



Procurement of Consultancy Service

सार्वजनिक खरिद अनुगमन कार्यालय

Consulting Services

- Generally refer to tasks with an intellectual or advisory nature, provided by a practitioner who is skilled or qualified in a specific field
- Professional Services rendered by experts.
- Knowledge-based services (intellectual and advisory nature of services).
- No clearly identifiable and consistently applied performance standards

Consultant Services means any activity of an intellectual nature that does not lead to a measurable physical output

Consultancy Services

- Engineering design or supervision
- Training and capacity building services
- Policy studies
- Environmental studies
- Project preparation/implementation
- Monitoring & evaluation
- Civil works supervision
- Software Development
- Audit Work

Consulting

- Generally refers to task of more mechanical nature
- Catering services
- Maintenance and repair services
- Security services
- Cleaning services
- Gardening services

Non Consulting

Key activities in selection and hiring process

- ✓ Preparation of scope of works
- ✓ Drafting Terms of reference
 - Prepared by technical experts, with support of personnel knowledgeable about local conditions and needs
- ✓ Cost estimate
- ✓ Identifying the appropriate solicitation method and evaluation criteria for the selection of suitable consultants
- ✓ Assessing the consultants proposals
- ✓ Final negotiations and contract award
- ✓ Monitoring of contract performance

Procurement Steps

Consulting

- ToR Preparation
- Shortlisting via
 - Standing list
 - Open EOI
- Call For Proposal
 - Selective
 - Quotation (Single Envelope)
 - RFP (Two Envelope)
- Bid Security Not Required
- Negotiation before Awarding
- No Need Performance Security
- Professional Liability Insurance

Goods/ Works

- Specification, drawing & Works Requirement
- Pre-qualification or open
- Tendering
 - Open Bidding
 - Restrictive after Pre Qualification Only
 - Bid(Single/ Double Envelope)
- Bid Security Required
- No Negotiation
- Performance Security Required
- Insurance of Works /Insurance of Goods as per Incoterms

दफा २९. परामर्श सेवा खरिद गर्न सकिने:

(१) सार्वजनिक निकायले देहायको अवस्थामा कुनै व्यक्ति, फर्म, संस्था वा कम्पनीबाट परामर्श सेवा खरिद गर्न सक्नेछ :-

(क) सम्बन्धित सार्वजनिक निकायमा **उपलब्ध जनशक्तिबाट** कुनै काम हुन नसक्ने भएमा, वा

(ख) **दातृपक्षसँगको सम्झौता** बमोजिम वैदेशिक सहायता स्रोतबाट व्यहोरिने गरी परामर्शदाताबाट सेवा प्राप्त गर्नु पर्ने भएमा ।

नियम ६९ कार्य क्षेत्रगत शर्त तयार गर्नु पर्ने ☎❄️🌞🕒 :

- (क) परामर्शदाताले गर्नु पर्ने कामको पृष्ठभूमि र उद्देश्य,
- (ख) परामर्शदाताको कार्यक्षेत्र र निजले सम्पादन गर्नु पर्ने काम,
- (ग) कामसँग सम्बन्धित अध्ययन तथा आधारभूत तथ्यांक उपलब्ध भए सोको विवरण,
- (घ) परामर्शदाताले सार्वजनिक निकायलाई कुनै ज्ञान वा शीप हस्तान्तरण गर्नु पर्ने भए सो सम्बन्धी विवरण,

कार्य क्षेत्रगत शर्त तयार गर्नु पर्ने :

- (ड) तालीम प्रदान गर्नु पर्ने भए तालीम दिनु पर्ने कर्मचारीको संख्या,
- (च) परामर्शदाताको मुख्य जनशक्तिको काम तथा योग्यता र निजले गर्नु पर्ने कामको लागि लाग्ने अनुमानित समय,
- (छ) परामर्शदाताले काम शुरु गर्ने र सम्पादन गरिसक्नु पर्ने समय,

कार्य क्षेत्रगत शर्त तयार गर्नु पर्ने :

(ज) सार्वजनिक निकायले परामर्शदातालाई उपलब्ध गराउने सूचना, भौतिक सुविधा, उपकरणको विवरण, र

(झ) परामर्शदाताले पेश गर्नु पर्ने प्रतिवेदन, तथ्यांक, नक्सा, सर्भे प्रतिवेदन आदिको विवरण ।

Training or Transfer of Knowledge

- If the assignment includes an important component for **training or transfer of knowledge** to client staff or national consultants,
the TOR shall indicate the **objectives**, nature, **scope**, and **goals of the training program**, including **details on trainers and trainees**, **skills to be transferred**, **time frame**, and **monitoring and evaluation arrangements**.

