

Government of Nepal
Ministry of Physical Infrastructure and Transport
Department of Roads
Bridge Branch
Notice No. 01/BIMP/2079/80

REQUEST FOR EXPRESSION OF INTEREST (REOI)

Date of first publication: 1 December 2022 AD (2079/08/15 BS)

Name of project: Second Bridges Improvement and Maintenance Program (BIMP II)

IDA Credit No.: 6317-NP

Assignment Title: Contractor Market Assessment Study (CMAs) of the Bridge Works

Reference No. (as per procurement Plan): NP-DOR-BIMP-II-CS-QCBS-CMA-05

The Government of Nepal has received financing from the World Bank toward the cost of the *Second Bridges Improvement and Maintenance Program (BIMP II)* and intends to apply part of the proceeds for consulting services. The main objective of the consulting services (the Services) is to conduct Contractor Market Assessment Study of the Bridge Works. The specific objectives of assignment are:

- To augment and facilitate Department in identifying, selecting and implementing "the best" market-driven Procurement Strategy for Bridge development and management.
- To develop a knowledge-based decision-support system to select and implement "the best" market-driven Procurement Strategy for bridge works within the Department
- To identify measures to strengthen the capacity of the concern stakeholders including the construction industry/market with regard to procurement of the bridge works.

Terms of Reference (ToR) is available in the website of the Department of Roads: <https://dor.gov.np/home/notices>

Anticipated date for commencement of the services is **June 2023** and the tentative duration of the assignment is about **6 (six) months**.

Second Bridges Improvement and Maintenance Program (BIMP II), Bridge Branch, Department of Roads under the Ministry of Physical Infrastructure and Transport now invites eligible national Consulting firms ("Consultants") to indicate their interest in providing the services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the services. The short listing criteria are:

- Business objective and years in business (minimum 5 years)
- Organizational capability of the firm for the assignment
- General Experience of the Firm
- Specific Experience relevant to the assignment.

The attention of interested Consultants is drawn to paragraphs 3.14, 3.16, 3.17 of the World Bank's Procurement Regulations for IPF Borrowers, dated July 2016, revised November 2020 ("Procurement Regulations") setting forth the World Bank's policy on conflict of interest.

A consultant will be selected in accordance with the Quality and Cost Based Selection (QCBS) method set out in the Procurement Regulations. It is intended that short listed consultants will be invited to submit their technical and financial proposal as per the Request for Proposal document to be issued to them.

Consultants may associate with other firms in the form of a joint venture or a sub-consultancy to enhance their qualification. Consultants shall clearly state their association if any whether in the form of joint venture or sub consultancy in the Expression.

Interested Consultant may obtain further information about the service from the address given below during office hour.

Expression of interest must be delivered in written form to the address below (in person, or by mail, or by e-mail) by **19 December 2022 AD** within office working hour.

Second Bridges Improvement and Maintenance Program (BIMP II), Bridge Branch, Department of Roads, Chakupat, Lalitpur, Nepal, Tel: +977-1-5528771; Email: infobbpcu@gmail.com

**Terms of Reference
for
Contractor Market Assessment Study (CMAs) of the Bridge Works**

November 2022

**Terms of Reference
for
Contractor Market Assessment study (CMAs)**

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for
Contractor Market Assessment study (CMAs)**

A. BACKGROUND

1. Department of Roads (DoR) under Ministry of Physical Infrastructure and Transport (MoPIT) is the implementing agency of the government's policies, plans and programs for transport sub-sector. DoR is responsible for development and protection/maintenance of roads and bridges. Currently there are 2022 Strategic Road Network (SRN) bridges and approximately 507 identified gaps on SRN roads requiring bridge crossings (*Bridge Management System, 2022*). The donor partners particularly the World Bank and the Asian Development Bank are supporting to reduce these gaps increasing the all weathered connectivity in SRN roads. One of the supports is the Second Bridges Improvement and Maintenance Program (BIMP II), implemented since Nov 14, 2018, which is undertaking new construction, rehabilitation, or replacement of approximately 80 new 2 lane bridges by end of program on f/y 2024 and similarly Nepal Strategic Road Connectivity and Trade Improvement Project (SRCTIP) is also undertaking up-gradation/improvement, rehabilitation, new construction and replacement of approximately 110 bridges in SRN roads.

