prescribed under these guidelines.

99. For processing payment to a consultant, the following documents will be required:

- invoice (duly signed/stamped) from the consultant (this includes consultancy firms, individual consultants and RPs);
- Copy of the deliverables;
- a note from the concerned section of the Focal Person/PLO the of procuring agency regarding the receipt of deliverables; and
- a “quality assurance certificate” from the head of the concerned department.

100. On approval of the case, payment will be issued to the consultant or consultancy firm after attaining an acknowledgement receipt. A necessary entry will be made in the relevant registers and copies of all supporting documents will be kept on record.

Some Notes on Payment and Disbursement

Payment is made according to the terms contained in the contract. If the payment is made against a monthly payment, consider an attendance register. Payment is often made

against deliverables or milestones. Payment can only be made against the consultant's invoice. If deliverables require a Quality Assurance check, then this should be done as soon as possible in order that the consultant is not kept waiting longer than necessary. Is the consultant clear as to what is claimable and what is not? Are you clear as to what type of receipt is required? Not everyone provides a reasonable, acceptable receipt. What to do then? Is there a management checking / verification system in place?

At the outset, the Finance Department must set aside the funds sufficient to cover the contract costs. These should be set aside in a suspense account, allocated to this TA. Accounts should be fully satisfied that all the terms of the contract have been fulfilled before honouring the payment in full. Have you an account reconciliation system in place? Your accounts most likely will be audited by both the GOP and donors (in case TA is funded by a donor), are you prepared?

7. TECHNICAL ASSISTANCE MANAGEMENT

7.1 Basic Scope and Output of TA Management

101. The procuring agency or the concerned department that needs the TA will identify, process, manage, evaluate, and monitor consulting services. The procuring agency will deliver TAs required by the subordinate offices or other relevant departments or concerned stakeholders, efficiently, effectively, and comprehensively ultimately to support social service delivery in Pakistan, especially to the poor.

102. All health departments/institutions will devote much effort to identify their TA needs however the procuring agency will go through the consultative process with all the concerned health entities. This will result in the development of quite a comprehensive work plan, terms of references for each TA, and concept paper with prioritised areas in which the departments/health institutions need support. Broadly, these activities include:

- i) supporting the development of social sector policies,
- ii) strategic planning for social sector development supported by sound economic and social analysis;
- iii) capacity building for the governance and institutional reforms required following devolution; and
- iv) capacity building in human resource management, procurement, financial management; and
- v) capacity building for monitoring, reporting, and evaluation of public service delivery.

For the procuring agency, the TAs will support capacity building including:

- a) planning;
- b) supporting community participation and awareness campaigns in the planning and managing of service delivery improvements; and
- c) monitoring and reporting.

103. The procuring agency, working closely with the Procurement Committees, will:

- develop the appropriate procurement, consulting services, and disbursement systems required to manage the TA programme, including developing procurement of consulting services and disbursement guidelines and manuals;
- coordinate with other social sector reform programmes in the Health Sector in undertaking the TA activities;
- provide capacity building in areas such as social sector planning and monitoring, quality assurance in service delivery, engage communities, NGOs, academic institutions, and so on, as required;
- ascertain the TA assignments to be implemented under the health programmes by communicating and consulting with provincial or district health departments;
- develop TA implementation strategies, plans and specific requirements, including TA consultant requirements and their TOR;
- assist provincial or district health departments/institutions to develop TOR for required consulting services, seek and contract these services, and support these entities to monitor the delivery of services;
- manage disbursement to sub-TA projects through an appropriately established system;
- capacity building for health departments/institutions in procurement and consulting services related subjects;
- provide necessary support to consultants that undertake sub-projects;
- supervise and monitor the performance of individual consultants and consulting firms;
- evaluate and monitor the activities under the TA and produce regular TA implementation and progress reports; undertake surveys and studies as required;

Some Note on Managing Technical Assistance

Managing TA - Management is involved with TA from the outset throughout the project, from inception – identifying the “need”, to design – drafting TOR, RFP, Contract, to implementation – logistical support, to evaluation – quality assurance. Satisfactory answers to the questions mentioned in the TA need identification section will guide and help the management in managing the TA.

Management brings in to the department’s objectives and its vision. The TA might have done the rounds of stakeholder and beneficiary inputs but it is his role to ensure that it stays on target.

Firstly, can the TA be done within the resources of the Department? Does the Department

have the in-house skills to manage the TA? Is everyone aware of what is involved and what is required of them? What skills are still needed: Analytical skills? IT and computer skills? English writing and reading? Do they require training? At what level – to what level?

Some Notes on Managing Technical Assistance

Managing the Process - Management is heavily involved with the procurement process. The TA goes the rounds through management cycles and eventually it is hardened into a feasible TA project – which can then be realistically appraised for cost. . From the procurement plan the procurement methodology is determined. The terms of reference are a prime management concern, particularly the aims and objectives and scope of work. Once agreement has been reached to proceed with the TA, the TA is advertised. The expressions of interest are received and the request for proposals prepared, which includes a draft contract. Management forms the TA Procurement Committee, followed by contract negotiation and the award of contract.

The Procurement Documentation

Drafting the TOR

Have a solid understanding of the aims and objectives of the overarching procuring agency or the concerned department/institution that need the TA. Make sure this understanding is reflected in the TOR. Do the expected results meet the aims and objectives?

Drafting the RFP

Producing a document that meets the legal requirement and is also acceptable to all stakeholders and participants and in terms of transparency of the process. Build up a series of templates from which other RFPs can be drafted.

Drafting and Awarding Contracts

All tasks and deliverables are now reflected in the contract. Is logistical support available? Are all negotiated issues reflected in the contract? Track and monitor progress and ensure milestones are delivered on time.

Evaluating Bids

The main selection criteria are qualifications and experience. Do the CVs bring necessary expertise?

Evaluating CVs is quite difficult to do. Can one tell what makes one bid better than another? It is not easy. Firstly, are they to a standard format? If not, go back and ask the consultant to resubmit it to your requirement. Then, do they match your requirements? Do you have enough CVs to compare?

TA Procurement Committee

Decide on the make-up of the TA Procurement Committee. Selection process must be seen to be transparent. Ensure no bias or prejudice or outside considerations. Use a weighted points ranking evaluation formula. Decide well beforehand on the weighted points ranking system that is adopted: decide on the right weights for qualification, experience and other requirements. The highest ranked wins. Lastly, the minutes of TAPC meeting are important as they show exactly how decisions were taken.