TOR

- **Background**
- **Objective of the Services**
- **Scope of the Services**
- **Training Requirements**
- **Counter Facilities**
- **Required Experts**
- **Expected Service Time**
- **Deliverables**

Rule 12 # Cost Estimate of Consultancy Service:

सार्वजनिक निकायले परामर्श सेवाको लागत अनुमान तयार गर्दा नियम ९ को अधीनमा रही तयार गर्न पर्नेछ ।

परामर्श सेवाको लागत अनुमान तयार गर्दा देहायका कुरालाई आधार लिनु पर्नेछ :-

- (क) सम्बन्धित मन्त्रालयले परामर्श सेवाको लागत अनुमान सम्बन्धी नमर्स तयार गरेको भए त्यस्तो नमर्स,
- (ख) सम्बन्धित परामर्श सेवाको कार्य क्षेत्रगत शर्त,
- (ग) सम्बन्धित सार्वजनिक निकाय वा अन्य सार्वजनिक निकायले चालू वा अधिल्ला वर्षहरुमा सोही प्रकृतिको खरिद गर्दा लागेको वास्तविक लागत

Rule 12 # Cost Estimate of Consultancy Service:

सार्वजनिक निकायले यस नियम बमोजिमको लागत अनुमान तयार गर्दा देहायका खर्चहरु खुलाउनु पर्नेछ :-

(क) मुख्य जनशक्ति एवं अन्य जनशक्तिको पारिश्रमिक,

(ख) भ्रमण खर्च, जनशक्तिको बसोबास खर्च, कार्यालय खर्च, आवश्यक मालसामान उपकरण र सेवा खर्च, प्रतिवेदन र अन्य कागजातको अनुवाद, छपाई खर्च,

(ग) परामर्शदाताले तालीम, गोष्ठी वा भ्रमणको व्यवस्था गर्नु पर्ने भए त्यस्तो कामको लागि लाग्ने खर्च र अन्य खर्च

परामर्श सेवा खरिद बिधि :

□आशयपत्र छनौट + प्रस्ताब मांग (दफा ३०+नियम ७०)

२० लाख भन्दा बढीको खरिद

□संक्षिप्त सुचीबाट प्रस्ताब मांग (दफा ३०(६)+नियम ७१)

२० लाख सम्मको खरिद

□सोझै खरिद (दफा ४१ + नियम ८५)

५ लाख सम्मको खरिद(सा.नि.प्र)

□सोझै बार्ता बाट (नियम ८२)

२० लाख सम्मको खरिद(एक तह माथिको स्वीकृति)

□अन्य बिधि (नियम ८३)

प्रस्ताव छनौट गर्ने विधि (दफा ३१)

उल्लेख गर्दा प्रस्तावको छनौट देहाय बमोजिमका विधिहरु मध्ये कुन विधिको आधारमा हुने हो सो व्यहोरा उल्लेख गर्नु पर्नेछः-

- (क) गुणस्तर र लागत विधि (QCBS),
- (ख) गुणस्तर विधि (QBS),
- (ग) निश्चित बजेट विधि, (FBS) वा
- (घ) न्यून लागत विधि (LCS)।

Quality- and Cost-Based Selection (QCBS)

QCBS is based on the **quality of the technical proposal** and the **cost of the services** to be provided.

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) Client and the consultants can estimate with reasonable precision the personnel time as well as the other inputs required of the consultants.

Quality-Based Selection (QBS)

Quality-based selection (QBS) is a method based on evaluating only the quality of the technical proposals and

the subsequent negotiation of the financial proposal and the contract with the consultant

who submitted the highest ranked technical proposal.

Quality-Based Selection (QBS)

QBS is appropriate when

- (i) assignments are **complex or highly specialised** making it **difficult to define precise** TOR 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**.

For Mega Projects, National Level Project, National Coverage, High level Management Consultancy

Fixed Budget Selection (FBS)

Fixed budget selection (FBS) is appropriate only when

- (i) the **TOR 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 there will be no changes during implementation.

Fixed Budget Selection (FBS)

- Shortlists for FBS will normally comprise **six firms** with a reasonable geographic spread.
- Evaluation of **all technical proposals** shall be carried out first.
- Then the **financial proposals of 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 who has **submitted the highest ranked** technical proposal among the remaining proposals shall be selected and invited to **negotiate.**

Least-Cost Selection (LCS)

- Least-cost selection is only appropriate for **selecting consultants for very small assignments**, of a standard or routine nature (audits, engineering design/supervision of simple projects, **Regular Consultancy Services** and simple surveys)
where **well-established practices and standards exist**.
- Shortlists for LCS will normally comprise **three firms** with a reasonable geographic spread.
- 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 **negotiate**.

आशयपत्र छनौट

- ❑ EOI Document : TOR समेत
- ❑ १५दिनको राष्ट्रियस्तरको सुचना
- ❑ न्युनतम ३ परामर्शदाता को छनौट
- ❑ सामान्यतया ३ - ६ परामर्शदाता को छनौट
- ❑ २० लाख देखि १५ करोड सम्म स्वदेशी परामर्शदाता मात्र
- ❑ स्वदेशी - बिदेशी JV को हकमा प्राथमिकता

[1] Average turnover required shall not exceed 150% of cost estimate

[2] This Evaluation criteria should be deleted if infrastructure/equipment are not the part of the proposed assignment.