2. Government of Nepal (GoN) has implemented the Second Bridges Improvement and Maintenance Program (BIMP II or Strategic Road Network (SRN) Bridges Program or "the Program") after signing an agreement with the International Development Association (the World Bank) in November 14, 2018 for a credit of US\$133million. It was a successor of the first BIMP, which was successfully implemented and accomplished within the program period of June 2012-17. The BIMP-II is a hybrid program with application of Investment Project Financing (IPF) and Program for Result (PfR), effective since Dec 03, 2018 and closing on July 15, 2023. The PfR component is designed to tie-up disbursements with the results achieved, whereas IPF component is designed to complement PfR in capacity development of the institutions including private sector partners.

3. The key results envisaged in PfR component include (i) approximately 4,500m of major maintenance, (ii) approximately 8,000m of road safety upgrades on bridges, (iii) approximately 4,000m of new 2 lane bridge construction, rehab., and replacement of bridges, (iv) approximately, 2,000m of new 4 lane bridge construction, (v) approximately 5,000m of completion of backlog bridges under construction, (vi) improvement fiduciary governance of design-build contracting, and (vii) Bridge Site Monitoring System (BSMS) (monthly monitoring system) use on Program worksites. The capacity development of the institution under IPF component comprises (i) preparation for future projects on the strategic roads network, (ii) technical auditing by NVC, (iii) advanced bridge designs for enhanced resilience and inclusion, (iv) training (domestic and international) and capacity development, (v) supervision oversight consultancies, (vi) mobilization, equipage, and development of design and advanced technology cell, (vii) support for OCHS and DOR implementation of Nepal's Labor Act (2017), (viii) contingency funding for verification past year-3, and (ix) Program impact evaluation data collection.

4. After the successful restructuring of the Program with extension of program closing period on May 03, 2022. The program closing period is extended to July 15, 2024 and includes revision

of PfR component targets as it includes (i) about 4,400m of new 2 lane bridge construction, rehab., and replacement of bridges, (ii) cancellation of new 4 lane bridge construction, (iii) about 6,500m of completion of backlog bridges under construction while other remains same. Whereas, reallocation of budget amount was made within the IPF components. Regarding above restructuring and reallocation, now the revised Program's credit amounts to US\$ 118 million.

5. The volume of bridge works on the construction markets has significant share of the overall transport sub-sector including roads and bridges. With a rational procurement strategy for bridge works, DoR could reduce many chronic issues in procurement of bids and the bridge contract management including low bid, poor quality of works, time overrun, cost overrun etc. DoR is currently intending to carry out a study on the market trends for procurement of bridge works under BIMB-II, which are discussed below:

B. CONTRACTOR MARKET ASSESSMENT STUDY (CMAS)

6. The Program has envisaged in its Program Action Plan (PAP) under PfR component, to carry out a Contractor Market Assessment study (or refer as the Market Analysis). The key expected outcome from this study is to identify the strength and weakness of the private sectors (construction industry/markets) and the public sectors (client, DoR) and impact of factors affecting the construction market particularly bridge works in achieving a competitive, realistic and market driven bids. The findings will support to identify mitigation measures to strengthen capacity of the private sectors and the public sectors in contract bidding and successful completion of the contracts with desired performances. The findings will also support to develop a knowledge-based decision-support system (spreadsheet based) to select and implement "the best" market-driven Procurement Strategy for future DoR bridge works, which will be one of the measures to enhance the capacity of DoR.

7. Data, during study, will be generated taking consideration of scope of the works, but not limited to, in the following two stages, which also take consideration of the impacts of the factors affecting the construction markets particularly in bridge works:

- (a) **Baseline Data:** The baseline survey will generate data to capture pre-bid scenarios. The primary data will be collected through standard (*approved by the client*) questionnaire/interviews with the bidders, client and the concern stakeholders including FCAN, DoR etc. And the secondary data will be collected from the records of the valid contracts of the winning bids. The main source of these data will be the contractors and the client (DoR) including their personnel/government staff.
- (b) **Endline Data:** The endline survey will generate data to capture post-bid scenarios of the winner bids and their contract performance during construction and in cases of completed bridges, the survey will capture post construction data too. The primary data will be collected through field observation, standard questionnaires/ interviews with the contractor's personnel and the client (DoR staff). And the secondary data will be collected through the contract management data including QA and QC records and any records of disputes. The main source of these data will be the contractors and the client (DoR) including their personnel/government staff and Nepal Council of Arbitration.