Some Notes on Managing Technical Assistance

Post-Contract Management

There is a lot to do in monitoring the contract. It is not just welcoming the consultant, introduction and briefing. There are travel arrangements to make: flights, both international and national – make sure that the international consultant is met at the airport. Then there is the matter of accommodation and arranging hotels and arranging security, particularly for the international consultant.

Logistical support has to be provided: providing office work-space; providing desk and chair basic printing and photocopying facilities; providing communication and IT facilities.

Each consultant should bring his/her own laptop/notebook AND the software should be compatible with the software of your office.

Work plan and reporting –arranging an itinerary, arranging introductions, debriefing. Keep tabs on the consultant's movements, ensuring deliverables are on time. The work plan sets out a schedule: Time against tasks. Be aware that not everything is sequential, some tasks run in parallel. Develop a monitoring /liaison system: reporting in regularly. Ensure outputs against milestones – baseline against actual. The inception report reconfirms targets.

The Work-plan

The work plan is a key management tool. In graphic form it is a visual prompt. It helps to conceptualise the TA into its component parts, but it should not be too rigidly adhered to. Be flexible and understanding and adaptable. A work plan designed many months earlier will not take into consideration factors which exist during actual implementation; e.g. National holidays, staff leaves, etc. However, the basic milestones are there, and should not be overlooked.

Monitoring / Liaison System

This may seem obvious but is often forgotten. Do not learn the hard way. Have a daily log-in sheet. If the consultant is travelling in-country he/she can show evidence (receipts) that he / she really went there. Especially if he/she is claiming per diems. Be aware of required outputs and when they are due. Do not let them become too overdue.

Minutes of Negotiations

Was the Offer in line with the Bid? Were there any agreed variations? The Minutes of Negotiations should contain all agreed changes.

Inception Report

Is not always required but should be for any TA of a duration of 3 months and longer. Allows consultant and management to re-think the assignment programme. The inception report may contain other, further subsequently agreed variations. However, any changes to the contract must first be agreed with all stakeholders; they must be made in writing as a contract variation. Nothing can be 'assumed'

The Contract

The contract is NOT the original TOR: things may have been changed subsequently. Read the contract in its current context – make no assumptions. As stated, the minutes of the contract negotiations should contain all variations and the inception report may instigate

changes, too. But just agreeing with them, even officially, is not good enough. These must be regularised properly. Firstly attain an agreement to variation from all stakeholders and if that is not practical – from key stakeholders. Do not take unilateral decisions; do not sign off the inception report until an agreement by all is reached. Then draft a formal Contract Variation. These usually consist of 2 types:

- ~ 1 – where costs are not changed, only tasks and deliverables
- ~ 2 – where there is an impact of costs (which then involves Accounts)

If FBS – do not exceed budget contingency and get written agreement of consultant.

Some Notes on Managing Technical Assistance

International Consultants

Internationals consultants will need a visa. Formulate the draft Letter of Invitation. That can take quite a while nowadays – sometimes over a month. Therefore, it may take some effort to coordinate the arrival time of all consultants.

International flights – arrange “meet n’ greet” at the airport. Internal flights will need arranging too, as well as local travel. Maybe car hire (or from Ministry car pool) or taxis.

National Consultants

National consultants are expected to help themselves, make their own travel arrangements; use their own vehicle; book their own hotels; use their own phones. However, they will more than likely need office support and an internet connection. But they may also need help with local flights. If they are using their own car, they may claim a mileage allowance?

Logistical Support

Although you may now have received the go ahead that does not mean that everyone else is ready. Each consultant will have his/her own lead-time for visa / travel arrangements – these can take over a month. They may have to finish current work or re-arrange their holidays. Team coordination is both an art and a struggle.

Consultancy Firms

Consultancy firms bear this headache, too and are often a cause of consultant substitution. Firms, to a large extent, manage their own consultants with minimum reliance on the client, although an official Letter of Invitation helps their visa process.

Some Notes on Managing Technical Assistance

Managing the Consultant

Introduction: normally already done before the consultant arrives. Initial briefing: be of same mind – same vision. Spend initial hours going over the work plan and coming to a mutual understanding of it. Agree on the work plan. Go over communication and contact procedures, allied to security arrangements. Appoint a liaison officer. Make sure the consultant understands his/her reporting requirements.

Most consultants prefer to come prepared and “hit the ground running”, therefore, email, fax, post as much background reading material as possible. Utilise every available day the consultant has. Most consultants work into the night and weekends and holidays.

Therefore, make sure his/her hotel accommodation has a work desk and internet. There is nothing worse for a consultant to arrive only to discover that you are not ready. Have an office room for him/her prepared and introduce them to their working environment; the appointed Liaison Officer; their work colleagues and assistants, office and security staff (washrooms – important).

It is important that the consultant understands the invoicing and how to make expenses / out-of-pocket claims, in addition to the reporting requirements. Therefore, together with the Finance Office, go over the invoicing procedure, particularly the expenses and out-of-pocket expenditure claims procedures.

It may be necessary to share with the consultant, the department's approved travel policy (local and outstation) concerning the use of their own car or taxi or public transport, etc.

Some Notes on Managing Technical Assistance

Accommodation

As already said, consultancy firms normally look after consultants by themselves. Generally, international consultants desire/require a higher standard of hotel or guest houses than national and their per diems reflect this. Local consultants need less looking after.

Security arrangements

Of some considerable importance is the security aspect. The larger, international hotels have far superior security arrangements and facilities. On the other-hand, some say, these are more likely to be targeted. Small guest-houses don't make spectacular targets. Smaller hotels and guest-houses have lower security but on the other-hand, are less likely to be targeted. In general, where there is a likelihood of kidnapping for ransom, use hotels with better security.

Subsistence Allowance or per diems

Besides accommodation, *per diems* also cover meals and laundry

Advances

As a *general principle*, consultants should not be expected to put their hands in their pocket to fund the project's costs. Therefore, they should not be expected to fund their flights, their accommodation, and other project costs such as seminars. Thus, they should be provided with a suitable advance of funds to cover at least the first month's expenses. Any advance is recoverable after the first month.