<u>ii) EOI Evaluation Criteria</u>	<u>Insert Minimum Requirement if Applicable</u>	<u>Score [Out of 100%]</u>
A. Qualification		
<i>Qualification of Key Experts</i>		<i>[Client should insert in between: [30 % to 50 %]</i>
<i>Experience of Key Experts</i>		
B. Experience		
<i>General of consulting firm</i>		<i>[Client should insert in between: [40 % to 60 %]</i>
<i>Specific experience of consulting firm within last 7 years. In case of person, specific experience of the person within last 4 years.</i>		
<i>Similar Geographical experience of consulting firm</i>		
C. Capacity		
<i>Financial Capacity</i>		<i>[Client should insert in between: [10 % to 20 %]</i>
<i>Infrastructure/equipment related to the proposed assignment</i>		

Shortlisting Provision in PPR

PPR	Provision
7 o(2)	Invite open EOI if cost exceeds above 2 Million
7 o(2)(a)	Invite National EOI below 150 Million except the circumstance described in PPA (54)
7 o(3)	Content of EOI
7 o(4)	Invite International EOI after getting higher authority only
7 o(5)	Select Consultant based upon evaluation criteria: Qualification Experience Capacity

Shortlisting EOI Notice Content PPR (70)(3)

PPR	Provision
7 0(6)	Select Firm/company from various countries, background and local firm for international EOI
7 0(7)	Shortlisting of reputed consultant making contact if EOI not submitted
7 0(8)	Shall Re-publish notice if at least three intent expressing proponent not selected
7 0(9)	May shortlist one intent expressing proponent also for second notice

PPR	Provision
7 0(10)	Inform about shortlisting to all the proponents
7 0(11)	Preference for a foreign intent making joint venture with domestic provided that there is no overlapping of JV
7 0(12)	In case of Capacity evaluation, turnover shall not exceed 150% of total cost estimate of the consultancy service
7 0(13)	Selection shall be done within 90 days (below 150 Million) and 120 days (above 150 Million) i.e as per PPR(54)(A)
7 0(14)	Provide obtained scores and reason for not selection to the proponent within 5 days if any proponent make query

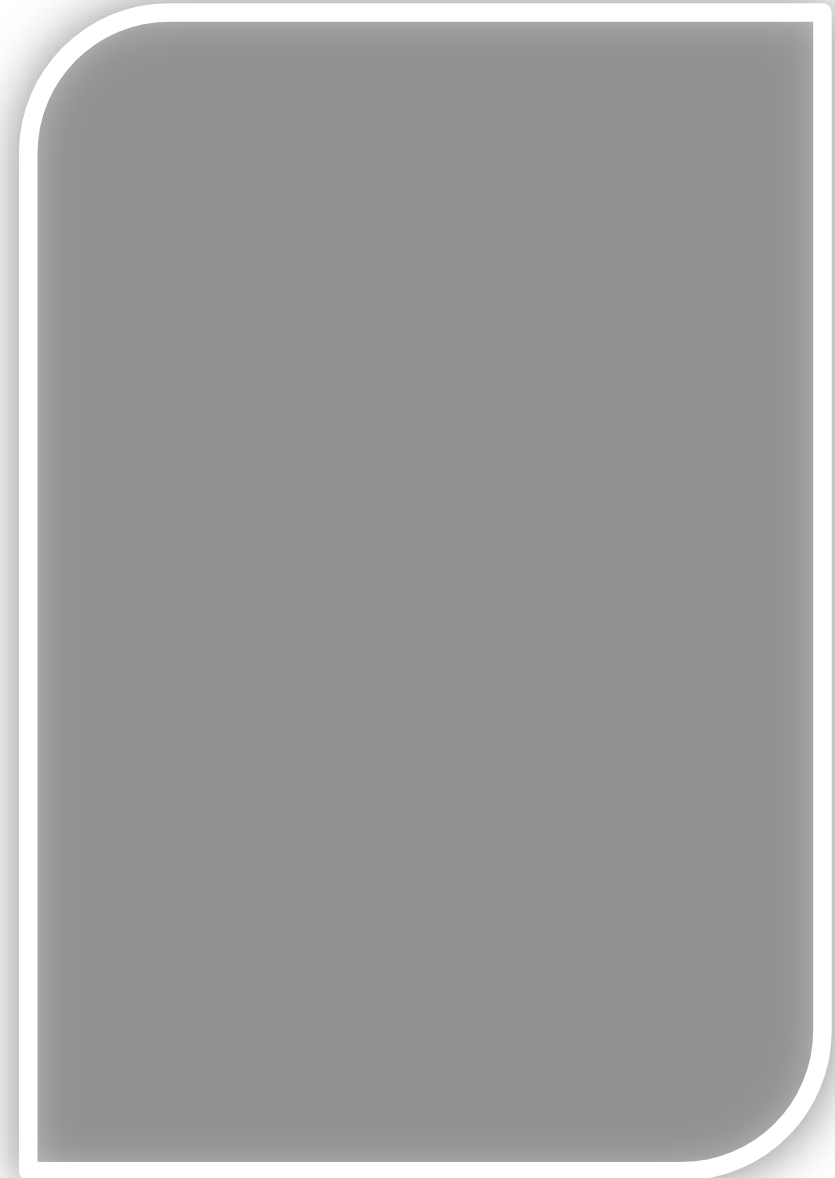
Shortlisting EOI Notice Content PPR (70)(3)

- ✓ Public Entity Name & Address
- ✓ General description of work or project
- ✓ Source of Fund
- ✓ Qualification of intent expression proponent
- ✓ Estimated Time for completion of work
- ✓ Matter that Proposal invitation only from shortlisted consultant
- ✓ Required document to be submitted by proponent
- ✓ Submission deadline and place
- ✓ Contact address with Public Entity

- In case of proponent being firm/company
 - Description , organization and employees of firm/company
 - Joint Venture Details
 - Similar nature works within last 7 years
 - Bio-data of Key human resource for proposed work
- similar work in last 4 years for Individual consultant last with her bio-data