8. The study while covering data collection for baseline and endline survey will also cover the impact of the factors affecting the construction markets particularly for bridge works. The factors may be internal and external factors. The internal factor might include, but not limited to, procurement and contract related between the contractors and the client, whereas the external factors might include materials price increase in the international markets, war, etc. Such factors will have to be identified and assess their impacts during study.

9. Data Management and Quality: The consultants will propose templates for questionnaires/interviews, data storage, data updating process covering overall data management and maintaining their quality in the Inception Report. Similarly, it will also propose templates for a knowledge-based decision-support system (spreadsheet based) to select and implement "the best" market-driven Procurement Strategy for future DoR bridge works. The consultant will also propose data analysis methodology satisfying the ToR. All data including primary and secondary will be used for analysis for meeting the objectives.

10. DoR (the Implementing Agency/Employer) wishes to procure services of National Consulting Firm for carrying put Contractor's Market Assessment study (CMAs).

C. THE OBJECTIVE:

Key Objective

- To augment and facilitate Department in identifying, selecting and implementing "the best" market-driven Procurement Strategy for Bridge development and management.

Other Objectives

- To develop a knowledge-based decision-support system to select and implement "the best" market-driven Procurement Strategy for bridge works within the Department
- To identify measures to strengthen the capacity of the concern stakeholders including the construction industry/market with regard to procurement of the bridge works.

D. SCOPE OF WORKS:

11. The scope of works will include but not limited to followings:

- a. Review all prevailing GoN legal documents, relevant documents with regard to pre-bid scenarios, post-bid scenarios and the factors affecting the construction market particularly in bridge development works of the winning bids under DoR covering last at least 10 years and running bridge projects in the government funded projects, as well in the Development Partner assisted projects including the World Bank and the Asian Development Bank.
- b. Review market capability to meet the Borrower's needs including typical construction industry's experience levels, package sizes and financial performance. If the market analysis requires early market engagement, this deliverable will include providing inputs into the Market Engagement Strategy.

- c. Review previous experience in the market by the Borrower and other customers on World Bank and non-World Bank assistance projects as appropriate.
- d. Collect market view of the Borrower (from a supplier's perspective) in terms of attractiveness for participation in bidding as well as partnering with contracting (e.g., reliability of payment, procurement capability, complaints handling). Noting, in some Bank procurements no suppliers participate in bidding, or indeed possibly only one may bid due to either concerns about capacity and/or onerous conditions imposed.
- e. Suggest modification of requirements (if needed) to align it to the market's capability or influence the market place to make it more conducive fulfilling the requirements.
- f. Analyze the nature of competition and factors to ensure appropriate levels of partnership.
- g. Review current procuring practice from the market including pricing methods, risk allocation and benchmarks of performance and cost.
- h. Conduct Risk analysis
Identification of risks and development of a management plan based on proper allocation of risk to the party best placed to manage it. This should also include an analysis of the markets risk tolerance with repercussion on project cost because of transferring a risk to another party injudiciously and the Borrower willingness/attempt to transfer too much risk to suppliers resulting few or no bids from the market while bidding.
- i. Analyze and correlate provisions in contracts (specially Design and Build Bidding Document finalized under BIMP-I Program)

E. TEAM COMPOSITION AND FIRMS QUALIFICATION REQUIREMENT

12. The consulting firms having experience in Infrastructure development activities are encouraged to participate. The firms experience in development activities, analytical study related to road/bridge infrastructure will have added benefit.

13. Estimated 42 person-months of staff are estimated to carry out the assignment. However, the firm should assess their own estimates of professional input requirements. The qualification requirement of key experts and non-key experts is set out in **Annex-01**. Tentative person-month detail required for assignment is provided under Table-1, however, the consultant to assess and proposed the required input to complete the scope of services.