Some Notes on Managing Technical Assistance

Support staff

Appoint a Project Liaison Officer (PLO), who must be briefed of his or her duties. The PLO has a range of duties: from meeting and greeting at airport to final farewell. He/she is the first point of contact for consultant. Often used as a researcher, who seeks and locates key documents and makes appointments and arranges meeting; helps with photocopies and faxes and makes small errands. Without a PLO, the consultant has to do all these him/herself. This is an extremely wasteful use of his/her expensive time.

<p>Logistical Support</p> <p>Office facilities such as printing and photocopying (small amounts) a desk and chair; basic stationery. All consultants are expected to bring their own laptop. Data collection and reading matter may have to be provided as well as access to previous reports and files.</p>
<p>Some Notes on Managing Technical Assistance</p> <p>Contact Information</p> <ul style="list-style-type: none">~ With Management~ With Donor Agencies~ and other Stakeholders~ Key Contacts - accompany consultant on key appointments. <p>Making and confirming appointments is key to any consultancy study. Help arrange appointments. What may appear easy and natural to you, is often baffling and complex to an outsider. You understand better the culture and customs of your countrymen; such as the stream of visitors and the constant interruptions. You may be able to open doors through personal contacts that would normally be shut to a newly arrived consultant. Just knowing the addresses and locations saves time and frustration.</p>
<p>Some Notes on Managing Technical Assistance</p> <p>Reporting</p> <p>Develop an understanding as to what is required in a report. Too many reports are written in a way that only insiders understand. Insist that they are short and concise. Insist that they are on track. A long report is not necessarily a good report. Be clear what is wanted from a report. If you do not understand it do not be afraid to say so and ask for clarification. If you do not understand the clarification – ask again, and again. Don't be fooled with flam and padding.</p> <p>Monitor Reporting Milestones – not meeting the schedules may not necessarily be the consultant's fault. Key personnel may not be at their seat. Important documents may not be available. Unforeseen and unexpected instances may intervene – unaccounted for religious or national public holidays.</p> <p>Never, ever sign off an assignment unless and until you are totally satisfied. On the other-hand, don't use it as a lever to "blackmail" for more than contracted.</p> <p>Inception Report (if an Inception Report is required) Meet with the Stakeholders and consultant to review the Inception Report to see if it is on right track</p> <p>Monthly or Milestone Reports: Are they on schedule? Should be available no longer than a week after they are due.</p> <p>Final Report (the most important) Allow a bit more time for the final report. But try to see the draft before the consultant leaves. Final reports are often completed a while after the end of the contract. Try to come to an understanding on the assignment with the consultant before he/she leaves. If it is not finished before the end of the assignment (the usual case) make sure you still have contact arrangements.</p>

8. QUALITY ASSURANCE

8.1 Monitoring the Performance of Consultants

104. Monitoring the performance of consultants will be a challenging task considering the large number of consultancy contracts which are expected to be awarded by the health departments/institutions in its work plans. Monitoring arrangements will be put in place to track and assess performance. The Quality Assurance Committee (QAC) must be formed and strengthened with relevant technical experts.

8.2 Quality Assurance Committee

105. A robust quality assurance mechanism is pivotal for achieving the planned outcome of the TA. After the consultant is on board, the procuring agency will have the primary responsibility to manage the TA to ensure adherence to agreed timelines for deliverables and quality outputs. For this purpose a Quality Assurance Committee (QAC) is suggested comprising of the following members which will be notified by the procuring agency:

- | | | |
|------|---|---------------------------|
| i. | Head of the concerned procuring agency or nominated technical person | Chairperson ¹⁴ |
| ii. | Focal person of the procuring agency | Member |
| iii. | Technical expert in the relevant field (in-house/outside) | Member |
| iv. | Expert from provincial or district health departments in the relevant field | Member |

106. Following are the main mandates of the QAC:

- Contextual orientation of consultant;
- Briefing on TOR;
- Review of consultant outputs, quality assurance of outputs, deliverables, works of consultants and feedback to the consultant; and
- Suggest for an appropriate TA absorption to the procuring agency.

107. It is most important that the convening of committee should not impede the process of procurement; they should be convened as and when the need arises. It is strongly advised against having them meet at set time intervals – monthly or quarterly – unless it is convenient to do so under any procurement plan.

108. Further, if such structures are not feasible or easily introduced for one reason or another, some other form of control purpose needs to be introduced in order to satisfy the requirements of transparency and probity. The wording in this document assumes that such committees or something comparable have been established.

¹⁴ A quorum shall consist of two members.

109. In the absence of the head of the concerned procuring agency, being chairperson of the committee, her/his representative should attend the meeting. The head of the concerned procuring agency may, if required, invite relevant experts for review of outputs.

110. To support the committee in evaluating quality of deliverables/outputs / works, the procuring agency may, if necessary, in consultation with the Head of the department / institution, hire from a pool of consultant specialist and RPs (Reviewers), who will be assigned the task of reviewing the deliverables and or outputs, and providing feedback.

111. The first draft of a report or study or any other deliverable will be first examined by the procurement unit. If in the opinion of procurement unit, the deliverable is not of the requisite quality, the procurement unit will return the deliverable along with written comments. A record of the deliverable and the comments made will be maintained. In case no relevant specialist is available within the procuring agency to review the output/deliverable, it will send the deliverable to the QAC for review/comments.

112. The QAC will review the deliverable and decide about its approval. Necessary arrangements will be made by the procuring agency for recording the proceedings of the meeting. When the QAC having reviewed the draft, is of the opinion that necessary improvements have been made to the deliverable and it is now of the desired quality, the procurement unit will send it to the competent authority for approval.

113. In case the QAC on its own or on the recommendation of the expert or reviewer of a deliverable does not clear the deliverable, the procuring agency will ensure that the payment tied to the deliverable is not released to consultant.

114. All consultants hired under the TA on long-term contracts (more than 12 months duration) will be required to submit a monthly status report to the procurement unit. The report will be submitted in the first week on a date already notified. Individual consultants hired on long-term contracts wherein the consultancy fee is paid on a monthly basis will be required to submit sheets to the procurement unit indicating major activities undertaken by them and deliverables completed during the month. The payment of the consulting fees will be contingent on submission of monthly sheets and progress reports.