EOI Document

1. Request for Expression of Interest
2. Instructions for submission of Expression of Interest
3. Objective of Consultancy Services or Brief TOR
4. Evaluation of Consultant's EOI Application
5. EOI Forms & Formats
 1. Letter of Application
 2. Applicant's Information Form
 3. Experience
 4. Capacity
 5. Key Experts (Include details of Key Experts only)



Request for Expression of Interest

- 15 days Notice
- Publish in National Newspaper
- Name of Project or Consulting work
- Source of Fund
- Public Entity
- Submission Process , deadline & process
- Selection Criteria
- Minimum score to Pass

अन्तर्राष्ट्रिय स्तरको आशयपत्र माग गर्नु पर्नेछ :-

(क) **१५ करोड** भन्दा बढी रकमको परामर्श सेवा खरिद गर्नु परेमा,

(ख) सार्वजनिक निकायको माग अनुरूपको परामर्श सेवा प्रतिस्पर्धात्मक मूल्यमा नेपाल राज्यभित्रका एक भन्दा बढी परामर्शदाताबाट प्राप्त हुन नसक्ने भएमा,

अन्तर्राष्ट्रिय स्तरको आशयपत्र माग गर्नु पर्नेछ :-

(ग) परामर्श सेवाका लागि **राष्ट्रियस्तरमा प्रस्ताव माग गर्दा कुनै प्रस्ताव नपरी विदेशी परामर्शदाताबाट सेवा लिनु पर्ने भएमा, वा**

(घ) **दातृपक्षसँगको सम्झौता बमोजिम वैदेशिक सहायता स्रोतबाट व्यहोरिने गरी अन्तर्राष्ट्रियस्तरको आशयपत्र माग गरी परामर्शदाताबाट सेवा प्राप्त गर्नु पर्ने भएमा ।**

2 or more Firm : Participate as **Group/Organization/JV** (Associations between Consultants)

Consultants **may associate** with each other **in the form of a joint venture** or of a sub-consultancy agreement to complement

- ❑ their respective areas of expertise,
- ❑ strengthen the technical responsiveness of their proposals, and
- ❑ make available bigger pools of experts,
- ❑ provide better approaches and methodologies,

- ७१. प्रस्ताव माग गर्ने ः (१) नियम ७० बमोजिम संक्षिप्त सूची तयार भएपछि सार्वजनिक निकायले सो सूचीमा परेका आशयपत्रदाताहरूलाई प्रस्ताव सम्बन्धी कागजात, हुलाक, कुरियर वा व्यक्ति ःवा विद्युतीय सञ्चार माध्यम मार्फत पठाई बीस लाख रुपैयाँसम्म लागत अनुमान भएको खरिदका लागि कम्तीमा पन्ध्र दिन र सो भन्दा बढी लागत अनुमान भएको खरिदका लागि कम्तीमा तीस दिनको समय दिई निजहरूबाट प्रस्ताव माग गर्नु पर्नेछ । त्यसरी पठाइने प्रस्ताव सम्बन्धी कागजातको कुनै शुल्क लाग्ने छैन ।

Request For Proposal Document

Section 1 – Letter of Invitation

Section 2 – Instructions to Consultants and Data Sheet

Section 3 – Technical Proposal – Standard Forms

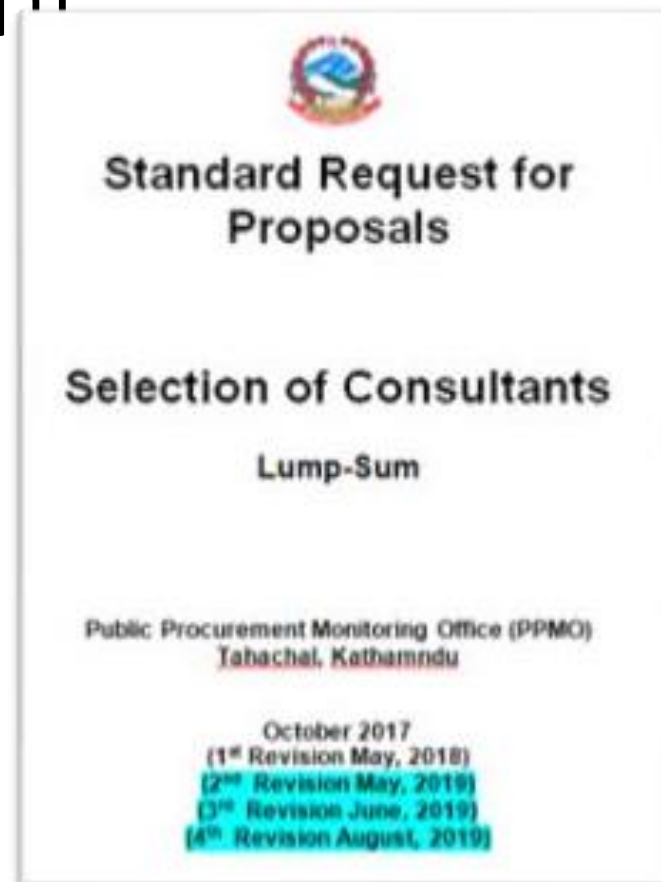
Section 4 – Financial Proposal – Standard Forms