Table-1: Staff Input

Position	Quantity	No. of Person-Months	Total Person Months	Remarks
Sr. Procurement Management Expert /Team Leader (TL)	1	6	6	Key expert

Position	Quantity	No. of Person-Months	Total Person Months	Remarks
Sr. Contract Management Expert	1	3	3	Key expert
Sr. Transport Economist	1	2	2	Key expert
Sr. Program Strategist	1	2	2	Key expert
Sr. Statistician/Econometrics	1	2	2	Key Expert
Sr. Software Programmer	1	2	2	
Sr. Finance Expert	1	1	1	
Sr. Legal Expert	1	1	1	
Civil Engineer	4	5	20	
Computer Engineer	1	3	3	
Total	13		42	

Note: The above key staff composition and estimated total key staff person-month is Client's estimate. The consultants (Firms) are advised to assess their own requirement and propose their own staff composition and staff input requirement for efficient performance of their job as per the Terms of Reference.

F. REPORTING REQUIREMENT AND TIME SCHEDULE

14. The consulting services shall be implemented over 6 (six) calendar months from the commencement date.

15. The consultant shall submit the reports minimum 10 hard copies and soft copy in specified manner and as enumerated in following Table 2: Reports and Submissions. The consultant shall submit 10 copies of each report in book binding form. Those reports shall be supplemented with, but not limited to, followings: survey records including questionnaires, records of interviews, any other data sheets, data analysis sheets, reports on logically develop procedures to derive and/ or conclude possible sets of market based Procurement Strategy to be adopted for future bridge works-supplemented with merits and demerits, adopted final templates for survey and data recording, etc., All the reports shall also be submitted on electronic copy compatible with respective program in original version.

Table 2: Reports and Submissions

No.	Preparatory Outputs	Submission Deadline (no. month/s after the commencement date)	Remarks
i	<p>Inception Report* covering the study procedure plans for all the surveys to be undertaken at the baseline and endline stages, and working methodology to be used and respective timelines.</p> <p>Inception Report shall comprise all the templates on "Working Methodology" for literature review, survey questionnaire, interviews, spreadsheet for database (storing /retrieving) and analysis method compatible for possible system software development in future, and methodology to drive and/conclude sets of market-based Procurement Strategy for bridge development under Department. In all cases, alternatives options shall be analyzed with merits and demerits.</p>	1.5	
ii	Monthly Progress Report	Within one week of the end of each calendar month	
iii	Draft Reports: On the basis of selected methodology and templates, collect data, analyses, prepare and submit Draft Report covering all objectives of study with supporting all relevant documents including data sheet, data analysis sheets, etc.	4	
iv	Final Report: On the basis of review feedback and comments of Draft Reports, finalize and submit the Final Reports with clear plans to augment and facilitate DoR in procurement of bridge development works, tools to develop a knowledge-based decision-support system to select and implement "the best" market-driven Procurement Strategy for future DoR bridge works, and plans to introduce measures to strengthen private sector's capacity in procurement of bridge works supplemented with all documents including data sheet, data analysis sheets, etc.	2	After approval of draft report and supplemented documents

Additional details on expected outputs

**Inception report shall comprise of*

- *detailing the consultant's intended means, methods, relevant standards, reference documents to be used, and assumptions for development of plans to enhance the capacity of DoR in selecting and implementing "the best" market-driven Procurement Strategy for future Bridge works. The report should effectively demonstrate that the consultant possesses a firm grasp on the required scope of work.*
- *Review all prevailing GoN legal documents, relevant documents with regard to pre-bid scenarios, post-bid scenarios and the factors affecting the construction market particularly in bridge development works of the winning bids under DoR covering last at least 10 years and running bridge projects in the government funded projects, as well in the Development Partner assisted projects including the World Bank and the Asian Development Bank*
- *Sets of templates to be used for baseline surveys, (for primary data collection) at pre-bid scenarios, and post-bid scenarios at the contractors' offices and the DoR. And also, data collection on impact survey of the factors affecting the construction market particularly bridge works of the winning bids under DoR covering last at least 5 years and running bridge projects in the government funded projects, and in the DP funded projects. Prepare detailed plans for how these findings will be utilized to meet scope of the ToR.*
- *Propose methodologies for data analysis, validation of data quality (statistical/regression), and for logical approaches to drive and/or conclude sets of procurement strategy for future bridge works under DoR with clear concept justifying the ToR.*
- *Propose methodology to carry out services as per ToR on schedule time with Quality Assurance Plan and a complete schedule (Gantt or bar chart) of activities to be completed on service period.*