115. The procurement processes will also be monitored by the management of the procuring agency with the assistance of concerned interested parties. For this purpose, the procuring agency will prepare a status report of all subprojects and submit them to management and, if and where appropriate, to donors on a fortnightly basis or the time mutually set. Information related to a consultant's performance will be added to the database of consultants. Any issues of attention (such as weaknesses in the department's support or a less than satisfactory output by a consultant or insufficient support by a counterpart) will be discussed and appropriate changes to the systems and structures will be agreed and implemented.

Some Notes on Managing Technical Assistance

Quality Assurance

One of the most problematic areas but you first must know what you want. Firstly, is it formatted to your template? Produce a format both in style and in content and insist on it. Why? Because you can immediately go to key information and don't spend time looking for it, especially if it is not there.

Reports must be written in good English – that is a requirement of the TOR. Is the English acceptable? There should be no problem spelling. With today's word processors this should be easy.

Your own English must also be good but you have the right to request that the consultant does not use obscure and esoteric language. All professions have their own esoteric language but the report should be comprehensible to persons not of that profession. Do not allow the overuse of abbreviations and acronyms. A report full of abbreviations and acronyms is difficult to read and often requires back-referencing and looking up, which interrupts the thought process flow.

Does it require editing? Is it coherent and logical? Does it address the issues? Are conclusions viable? Are the recommendations in line with aims and objectives? You should be satisfied that it has addressed the issues and that its conclusions are viable, logical and well argued. Be aware that just because its conclusions are not the same as yours, that does not make it a bad report. The consultant is entitled to come to his/her own separate conclusions. After all, that is why he/she was hired.

Performance Review

Disseminating and analysis of the report: - after reviewing, passing and accepting the report it may need closer attention. Stakeholder and particularly donors (if the TA was funded by donors) may require prior sight' of it. Comments and reviews must be in writing, particularly if negative. Accept any constructive recommendation and suggestions. These should be well argued, logical and coherent

The report should give clear, strategic advice and recommendations and there should be agreement on the outputs.

Deciding on the future strategy. What you are seeking is direction - a clear way forward; which way forward – what is the next step? Where does one go from here?

Finally

Lessons learned

Did the TOR do what you wanted it to do?

If not, how would you do it otherwise?

How will you improve things next time?

What will you add – what further can be done?

What will you not to do – what was a waste of time?