Section 5 – Eligible Countries

Section 6 – Corrupt and Fraudulent Practices

Section 7–Terms of Reference

Section 8– Conditions of Contract and Contract Forms



Letter of Invitation

- ✓ Intention of the Client to enter into a contract for an assignment and informs the shortlisted consultants that they are invited to submit a proposal for the assignment. It provides basic information regarding:
 - ✓ Name of the Client and the sources of funds to finance the consulting services
 - ✓ Names of the short-listed consultants
 - ✓ Name of the consulting services assignment
 - ✓ Method of selection
- ✓ The LOI also instructs consultant to indicate whether they intend to submit the proposal alone or in association

Instruction to Consultants (ITC)

- ✓ This Section provides information to help shortlisted consultants prepare their proposals.
- ✓ This Section consists of two parts: “Instruction to Consultants” and “Data Sheet”.
- ✓ ITC contains provisions that are to be used without modifications.

Technical Proposal – Standard Forms

This Section includes the forms that are to be completed by the shortlisted consultants and submitted in accordance with the requirements of ITC. Following forms are included in Section 3:

TECH 1	Technical Proposal submission form.
TECH 2	Consultant's Organization and Experience
TECH 3	Comments and suggestions of consultants on the Terms of Reference, Counterpart Staff, and facilities to be provided by the Client
TECH 4	Description of the methodology and work plan in responding to the Terms of Reference
TECH 5	Work Schedule and Planning for Deliverables
TECH 6	Team Composition, Assignment, and Key Expert's Inputs
TECH 7	Curriculum Vitae (CV)

Financial Proposal – Standard Forms

- This Section includes the financial forms that are to be completed by the shortlisted consultants, including the consultant's costing of its technical proposal, which are to be submitted in accordance with the requirements of ITC. Following forms are included in Section 4:

FIN 1	Financial Proposal submission form.
FIN 2	Summary of costs.
FIN 3	Breakdown of remuneration
FIN 4	Other Expenses, Provisional Sums

Eligible Countries

- This section contains the list of eligible countries. Select one option, either GoN Funded or DP Funded.
- For GoN funded: *[select one option as appropriate]*
 - For the purpose of National shortlisting: “**Nepal**”; or
 - For the purpose of International Shortlisting: “**all Countries**”
- For DP funded: **attach list as per their list of eligible countries**

Corrupt and Fraudulent Practices

- Definition of different terminologies and conditions for the purpose of punishing corrupt and fraudulent practices
 - Corrupt practices
 - Fraudulent practices
 - Coercive practices
 - Collusive practices
 - Obstructive practices

Terms of Reference

- ✓ Background and objective of the assignment to be performed by the consultant,
- ✓ Scope of the consultant and the assignment to be performed by him/her,
- ✓ If the study and the basic data concerning the assignment is available, details thereof,
- ✓ If the consultant is required to transfer any knowledge or skill to the Public Entity, details thereto,
- ✓ If training is to be provided, number of the employees to be trained,
- ✓ The functions and qualifications of the key personnel of the consultant and the estimated time required for the work to be performed by them,
- ✓ Time for commencement and completion of assignment by the consultant,
- ✓ Details of the information, physical facilities and equipment to be provided by Public Entity to the consultant, and
- ✓ Details of the report, data, drawing and survey report etc. to be submitted by the consultant.

Conditions of Contract and Contract Forms

- This Section includes standard contract forms for a Time-Based Contract/ Lump-Sum Contract.
- It includes General Conditions of Contract (GCC) and Special Conditions of Contract (SCC).
- The SCC include clauses specific to each contract to supplement the General Conditions of Contract.

Unfair Competitive Advantage

Fairness and transparency in the recruitment process require that **consulting firms or individual consultants competing for a specific assignment do not derive** a competitive advantage from having provided consulting services related to the assignment in question.

To that end, Client shall make **available to all the shortlisted consultants** together with the RFP all information that would in that respect give a consulting firm or an individual consultant a competitive advantage.

प्राविधिक प्रस्तावको मुल्यांकन अंक

कुलअङ्क १०० ।

(क) प्रस्तावदाताको खास कामको अनुभव

कुल अङ्कको २५ प्रतिशतसम्म

(ख) कार्यसम्पादन गर्ने तरिका र कार्य क्षेत्रगत शर्त प्रतिको प्रभावग्राहीता

कुल अङ्कका २०-३५ प्रतिशतसम्म

(ग) मुख्य मुख्य जनशक्तिको योग्यता र अनुभव

कुल अङ्कको ३०-६० प्रतिशतसम्म

(घ) प्रविधि हस्तान्तरण वा तालीम

कुल अङ्कको १० प्रतिशतसम्म

(ङ) स्वदेशी जनशक्तिको सहभागिता (At least ३०% CV Weightage, Max. ५०%)

कुल अङ्कको १० प्रतिशतसम्म

21.1	The evaluation criteria, sub-criteria, and point system for the evaluation are: <u>Points</u> (i) Specific experience of the consultants (as a firm) related to the assignment <u>[up to 25]</u> [Insert sub-criteria] [Insert sub-criteria] [Insert sub-criteria] (ii) Adequacy of the proposed work plan and methodology in responding to the Terms of Reference [20 - 35] [Insert sub-criteria] [Insert sub-criteria] [Insert sub-criteria] <i>{Notes to Consultant: the Client will assess whether the proposed methodology is clear, responds to the TORs, work plan is realistic and implementable; overall team composition is balanced and has an appropriate skills mix; and the work plan has right input of Experts}</i> (iii) Qualifications and Experience of the key staff for the Assignment [30 - 60] <i>{Notes to Consultant: each position number corresponds to the same for the Key Experts in Form TECH-6 to be prepared by the Consultant}</i> [Insert position] [Insert points] [Insert position] [Insert points]
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प्राविधिक प्रस्तावको मुल्यांकन अंक

