



Government of Nepal
Ministry of Physical Infrastructure and Transport
Department of Roads
Madan Bhandari Highway Directorate
Chakupat, Lalitpur

F.Y. 080/81

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Phone No:-01-5268174

Date:- 2080/09/29

To,
Society of Consulting Architectural and Engineering Firms, Nepal (SCAEF)
Sankhamul, Kathmandu
Email:- scaefnepal@scaef.org.np, scaefnepal@gmail.com, Tel: 01-5242952

Subject: Clarification in Specific experience requirement in EoI and RFP documents
(MBHPD/337011084/080/81-CS-01,02,03)

Dear Sir,
In response to your letter dated January 8, 2024 here are our remarks.

1. The qualification requirement for EoI & RFP are presented in the table below,

Documents	Specific Experience Criteria	Marks for each job	Full marks	Total number of jobs required to get full marks
EoI	Completion of works of "Detailed Engineering Survey, Hydrological Study, Soil Investigation and Design of Motorable Bridge within last Seven years"	5	50	10
RFP	Detailed Engineering Survey, soil investigation, Hydrological Study and Detailed Design of Motorable Bridge	2	20	10
	Design review of motorable bridges	1	5	Not Mandatory

2. From the above table it is clear that any firm/JV having full experience for EoI will equally get the full marks for RFP. The sub-categories of qualification criteria in RFP is provisioned as per rule 71, sub-rule 8 of Public Procurement Rule, 2064. Thus, the EoI documents & RFP documents are not contradictory and are fully consistent with each other.


(Er. Bel Bahadur Bhujel)
Project Director

CC:

1. The Secretary, Public Procurement Monitoring Office, Red Cross Marg, Tahachal, Kathmandu, (email: info@ppmo.gov.np, ppmoit@gmail.com)
2. Mr. Sushil Babu Dhakal, Director General, Department of Roads (email: dgdor@dor.gov.np)



सोसाइटी अफ कन्सल्टिङ्ग आर्किटेक्चरल एण्ड इन्जिनियरिङ्ग फर्मस् SOCIETY OF CONSULTING ARCHITECTURAL AND ENGINEERING FIRMS, NEPAL (SCAEF)

(A National Body of Consulting Firms Recognized by Government of Nepal)

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मदन भण्डारी राजमार्ग आयोजना निर्देशनालय

दस्तावेज नं. १८२
मिति: २०८०/०९/२६

Date: January 8, 2024

To,
The Project Manager
Madan Bhandari Highway Project Directorate (MBHPD)
Lalitpur, Nepal
Email: mabhpd@gmail.com, Tel: 01-5260174

Subject: Regarding Inconsistency in Specific experience requirement in EOI and RFP document.

Project: Detailed Engineering Survey, Soil Investigation, Hydrological Study and Detailed Design of Six Bridges along Madan Bhandari Highway (NH09), Surkhet. EOI: MBHPD/01/80/81-CS-1; .

Detailed Engineering Survey, Soil Investigation, Hydrological Study and Detailed Design of Four Bridges along Madan Bhandari Highway (NH09), Pyuthan & Rolpa. EOI : MBHPD/01/80/81-CS-2

Detailed Engineering Survey, Soil Investigation, Hydrological Study and Detailed Design of Three Bridges along Madan Bhandari Highway (NH09), Ilam. EOI : MBHPD/01/80/81-CS-3; RFP No.: MBHPD/337011084/080/81-CS-03.

Dear Sir,

Society of Consulting Architectural and Engineering Firms (SCAEF), Nepal is an umbrella organization of consulting architectural and engineering firms, which has been also recognized by Government of Nepal (GON) as "national body of consultants" and it makes representations on various government forums for the welfare of the national consulting firms and attempts to promote quality of consulting services.

We have come to note that the Request for Proposal has been issued to shortlisted Joint Ventures for the mentioned consulting service procurement by your esteemed office on 2080/09/06 (notice for Shortlisted Consulting Firms);

Further, we also understand that Public Procurement Monitoring Office's (PPMO) standard documents for RFP, Contracts will be used throughout for the procurement of the consulting services. In addition to it the general instruction to all the Public Entities will be taken into account by Public Procurement Monitoring Office on 2078/11/18 with specific emphasis on (*see Attachment 1 for reference*);

- Rule 7.3, 4, and 5 ka of Public Procurement Act (2063 with amendment); and
- Rule 3, and 5 ka of Public Procurement Regulation (2063 with amendments)

We would like to bring to your kind notice again on the some of the requirements that enlisted in the RFP document for your review and response for more competitiveness in the procurement process and eventually award to the competitive consulting firms/ or Joint Venture of it. The table below shows the comparative statements made and SCAEF's clarification sought and the current provisions of the RFP against each of the statements made.



५.४१ ०२/०९/२०८०
२२६

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सोसाइटी अफ कन्सल्टिङ्ग आर्किटेक्चरल एण्ड इन्जिनियरिङ्ग फर्मस्
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RFP Document

Statement Reference

E. Data Sheet:
 C. Submission, Opening
 and Evaluation:
 ITC Clause Reference
 21.1: The number of
 points to be given under
 each of the evaluation
 criteria are: Relevant
 Experience of the
 Consultant:
Sub Criteria 1: Detailed
 engineering survey, soil
 investigation, hydrological study and
 detailed design of
 motorable bridges.
Sub Criteria 2: Design
 review of motorable
 bridges

EOI Document

Statement Reference

Evaluation of
 Consultant's EOI
 Application
 ii) EOI Evaluation
 Criteria
 B. Experience
 Specific Experience
 Completion of work of
 "Detailed Engineering
 Survey, Hydrological
 Study, Soil
 Investigation and
 Design of Motorable
 Bridge within last
 Seven years"

Clarification Requested

There exist inconsistency in
 specific experience
 requirement in EOI stage and
 in RFP document. As the
 consortium of the bidder shall
 based on the requirement set
 out in EOI and ToR
 document at EOI stage, it
seems contradictory to put the
requirement other than set out
in EOI and ToR document as
per the Procurement policy of
 GoN. Furthermore, Client has
 already gone through the
 strength and weakness of the
 bidder's specific experience
 during EOI evaluation, hence
 such inconsistent experience
 criteria variation may lead to
 biased procurement process.