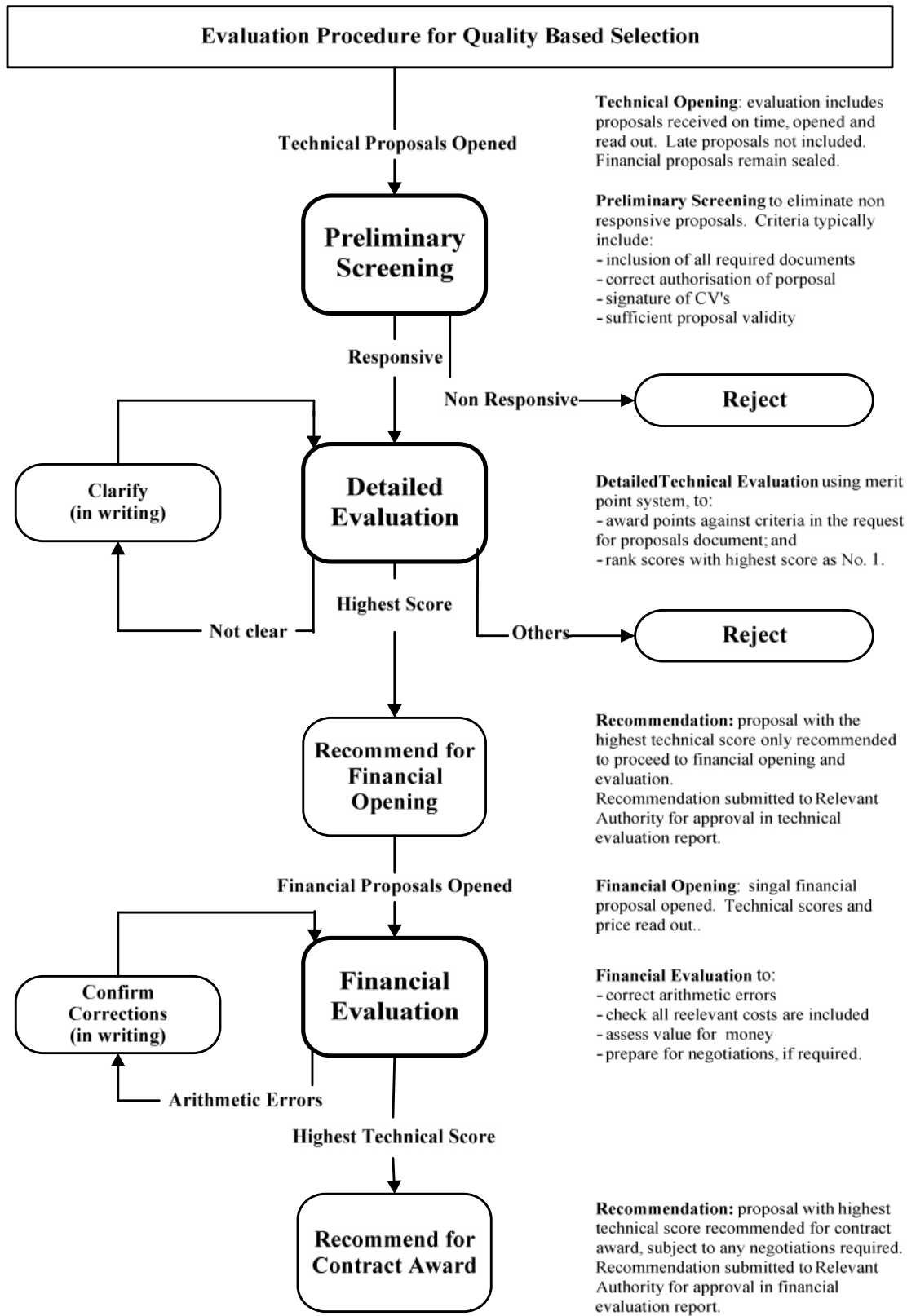
Annexure-I: Resource Access Form – RAF

Assignment Reference No:		20_ _
Assignment Title:		
1. Component (<i>delete the inapplicable</i>)		Geographical Area
i.	Integrated delivery of comprehensive health services at district Level	
ii.	Training of service providers and field staff	
iii.	Provision of comprehensive family planning services	
iv.	Developing communication strategy	
v.	Strengthening of management and systems	
vi.	Other – not of above	
2. Need for support – advantages and sustainability		
a.	Why are the TA resources required?	
	<i>Explain issues / problems that need to be addressed</i>	
b.	How would the TA resources be used?	
	<i>Explain the intervention proposed to attend the issue</i>	
c.	Why have the issues / problems not been addressed beforehand?	
	<i>Give reasons and background</i>	
d.	How would the TA benefit the health department/institution strategy?	
	<i>Explain advantages of proposed TA intervention against overall strategy</i>	
e.	How will the proposed TA intervention be sustained after TA resources withdrawn?	
	<i>Explain mechanism of sustainability</i>	
f.	What support will be required of procuring agency/health department during the TA intervention?	
	<i>Indicate support both in terms of resources required and ownership of proposed intervention</i>	
Name & Signature of Proposing Officer		Date:
Name & Signature of Approving Officer		Date:

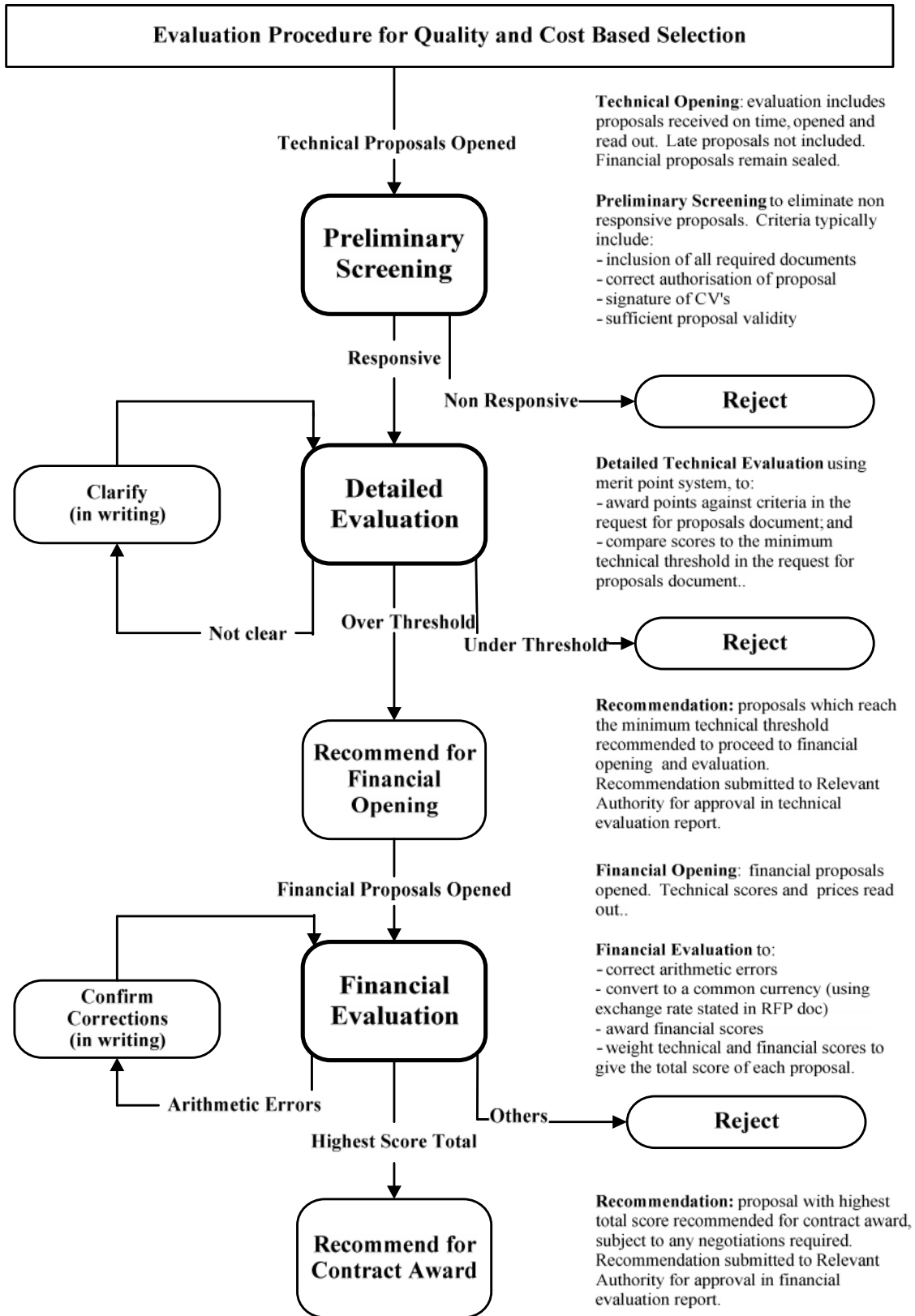
Annexure-II: Checklist for Preparation of TA TOR

Assignment Reference No.		20__
Assignment Long Title		
Assignment Short Title		
		Yes
		No
1.	Background information	
2.	Aims and Objectives clearly defined and understandable	
3.	Scope of Work sufficiently explains tasks to be done	
4.	Consultancy and Expertise specifically mentioned	
5.	Methodology for implementing TOR described	
6.	Type of consultancy: individual or firm clearly mentioned	
7.	Duration in person-months is shown	
8.	Responsibilities of consultant(s) shown separately	
9.	Outputs and Deliverables are clear and well defined	
10.	Reports required during assignment life specified	
11.	Procurement selection method used	
12.	If QCBS: evaluation criteria for Technical Proposals included	
13.	Implementation arrangements described	
14.	Logistics & support facilities Client is providing listed and described	
15.	Recruitment schedule of consultants provided	
16.	Cost of consultant's services calculated and shown	
17.	Cost of out-of-pocket expenditure and provisional sums provided	
18.	Payment Schedule with payments linked to delivery outputs shown	
Checklist prepared by		Date:
Checklist approved by		Date:

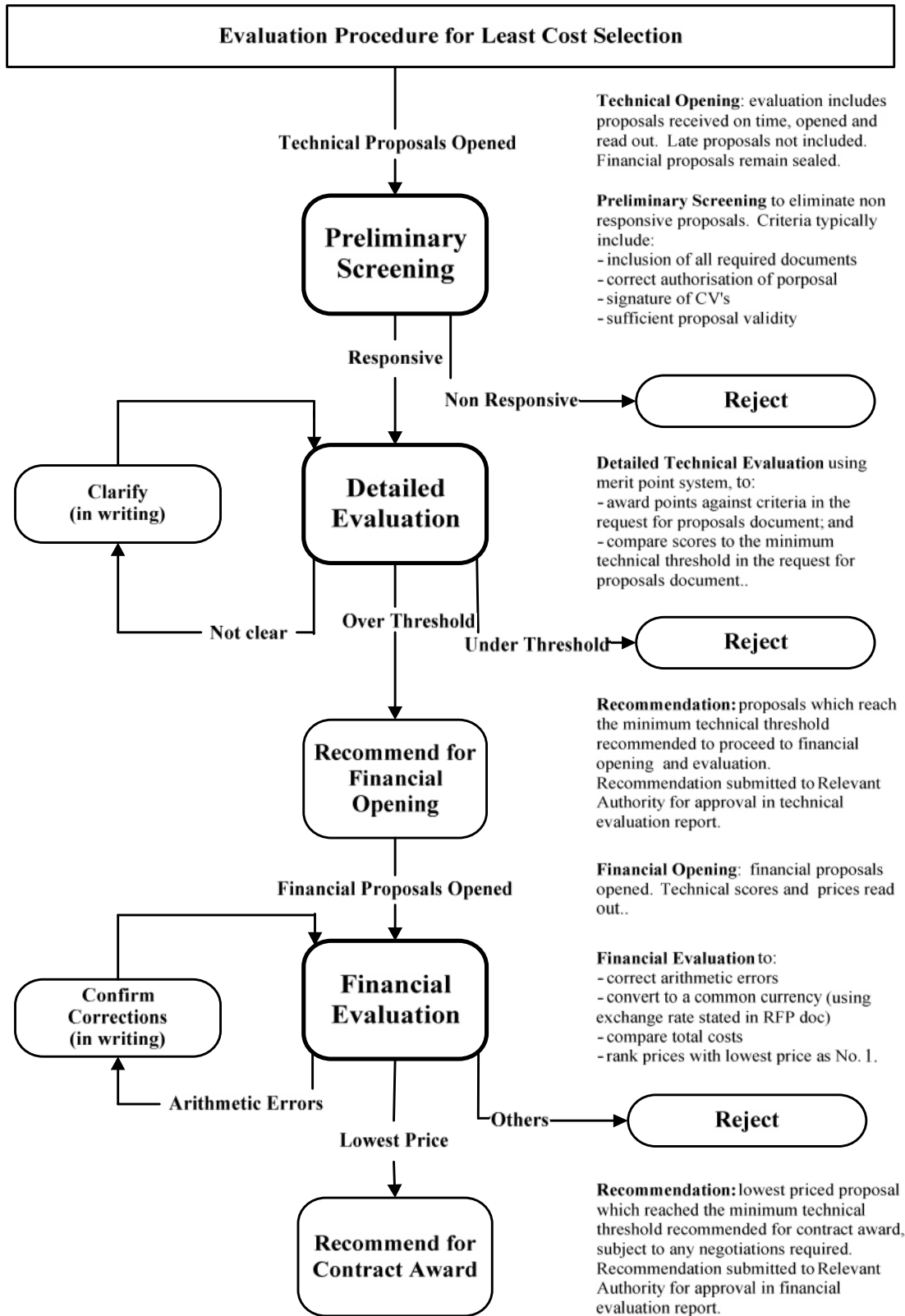
Annexure-III: Evaluation Procedure for QBS



Annexure-IV: Evaluation Procedure for QCBS



Annexure-V: Evaluation Procedure for LCS



Annexure-VI: Code of Business Ethics

All employees of the procuring agency, whether employed by the civil service or on contract, and all other employees involved in procurement activities are required to comply with the following Code of Business Ethics.

Code of Business Ethics

Ethical Principles

An employee shall not use his authority or office for personal gain. Personal gain includes accepting or requesting anything of material value from firms, prospective firms or suppliers for the employee, her/his spouse, parents, children or other close relatives, or for other persons from whom the employee might gain direct or indirect benefit from the gift. ([See Procurement Rules 2004: Rule 2 Definition Sub-Rule \(1\)\(f\) Corrupt and Fraudulent Practices](#))

An employee shall seek to maintain and enhance the reputation of the Government of Pakistan by:

- Maintaining the highest standards of honesty and integrity in all relationships both inside and outside the department;
- Developing the highest possible standards of professional competence;
- Using funds and other resources for which she/he is responsible in order to provide the maximum benefit to the Government; and
- Complying with both in letter and the spirit of:
 - the laws, rules and regulations of the Islamic Republic of Pakistan;
 - accepted professional ethics; and
 - contractual obligations.

Conflict of Interest

All employees shall declare any personal interest they may have in any procurement that may affect, or may reasonably be deemed by others to affect, their impartiality in any matter relevant to their duties.

Confidentiality and Accuracy of Information

All employees shall respect the confidentiality of information gained in the course of their duties and shall not use such information for personal gain or for the unfair benefit of any firm or supplier.

Information given by an employee of the procuring agency in the course of her/his duty shall be true, fair, and not designed to mislead.

Competition

All employees shall treat all consultants/firms with fairness and impartiality, and avoid any business arrangement that might prevent the effective operation of fair competition.

Business Gifts

No employee shall accept business gifts from current or potential consultants/firms on behalf of the Government of Pakistan unless such gifts are of a very small intrinsic value such as a calendar or business diary.

Hospitality

All employees shall refrain from accepting any business hospitality that might be viewed by others as having had an influence in making the procuring agency business decision as a result of accepting that hospitality.