उपनियम (६) मा उल्लिखित
सबै मूल्याङ्कनका आधारलाई तीनवटा उप-आधारमा
विभाजन गरी सो वापतको अङ्क समेत निर्धारण गर्नु
पर्नेछ ।

Min PAss Marks : 60-75% out of 100

७९. आर्थिक प्रस्ताव खोल्ने:

(१) मूल्याङ्कन समितिले आर्थिक प्रस्तावको खाम खोल्दा प्रस्तावदाता वा निजको प्रतिनिधिको उपस्थितिमा खोल्नु पर्नेछ ।

तर प्रस्तावदाता वा निजको प्रतिनिधि उपस्थित नभएको कारणले आर्थिक प्रस्ताव खोल्न बाधा पर्ने छैन ।

(२) उपनियम (१) बमोजिम आर्थिक प्रस्तावको खाम खोले पछि मूल्याङ्कन समितिले प्रस्तावदाताको नाम, निजले **प्राविधिक प्रस्तावमा प्राप्त गरेको अङ्क** र आर्थिक प्रस्तावमा प्रस्ताव गरेको सेवा शुल्क **पढेर सुनाइ**

३५. आर्थिक प्रस्तावको मूल्याङ्कन

(क) प्रस्तावको छनौट गर्न गुणस्तर र लागत विधि अपनाईएकोमा प्राविधिक प्रस्ताव र आर्थिक प्रस्तावको संयुक्त मूल्याङ्कन गरी सबै भन्दा बढी अङ्क प्राप्त गर्ने प्रस्तावदाताको प्रस्ताव तोकिए बमोजिम छनौट गर्नु पर्नेछ ।

Technical Proposal Weightage = 70-90

Financial Proposal Weightage = 30-10

गुणस्तर र लागत विधि

(Technical/ Financial = 80:20)

Fir m	Technical Score (out of 100) (a)	Equivalent Technical Score (b)=(a)x0.8	Proposed Service Amount, NRs. (c)	Financial Score = 20 x Lowest Quoted Amount/ Individual Proposed Amount(c) (d)	Final Score (b) + (d)
A	77	77 x 0.8	21lakh	20 x 21/21	...
B	80	80 x 0.8	25 lakh	20 x 21/25	...
C	82	82 x 0.8	22 lakh	20 x 21/22	...

३५. आर्थिक प्रस्तावको मूल्याङ्कन

(ख) प्रस्तावको छनौट गर्न गुणस्तर विधि अपनाईएकोमा प्राविधिक प्रस्तावमा उच्चतम अङ्क प्राप्त गर्ने प्रस्तावदाताको मात्र प्रस्ताव छनौट गर्नु पर्नेछ ।

(ग) प्रस्तावको छनौट गर्न निश्चित बजेट विधि अपनाईएकोमा त्यस्तो बजेटको सीमा भन्दा बढी लागत भएको प्रस्ताव रद्द गरिनेछ र त्यस्तो बजेटको सीमाभित्र परी प्राविधिक प्रस्तावमा उच्चतम अङ्क प्राप्त गर्ने प्रस्तावदाताको प्रस्ताव छनौट गर्नु पर्नेछ ।

३५. आर्थिक प्रस्तावको मूल्याङ्कन

(घ) प्रस्तावको छनौट गर्न न्यून लागत विधि अपनाईएकोमा प्राविधिक प्रस्तावमा सफल हुन तोकिएको न्यूनतम अङ्क प्राप्त गर्ने प्रस्तावदाताहरूमध्ये सबै भन्दा कम लागत भएको प्रस्तावदाताको प्रस्ताव छनौट गर्नु पर्नेछ ।

प्रस्ताव अस्वीकृत गर्ने र खरिद कारबाही रद्द गर्ने :

- (क) प्राप्त सम्पूर्ण प्रस्ताव कार्यक्षेत्रगत शर्तहरू अनुसार सारभूत रुपमा प्रभावग्राही नभएमा,
 - (ख) लागत अनुमान र उपलब्ध बजेट भन्दा छनौट भएको प्रस्तावदाताको लागत सारभूत रुपमा बढी भएमा,
 - (ग) परामर्श सेवा आवश्यक नपर्ने भएमा, वा
 - (घ) प्रस्तावदाताले आपसमा मिलोमतो गरी प्रस्ताव दिएको प्रमाणित भएमा ।
- तर मिलोमतो नगरेका प्रस्तावदाताको प्रस्ताव उपर कारबाही गर्न सकिनेछ ।

दफा ३७. प्रस्तावदातासँग वार्ता : Negotiations

(१) दफा ३५ बमोजिम छनोट भएको प्रस्तावदातासँग कार्य क्षेत्रगत र प्रस्तावित सेवाको कार्यक्षेत्र, प्रगति प्रतिवेदन, personnel schedule सार्वजनिक निकायले उपलब्ध गराउनु पर्ने सुविधाका विषयमा