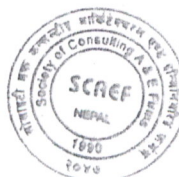
These are in essence against the circular of the PPMO's point 1 and 3 itself. Hence, we at SCAEF are always willing to improve the consulting industry and the practices by the consulting firms through various means. Hence, we hope you will address the concerns raised here for improved procurement practices aligned with the best industry practices and even the donors had been advocating transparency and good governance practices are key in day-to-day practices at this stage.

We look forward hearing from you on this soon and we are open for any such discussions, if required.

With kind regards

Kamal Karki

Er. Kamal Karki
 General Secretary,
 SCAEF Nepal



Tuk Lal Adhikari

Er. Tuk Lal Adhikari
 President,
 SCAEF Nepal

CC:

1. The Secretary, Public Procurement Monitoring Office, Red Cross Marg, Tahachal, Kathmandu, (email: info@ppmo.gov.np, ppmoit@gmail.com)
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Member



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Member





नेपाल सरकार
प्रधानमन्त्री तथा मन्त्रिपरिषद्को कार्यालय
सार्वजनिक खरिद अनुगमन कार्यालय
ताहचिल, काठमाण्डौ

प.सं.: २०७८/०७९

च.नं. ८००

मिति: २०७८।११।१८

विषय: योग्यताका आधारहरू राख्दा ध्यान दिनु पर्ने विषयसंग सम्बन्धित परिपत्र ।

श्री सार्वजनिक निकाय, सबै ।

सार्वजनिक निकायबाट सार्वजनिक खरिदका लागि बोलपत्र आव्हान गर्दा शर्तजन्य प्रावधानका माध्यमबाट खरिद कार्यलाई प्रभावित गरेको भन्ने सम्बन्धी सबैभन्दा धेरै गुनासो र उजुरी यस कार्यालयमा प्राप्त हुने गरेको हुँदा सो विषयमा कार्यालयको ध्यानाकर्षण भएको छ। बोलपत्र कागजातमा हुने शर्तजन्य प्रावधानका सम्बन्धमा सार्वजनिक खरिद ऐन, २०६३, सार्वजनिक खरिद नियमावली, २०६४ र सार्वजनिक खरिद अनुगमन कार्यालयले जारी गरेको नमूना बोलपत्र कागजातमा उल्लेखित प्रावधानहरू बमोजिम बोलपत्रदाताको योग्यता तथा मूल्यांकनका आधारहरू निर्धारण गर्नुपर्नेमा कुनै बोलपत्रदातालाई लक्षित गरी बोलपत्रसंग असान्दर्भिक प्रावधानहरू उल्लेख गर्ने गरेको सन्दर्भमा यसरी बोलपत्र प्रक्रियाको चरणमा बोलपत्रदाताको योग्यता तथा मूल्यांकनका आधारहरू निर्धारण गर्दा सो सम्बन्धी सबै सार्वजनिक निकायले देहाय अनुसार गर्ने गराउने व्यवस्था हुन मिति २०७८।११।१८ को सचिव स्तरीय निर्णयानुसार अनुरोध छ।

देहाय

- सार्वजनिक खरिद ऐन, २०६३ को दफा ७ को उपदफा (३) को देहाय (ख) मा सार्वजनिक निकायले सार्वजनिक खरिद अनुगमन कार्यालयले तयार गरेको नमूना बोलपत्र सम्बन्धी कागजातमा सामान्यतया सारभूत रूपमा फरक नपर्ने गरी आवश्यकता अनुसार बोलपत्र सम्बन्धी कागजात तयार गर्नु पर्ने व्यवस्था रहेकोले सोही अनुसार गर्ने, गराउने।
- सार्वजनिक खरिद ऐन, २०६३ को दफा ४ र दफा ५क, एवं सार्वजनिक खरिद नियमावली, २०६४ को नियम ३ र नियम ५क, मा भएको व्यवस्था अनुसार खरिद विवरण स्पष्टसँग तयार गरी उक्त प्रावधानको पालना भएको सुनिश्चित गर्ने, गराउने।
- सार्वजनिक निकायले बोलपत्र सम्बन्धी कागजातमा यस्तो योग्यता तथा मूल्यांकनका आधारहरू निर्धारण गर्दा गुणस्तर कायम गर्न आवश्यक आधारहरू तय भएको, प्रतिस्पर्धा सिमित नहुने सुनिश्चित गरिएको, बजारमा प्रतिस्पर्धीको उपस्थितिको लेखाजोखा भएको र कानूनले प्रत्याभूत गरेको संरक्षणको प्रतिकूल नभएको विषय सुनिश्चित गर्ने गरी पुष्ट्याई सहित त्यस्तो प्रत्येक योग्यता तथा मूल्यांकनका आधारका विषयमा लिखित निर्णय गरी अभिलेख राख्ने, राख्न लगाउने।

(Signature)
(उज्ज्वल खतिवडा)
डिजिनियर