G. STAKEHOLDER WORKSHOP AND ORIENTATION

16. The consultant will organize a minimum of two workshops – one at the early findings and intended plan to propose methodologies (logical approaches) to derive and /or conclude procurement strategy for future bridge works under DoR with merits and demerits, and its conclusion and recommendation. The consultant will collect the comments from the participants and update the report. Next workshop to be organized after completion of final draft report with agreed methodology to derive and /or conclude procurement strategy for future bridge works under DoR. The consultant will collect the recommendations/comments from the participants.

17. The consultant will also develop an orientation material for training on regular update of database and have recommendation on procurement strategy under the DoR for bridge works development. The consultant will carry out at least 2 such training in DoR.

H. CONSULTANTS FACILITIES, CLIENT'S INPUT AND COUNTERPART PERSONNEL

18. The consultant shall be fully responsible to mobilize the necessary key staff and also should arrange all the administrative, technical and support staff needed to carry out the services. The inputs provided in this ToR are the Client's estimated inputs required and the consultant is required to assess the works requirement and may propose inputs (Engineers, Technical Support, Administrative Support, specialists etc.), as required and should propose the additional inputs in

their technical proposal and financial proposal. The consultant shall also be responsible for providing all other necessary facilities and logistical support for its staff including accommodation, transportation, office equipment, communications, utilities, office supplies and other miscellaneous requirements that are required to complete all the tasks to fulfill the objective and scope of works, and it shall be included in their financial proposal.

19. The consultant shall arrange the necessary transportation including necessary vehicles for all type of surveys to deliver their services, effectively. It will have to arrange an office space, and necessary furniture, fittings, office equipment, and net facility on its own. The consultant shall be fully responsible to manage the necessary tax / VAT registration and necessary payment and clearance on the same.

I. DATA AND ASSISTANCE TO BE PROVIDED BY THE CLIENT

20. The Client will provide all the available study reports and related information available with the Client. The Client will also help the consultant team to coordinate with the DOR offices, Bridge Branch, other governmental offices for related activities, and the contractors and FCAN, as necessary.

J. PAYMENT MODALITY

21. The payment will be on lumpsum basis based on the achievement of the outputs/ deliverables. The schedule of payment will be as per following:

1st payment: 15 percentage of the total Contract price as excluding VAT an advance payment, it shall be made against the bank guarantee for the same amount

2nd payment: 10 percentage of the total Contract price upon finalization of Inception Report

3rd payment: 50 percentage of the total Contract price upon finalization and submission of Draft Report (final)

Final payment: 25 percentage of the total Contract price upon finalization and submission of final report

Annex-01.: Qualification Requirements of Key Experts

I. Team Leader/ Sr. Procurement Management Expert (Experience of the last 15 years will only be considered)

A. Education Qualification	
Minimum	Bachelor's degree in Civil / Highway Engineering or related engineering field.
Preferable	Master's in Transportation Engineering/ Highway Engineering/ Construction Management or related engineering field.
B. Experience	
B1. General Experience	
Minimum	10 years
Preferable	15 years
B2. Specific Experience in Procurement of Works, Goods, and Consulting Services	
Minimum	8 years
Preferable	12 years
B3. Specific Experience (In the capacity as a Team Leader)	
Minimum	3 no. of projects comprising bridge construction
Preferable	8 no. of projects comprising bridge construction
C. Experience in the Proposed Field of Expertise	
C1. Experience in minimum 2 motorable bridge construction	
C2. Experience in 2 projects funded from the World Bank or similar other International Organization	
D. Language	
<ul style="list-style-type: none"> Communicate fluently in English Language/Report Preparation 	

II. Sr. Contract Management Expert (Experience of the last 15 years will only be considered)

A. Education Qualification	
Minimum	Bachelor's degree in Civil / Highway Engineering or related field.
Preferable	Master's in Contract Management /Project Management / Highway Engineering or related field.
B. Experience	
B1. General Experience	
Minimum	10 years
Preferable	15 years
B2. Specific Experience in Contract management of Works, Goods, and Consulting Services	
Minimum	8 years
Preferable	12 years
B3. Specific Experience	
Minimum	3 no. of projects comprising bridge construction
Preferable	8 no. of projects comprising bridge construction
C. Experience in the Proposed Field of Expertise	
C1. Experience in minimum 2 motorable bridge construction	
C2. Experience in 2 projects funded from the World Bank or similar other International Organization	
D. Language	
<ul style="list-style-type: none"> Communicate fluently in English Language/Report Preparation 	