वार्ता गर्न सकिनेछ ।

आर्थिक प्रस्तावका सम्बन्धमा पेशाविद्हरुको पारिश्रमिक सम्बन्धमा वार्ता हुन सक्ने छैन । तर सोधभर्ना हुने प्रकृतिका खर्च सम्बन्धमा वार्ता गर्न सकिनेछ ।

नियम ८१

- छनौट भएको प्रस्तावदातासंग **वार्ता गर्नु पर्ने** भएमा सार्वजनिक निकायले **प्रस्ताव छनौट भएको सात दिनभित्र** त्यस्तो प्रस्तावदातालाई मिति, समय र स्थान खोली वार्ता गर्न आउन सूचना दिनु पर्नेछ ।
- प्रस्तावदातालाई **वार्ताको** लागि बोलाउँदा राष्ट्रिय स्तरको प्रस्ताव भए **सात दिन** र अन्तर्राष्ट्रिय स्तरको प्रस्ताव भए **पन्ध्र दिनको म्याद** दिनु पर्नेछ ।

Negotiations

- will not **substantially alter the TOR** attached to the invitation.
- The selected firm should **not be allowed to substitute experts**, unless both parties agree that **undue delay in the selection process makes** such substitution unavoidable or that such changes are critical to meet the objectives of the assignment.
- **Proposed unit rates for remuneration shall not be altered** and other expenses shall not be negotiated since unit rate cost has **been a factor in the selection process**.
- **Financial negotiations** shall include **clarification of the consultant's tax liability** (if any) and how this tax liability has been or would be reflected in the contract.

Tentative Time Required to procure

EOI द्वारा

- EOI Notice = 15 days
- Evaluation of Eoi = 7 days
- Notice to Shortlisted = 7 days
- Request for Proposal Call = 30 days
- Evaluation of RfP = 7 days
- Notice to Open Financial Proposal = 7days
- Final Evaluation = 3 days
- Notice to Award = 7 days
- Negotiation = 7 days

Total = 90 days, 3 months

Contract Award *PPA (38)*

- **Letter of Intent:** To successful Consultants in the Negotiation and it should be **Notified to All** the Shortlisted Consultants.
- Any other Consultants may challenge the intention **Within 7 Days of that Notice the Contract.**
- If there is no challenge, the public entity shall awards the contract to the consultant selected for award.
- **Award of Contract:** Notice the Contract shall be awarded to the Successful Consultants.

Complain and Review

In case of Challenge

The public entity to provide its decision within 5 days of receiving the challenge.

If such challenge has been made to the public entity, it has to wait for a further period of 7 days allowed to challenge the decision of the public entity to the Review Committee, in case the contract amount is more than NRs. 20 million.

३८. खरिद सम्झौता गर्ने :

- (१) दफा ३७ बमोजिम भएको वार्तामा सहमतिमा पुगेको प्रस्तावदाताको प्रस्ताव स्वीकृत गर्नको लागि छनौट गरिनेछ ।
- (२) उपदफा (१) बमोजिम प्रस्ताव छनौट भएको सात दिनभित्र सार्वजनिक निकायले त्यसरी छनौट भएको प्रस्ताव स्वीकृत गर्ने आशयको सूचना सम्बन्धित प्रस्तावदातालाई र सूचीमा परेका अन्य प्रस्तावदातालाई दिनु पर्नेछ ।
- (३) उपदफा (२) बमोजिम सूचना दिएको सात दिनभित्र कुनै प्रस्तावदाताले दफा ४७ बमोजिम निवेदन नगरेमा उपदफा (१) बमोजिम छनौट भएको प्रस्तावदाताको प्रस्ताव स्वीकृत गरिनेछ र निजलाई सम्झौता गर्न आउन पन्ध्र दिनको अवधि दिई सूचना दिनु पर्नेछ ।

नियम ८१

- ऐनको दफा ३८ बमोजिम सम्झौता गर्ने परामर्शदाताले सम्झौता गरेको तीस दिन भित्र सम्झौताको कूल रकम समेट्ने गरी सार्वजनिक निकायलाई निशर्त भुक्तानी हुने पेशागत दायित्व बीमा (प्रोफेसनल लायबिलिटी इन्सोरेन्स) पेश गर्नु पर्नेछ ।

Professional Liability :

The consultant is expected to carry out assignments with due diligence and in accordance with prevailing standards of the profession.

As the consultant's liability to the client will be governed by the applicable law, the contract need **not deal** with this matter unless the parties wish to limit this liability. If **they do so**, they should ensure that

- (a) there must be **no such limitation in case of the consultant's gross negligence or willful misconduct;**
- (b) the consultant's liability to the borrower may in **no case be limited to less than a multiplier of the total value of the contract to be indicated** in the RFP and in the special conditions of the contract (the amount of such limitation will depend on each specific case); and
- (c) any **such limitation may deal only with the consultant's liability toward the client and not with the consultant's liability toward third parties.**

खरिद बिधि :

□सोझै बार्ता बाट (नियम ८२)