Reporting

All employees have a duty to report any unethical conduct by a colleague, a consultant/firm to their superiors or to the auditors. Examples of unethical conduct include:

- Revealing confidential or “insider information” either directly or indirectly to any consultant/firm or prospective consultant/firm;
- Discussing a procurement/hiring with any consultant/firm or prospective consultant/firm outside the official rules and procedures for conducting procurements/hiring;
- Favouring or discriminating against any consultant/firm or prospective consultant/firm in the drafting of terms of reference/technical specifications or standards or the evaluation of proposals;
- Destroying, damaging, hiding, removing or improperly changing any official procurement document;
- Accepting or requesting any money, travel, meals, entertainment, gifts, favours, discounts or anything of material value from consultants/firms or prospective consultants/firms;
- Discussing or accepting future employment with a consultant/firm or prospective consultant/firm;
- Requesting any other procuring agency employee or Government official representing the procuring agency to violate the public procurement rules or procedures;
- Ignoring evidence that the Code of Ethics has been violated by a member of a Selection Committee, a civil servant or any other employee or representative of the procuring agency; and
- Ignoring illegal or unethical activity by the consultants/firm or prospective consultants/firms, including any offer of personal inducements or rewards.

Annexure-VII: Evaluation Criteria for Short listing of Consultants/Firms

#	Criteria	Name of firm:		
		Score	Up to	Remarks
1	Experience in similar projects <ul style="list-style-type: none"> • level of responsibility, not just number of projects; • as a principal or an associate to a lead consulting firm? • experience of the firm or individuals before they joined the firm? 		10	
2	Experience with similar project authorities <ul style="list-style-type: none"> • (national, provincial, district, municipal level; • Integrated or specialised agencies, small or large scale projects? 		10	
3	Experience in climatic, geographical and cultural areas similar to those of the project		10	
4	Work experience in the kind of service(s) under consideration		30	
5	Work volume in monetary value over the last 3-5 years		10	
6	(Number and) qualification of permanent and associated staff		25	
7	Presentation and language of profile		5	
	Total		100	

- i. Highest score: firm which had in numerous (at least 5) similar projects the lead and a long track record as a firm
- ii. Highest score: firm which has worked in previous occasions (at least 5) with similar project authorities in large scale projects and integrated in the hierarchical structure
- iii. Highest score: firm which has worked at least in 3 previous occasions in similar climatic, geographical and cultural areas
- iv. Highest score: firm which has offered in at least 3 previous occasions similar services/expertise
- v. Highest score: firm with increasing work volume over the last 3-5 years
- vi. Highest score: firm with numerous (relative to the size of the firm) staff with highest qualifications (considering the institution where qualifications have been acquired)
- vii. Highest score: a profile tailor-made for the task, free or nearly free of typing mistakes, with uniform formatting and free or nearly free of grammatical and orthographical errors.

Name of Evaluator _____

Date and Signature of Evaluator: _____

Annexure-VIII: Evaluation Criteria for Awarding a Contract to a Consulting Firm

#	Criteria	Name of firm:			
		Score	Up to	Remarks	
Qualification					
1	Experience in similar projects <ul style="list-style-type: none"> • level of responsibility, not just number of projects; • as a principal or an associate to a lead consulting firm? • experience of the firm or individuals before they joined the firm? 		10		
2	Experience in climatic, geographical and cultural areas similar to those of the project		10		
3	Experience with similar project authorities <ul style="list-style-type: none"> • (national, provincial, district, municipal level; integrated • or specialised agencies, small or large scale projects?) 		10		
4	Work experience in the kind of service(s) under consideration (i.e. surveys, research, gender issues, poverty, marginalised groups, etc.)		15		
Approach and Methodology					
5	Understanding of objectives		8		
	Quality of Methodology		8		
	Innovativeness or comments on ToR		8		
	Work plan and staffing schedule		6		
	Proposal presentation		5		
Personnel					
Nominated International Experts			10		
6	1				
	2				
	3				
	Nominated National Experts			10	
	1				
	2				
3					
Total			100		

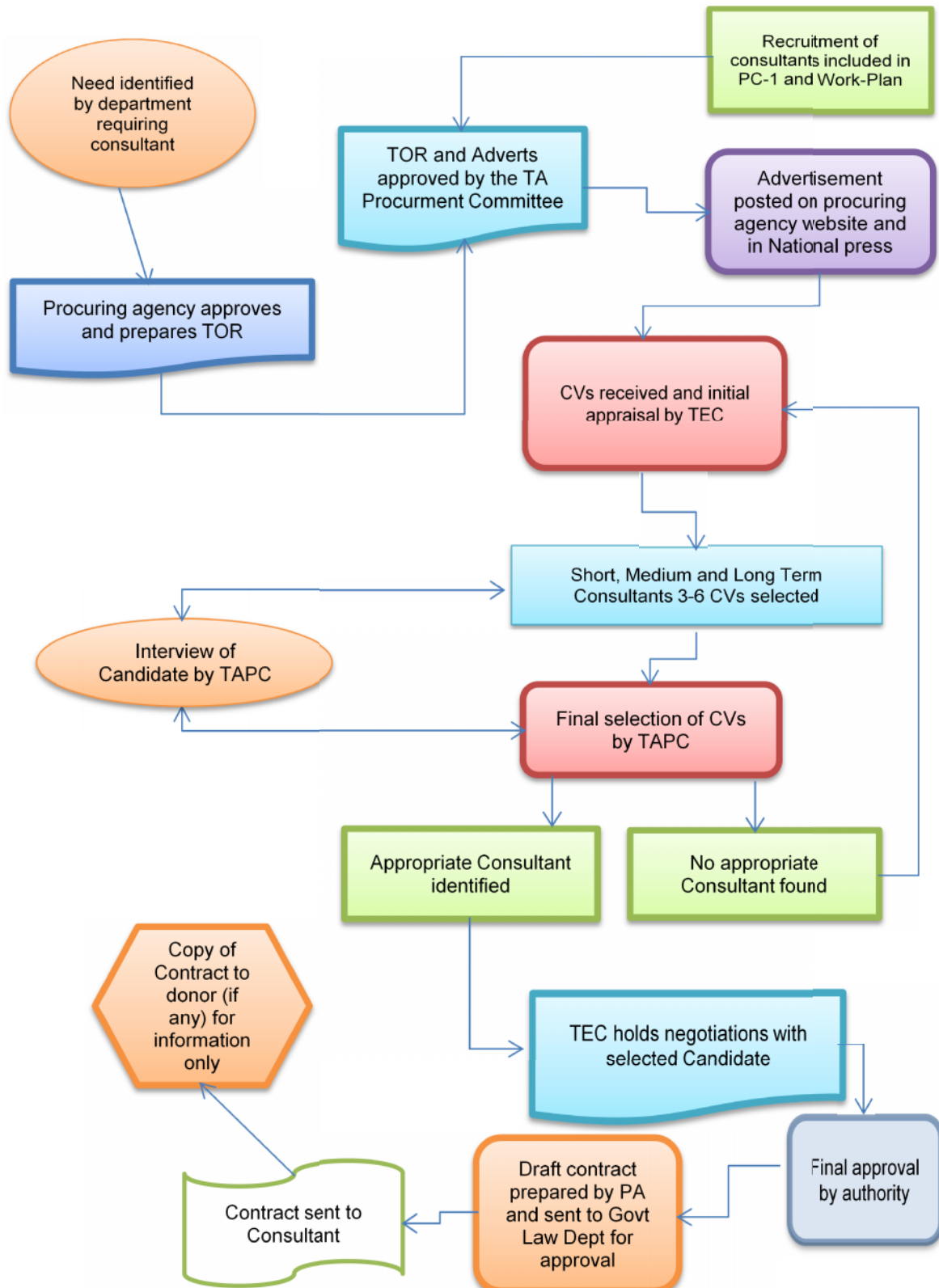
Technical Quality = 80 % / Cost = 20 % (this ratio may be changed on case to case basis)