III. Sr. Transport Economist (Experience of the last 15 years will only be considered)

A. Education Qualification	
Minimum	Bachelor's degree in Economics or related field.
Preferable	Master's in Transport Economic/Economics or related field.
B. Experience	
B1. General Experience	
Minimum	10 years
Preferable	15 years
B2. Specific Experience in Transport infrastructure projects	
Minimum	8 years
Preferable	12 years
B3. Specific Experience (In the capacity as a Transport Economist)	
Minimum	3 no. of projects comprising bridge construction
Preferable	8 no. of projects comprising bridge construction
C. Experience in the Proposed Field of Expertise	
C1. Experience in 2 projects funded from the World Bank or similar other International Organization	
D. Language	
<ul style="list-style-type: none"> Communicate fluently in English Language/Report Preparation 	

IV. Sr. Program Strategist (Experience of the last 15 years will only be considered)

A. Education Qualification	
Minimum	Bachelor's degree in Business studies / Economics or related field.
Preferable	Master's in Business studies / Economics or related field.
B. Experience	
B1. General Experience	
Minimum	10 years
Preferable	15 years
B2. Specific Experience in Transport infrastructure projects	
Minimum	8 years
Preferable	12 years
C. Experience in the Proposed Field of Expertise	
C1. Experience in 2 projects funded from the World Bank or similar other International Organization	
D. Language	
<ul style="list-style-type: none"> Communicate fluently in English Language/Report Preparation 	

V. Sr. Statistician/Econometrics (Experience of the last 15 years will only be considered)

A. Education Qualification	
Minimum	Bachelor's degree in Development Economics /Development Planning/Highway Engineering or related field.
Preferable	Master's in Development Economics /Development Planning/Business Administration or related field.
B. Experience	
B1. General Experience	
Minimum	10 years
Preferable	15 years
B2. Specific Experience in Transport infrastructure projects	
Minimum	8 years
Preferable	12 years
C. Experience in the Proposed Field of Expertise	
C1. Experience in 2 projects funded from the World Bank or similar other International Organization	
D. Language	
<ul style="list-style-type: none"> Communicate fluently in English Language/Report Preparation 	

VI. Sr. Software Programmer

A. Education Qualification	
Minimum	Bachelor's degree in Computer/IT/Computer Application (MCA)/ Software development or on related field
B. Experience	
B1. General Experience	
Minimum	10 years
B2. Specific Experience in Transport infrastructure projects	
Minimum	3 no. of Transport infrastructure related activities
C. Language	
<ul style="list-style-type: none">Communicate fluently in English Language/Report Preparation	

VII. Sr. Finance Expert

A. Education Qualification	
Minimum	Bachelor's degree in Business studies / Economics or related field.
B. Experience	
B1. General Experience	
Minimum	10 years
B2. Specific Experience (In the capacity as a Finance Expert)	
Minimum	3 no. of Transport infrastructure related activities
C. Language	
<ul style="list-style-type: none">Communicate fluently in English Language/Report Preparation	

VIII. Sr. Legal Expert

A. Education Qualification	
Minimum	Bachelor's degree in Law or related field.
B. Experience	
B1. General Experience	
Minimum	10 years
B2. Specific Experience (In the capacity as a Legal Expert)	
Minimum	3 no. of Transport infrastructure related activities
C. Language	
<ul style="list-style-type: none">Communicate fluently in English Language/Report Preparation	

IX. Civil Engineer -4 no.s

A. Education Qualification	
Minimum	Bachelor's degree in Civil Engineering or related field.
B. Experience	
B1. General Experience	
Minimum	5 years
B2. Specific Experience (In the capacity as a Civil Engineer)	
Minimum	1 no. of Roads/Bridges related activities
C. Language	
<ul style="list-style-type: none">Communicate fluently in English Language/Report Preparation	