२० लाख सम्मको खरिद

५ लाख भन्दा बढीको हकमा ३ वटा प्रस्ताव लिई, बार्ता द्वारा
गोष्ठी , सेमिनार

□अन्य बिधि (नियम ८३) : विशेषज्ञता र योग्यताको आधारमा

उच्च स्तरको विशेषज्ञता

छोटो समयको लागि तर प्रक्रियामा लामो समय लाग्ने भएमा
सिमित परामर्शदाता योग्य भएमा

परामर्शदाता छनौटमा लामो समय लाग्ने तर समय अपर्याप्त भएमा

अन्य बिधि (नियम ८३) : विशेषज्ञता र योग्यताको
आधारमा : Single Source Selection

SSS may be appropriate **only if it presents a clear advantage over competition:**

- (i) for tasks **that represent a natural continuation of previous work carried out** by the firm ,
- (ii) in **emergency cases**, such as in response to disasters,
- (iii) for **very small assignments**, or
- (iv) when only **one firm is qualified** or has experience of **exceptional worth for the assignment.**

Contract Type Selection

Schedule 5

- Lump Sump
- Time Based Contract
- Performance Based Fee Paying
- Percentage based Contract
- Indefinite Service Period

Consulting Service

Schedule 4

- Unit Rate
- Lump Sump
- Cost Re-imburement
- Time and Material Rate Contract
- Design & Build Contract
- Management Contract
- Performance Based Maintenance or Management Contract
- Piece-Work Contract

Construction Works

Schedule 3

- Contract for Supply of specific goods or other service:
- Framework or unit rate contract:
- Multi-year contract:
- Design, supply and installation contract:
- Turn Key contract:

Goods or other services

Contracting Method

Selection of the type of contract will be dependent on

- (i) the **nature of the assignment**,
- (ii) whether the **scope and output are definable**, and
- (iii) the **distribution of risks** between the concerned parties.

Contract Type

Lump Sum

- Clearly defined Scope of work and duration
- Milestones defined
- Fixed Sum payments upon deliverable
- Easy to administer
- Negotiation not done in subject that affect cost factor

Examples

- ✓ Feasibility Studies
- ✓ Environment Studies
- ✓ Detailed design of a standard structure
- ✓ Project designs or detailed designs
- ✓ Software Development

Time Based

- Scope and duration not defined
- Monthly payment for remuneration plus reimbursable expenses
- Difficult to administer
- Normally negotiation can be done in Total Input of experts and reimbursable expenses but not in remuneration of experts

Examples

- ✓ Preparation of data
- ✓ Design of complex structures such as dam, etc.
- ✓ Management of complex institutions
- ✓ Supervision of construction
- ✓ Advisory services

Contracting Method Time-Based Contract

used when it is difficult

- to define the **scope, output, and the length of the services**, either because the services are **related to and await completion of activities by others** for which the completion period may vary, or because the **input of the consultants is difficult to assess**.
- This type of contract will be used for **complex studies, supervision of construction, advisory services, and most training assignments**.

Contracting Method Indefinite Delivery Contract

used when Client need to have **“on call” specialized** services to provide advice on a **particular activity, the extent and timing** of which **cannot be defined** in advance. This is commonly used to **retain “advisers” for implementation of complex projects** (for example, dam panel), **expert adjudicators for dispute resolution panels, institutional reforms, procurement advice, technical troubleshooting**, and so forth, normally for a period of a year or more.

Contracting Method Lump Sum (LS) Contract

- used for assignments in **which the content, duration of services and the required output of the consultants are clearly defined**. This includes simple planning and **feasibility studies, environmental studies, detailed design of standard or common structures, service delivery assignments, and preparation of data processing systems**.
- Prices shall **include all costs and cannot be negotiated**. Payments are **linked to outputs**, such as **reports, drawings, bill of quantities, bidding documents, and software programs**.

Contracting Method Performance-Based Contract

improving **value-for-money**.

Payments to the consultant are **triggered on achievement of selected milestones signifying that certain project deliverables** (e.g., an outcome or outputs defined in the project design and monitoring frameworks) have been completed or achieved.

Contract **milestones need to be clearly specified, sufficient in number to enable effective monitoring and verifiable**.

Selection of milestones and the indicators for verifying achievement of milestones are agreed with the consultant and/or the client at the time of contract negotiations.

Advance Payment Guarantee

- Client may request the consultant to provide an advance payment guarantee against the amount advanced by the Client

Price Adjustment

- To **adjust the remuneration for foreign and/or local inflation**, a price adjustment provision shall be included in the contract if its duration is expected to **exceed 12 months**.

Procurement of Service via NGO , PPR(99)

• Content of Notice

- Name and address of the public entity inviting proposals,
- Nature, quantity and other necessary details of the proposed work,
- Place for the performance and period for the completion of the proposed work,
- Deadline and place for submission of proposals,
- Format of the proposal,
- Documents to be submitted by the proponent along with the proposal,
- Conditions of payment and tax deduction, and
- Such other matters as the Public Procurement Monitoring Office considers necessary.

- ✓ Prepare TOR specifying the requirement, type, period, quality of work, human resource, operational modality of such work and a tentative estimate of the required amount
- ✓ Upto 10 Lakh , request of proposal from NGO listed in Standing list . For that give 15 days notice in newspaper
- ✓ Opening of proposal for all proponent
- ✓ Recommend Proposal for lowest amount offering after fulfilling terms of reference
- ✓ Notice Lowest bidder offer proponent for
 - contract signing

darshilhha68@gmail.com

धन्यवाद!!!