The formula for the determining the score of the financial score is: $S_f = 1,000 \times F_m / F$, S_f - is the financial score / F_m is the lowest priced proposal / F is the price of the proposal being considered

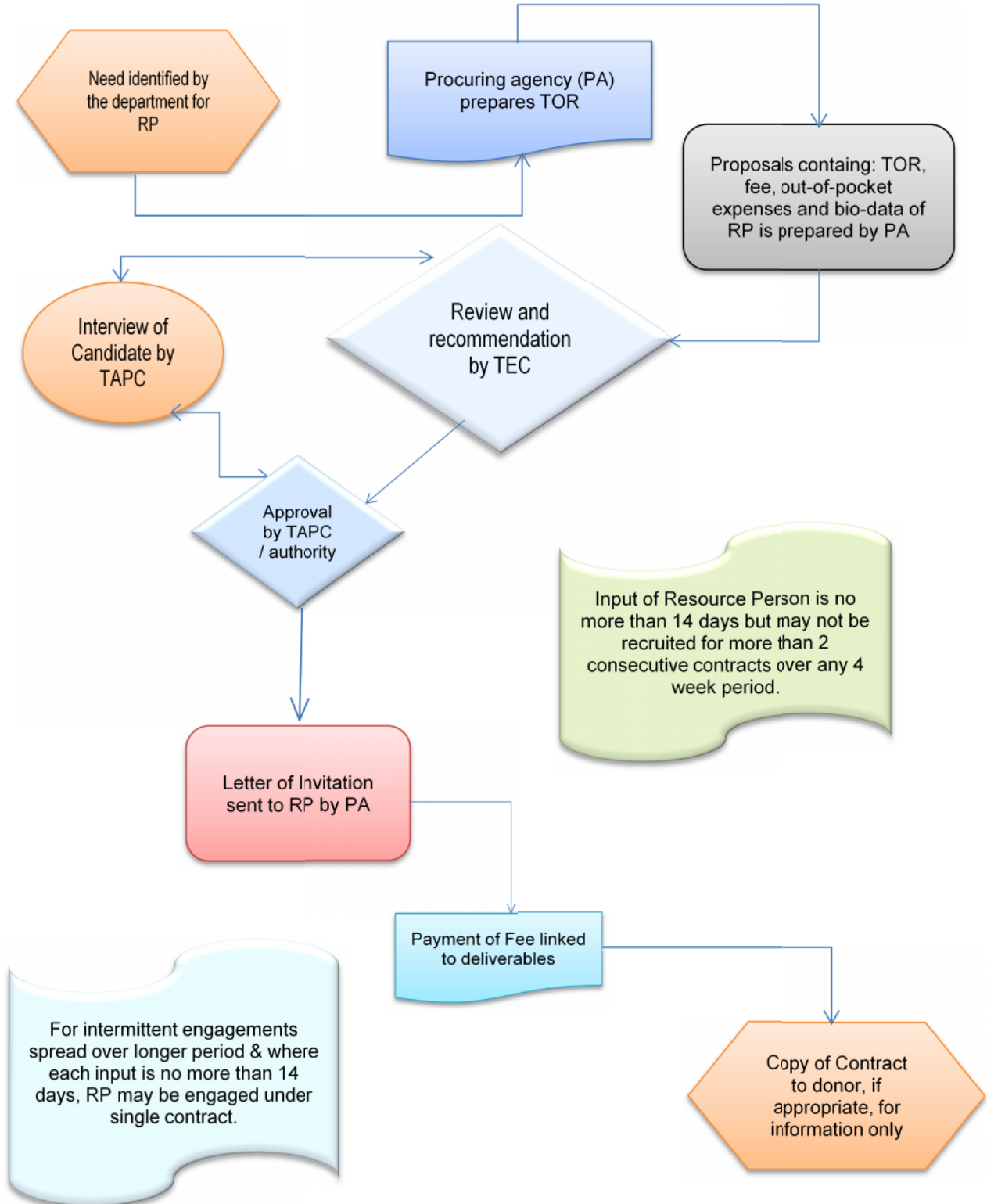
- i. Highest score: firm which had in numerous (at least 5) similar projects the lead and a long track record as a firm
- ii. Highest score: firm which has worked at least in 3 previous occasions in similar climatic, geographical and cultural areas
- iii. Highest score: firm which has worked in previous occasions (at least 5) with similar project authorities in large scale projects and integrated in the hierarchical structure
- iv. Highest score: firm which has offered in at least 3 previous occasions similar services/expertise
- v. Highest score: See sub-criteria to be considered
- vi. Highest score: qualifications and experience of consultants proposed (TL and key members get more weight; reputation of institution where qualifications have been acquired should be considered); in case no International Experts are involved more weight can be given to the individual National consultants

Name of Evaluator:	Date and Signature of Evaluator:
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Annexure-IX: Recruitment of Individual Consultants



Annexure-X: Recruitment of Resource Person





TRF is funded by UKaid from the Department for International Development and AusAID, and managed by HLSP