

## Summary of Major Changes from Previous RFP Version

15 January 2008

### Section 2. Instructions to Consultants

- Taking out references to associations/letter of association, para 3.3(i)b (second para.) was modified as follows:

In the event that the Consultant constitutes a Joint Venture, the Consultant shall submit (i) a copy of the Joint Venture Agreement with its Technical Proposal and (ii) a power of attorney (executed by all partners) that authorizes the designated Lead Partner of the Joint Venture to act for an on behalf of the Joint Venture and to legally bind such Joint Venture in any contractual or similar documentation. Any Joint Venture agreement and Joint Venture power of attorney shall be attached to TECH-1, Standard Forms (Section 3) and submitted as part of the Technical Proposal of such Consultant.

- Deleted para 3.4 on Team Leader/Full-time Employees which states:

"It is desirable that the team leader proposed is a regular full-time employee of the Consultant or the Sub-Consultant. A higher rating will be given when the team leader is a regular full-time employee of the Consultant or the Sub-Consultant. A regular full-time employee of the Consultant or the Sub-Consultant is defined as a person who, on the date of submission of the Consultant's Proposal:"

- Transferred the definition of full-time employees in para. 3.4(a-d) to para. 3.3(ii) as footnote 3.

- Added the following in para. 5.1(v)b:

"When QCBS is used, the Data Sheet will specify either an estimated budget or a maximum budget [(see 7.6 (iii)-(iv).]

1. For estimated budgets: the gross evaluated financial proposal (inclusive of provisional sums and contingencies) may exceed the estimated budget for the assignment;

2. For maximum budgets: the gross evaluated financial proposal (inclusive of provisional sums and contingencies) cannot exceed the maximum budget for the assignment and if it does, this will result in disqualification of such financial proposal.

- Added the following in para. 7.6:

(iii) If a maximum budget is specified in the Data Sheet, Financial Proposals must be within such maximum budget. If any Financial Proposal exceeds such maximum budget, such proposal will be held non-responsive and be given a zero score. In such cases, if the firm submitting a Financial proposal exceeding the maximum budget still obtains the highest combined score in final ranking, this winning firm will be advised, as a condition of contract negotiations, to reduce the Financial Proposal

to the maximum budget without compromising the TOR for the assignment (and without modification of proposed unit rates.)

(iv) If an estimated budget is specified in the Data Sheet, a Financial Proposal may exceed such estimated budget if considered necessary by the firm submitting the financial proposal. In such cases, if the firm submitting a Financial Proposal exceeding the highest combined score in final ranking, this winning firm may be advised, as a condition of contract negotiations, to reduce the Financial Proposal to such maximum budget as may be available for the assignment without compromising the TOR for the assignment (and without modification of proposed unit rates).

➤ Revised para. 7.7(ii) as follows:

"Financial Proposals that exceed the maximum budget specified in the Data Sheet shall be rejected." This was formerly worded as "Financial Proposals that exceed the fixed budget shall be rejected."

➤ Revised para. 7.8(ii) as follows:

"Financial Proposals must be within the maximum budget specified in the Data Sheet." This was formerly worded as "Financial Proposals are expected to be within the budget specified in the Data Sheet."

➤ Replacing the "original cost estimate" as basis for negotiations, para. 8.3(iii) was revised as follows:

"For QCBS where the Financial Proposal of the first-ranked firm is substantially higher than any maximum or estimated budget as specified in the Data Sheet, ADB reserves the right to invite the next-ranked firm to negotiate, if negotiations with the first-ranked firm do not result in a contract having due regard to the Consultancy Inputs and scope of work required under the TOR<sup>1</sup> [see 7.6 (iii)-(iv).]"

<sup>1</sup>N.B. Proposed unit rates for remuneration shall not be altered since the unit rate cost has been a factor in the selection process.

### Section 3. TP Standard Forms - CV

➤ Removed item (ii) under the Certification portion of the CV as follows: "For Team Leader only: I am full-time employee of the Consultant or the Sub- Consultant".

*All other sections of the RFP remain the same as the previous version.*