SPECIFIC REQUIREMENTS FOR RECRUITING CONSULTANTS BY ADB

1. This Project Administration Instructions (PAI) explains the specific procedures for ADB when recruiting consulting services by using technical assistance (TA) grants, administrative budgets for staff consultancy, or other funds it administers. This PAI should be read with PAI 2.01 on general definitions and principles, PAI 2.02 on preparatory work and PAI 2.03 on general procedures. For recruiting TA consultants, read this PAI with Operations Manual (OM) D12.

A. Using the Consultant Management System (CMS)

2. Staff use the on-line CMS for recruiting consulting services that ADB administers. Using CMS is mandatory to complete the internal process, starting from creating a consultant recruitment plan up to completing a shortlist. Beyond this internal process, CMS is also used to issue requests for proposals (RFP) and receive proposals. User units normally use CMS for all these steps. Procurement, Portfolio and Financial Management Department (PPFD) directors may grant exceptions for not using CMS to issue the RFP and receive proposals when the user unit can justify that using CMS may cause difficulty or create unequal competition among shortlisted firms (e.g., when a developing member country nongovernmental organization [NGO] is shortlisted but has no access to internet).

3. Access CMS through an Internet browser in two ways:

- When accessing within ADB's network, open *myADB* and click the *Self Service* link.
- When accessing outside ADB's network, open http://cms.adb.org.

4. If encountering information technology (IT) difficulties, contact the Information Technology Department (ITD) helpdesk at cmshelp@adb.org . For inquires about the business process when using CMS for a particular recruitment, staff should contact the PPFD professional staff responsible for that recruitment. For detailed guidance on how to use CMS, staff may consult the CMS Quick Reference Guides (hardcopies available from ITD and on-line in CMS) and e-learning materials available from https://www.adb.org/business/operational-procurement/consulting.

5. When CMS is not used or when the system is down, PPFD assists the user unit to process the recruitment manually following the procedures in this PAI.

B. Identifying Needs for Consulting Services

6. For recruiting TA consultants, the project team prepares a preliminary terms of reference (TOR) and the concept paper (CP)[1] for concept clearance. During reconnaissance[2]/fact-finding missions, the project team, with the executing agency (EA), when applicable, further develops the TOR (preferably indicating the selection method and type of proposal to be used) and the budget. If a memorandum of understanding (MOU) or aide-memoire (as for sovereign TA projects) is

[1] No separate TA concept paper is required for PPTAs, as it is included in the project concept paper.
[2] For PPTAs.

concluded, the document includes the TOR, the proposed budget, and the counterpart contributions including facilities and staff. Read this paragraph with OM D12.

7. For recruiting staff consultants, the user unit checks the available budget and prepares the TOR. The user department's administrative budget or budget for capital expenditure projects (CEP) funds staff consulting assignments. These assignments do not usually involve work that could be considered as providing TAs to Members, because ADB finances such work through its TA operations. For private sector operations, when the consultancy assignment is funded by the client's advance payment, the user unit coordinates with the department to ensure that budget and fund transfer arrangements are in place.

C. Preparing Consultant Recruitment Plan

8. For recruiting TA consultants, the project team prepares a consultant recruitment plan after the fact-finding mission. When preparing the plan, the project team consults PAI 2.02 and follows the format in Appendix 2 of OM D12. The project team may use CMS to create their plan. Include essential elements from the plan, i.e, the TOR, selection method, type of proposal for the selection, budget, and implementation schedule in the TA report or TA concept paper (when a full TA report is not required) for approval by the department head, the vice-president, the President, or the Board, depending on the TA category and size, by following OM D12. For recruiting consultants under other grant financed projects for which ADB administers the consulting services, user units include the essential elements of the consultant recruitment plan, as explained above, in the RRP or grant paper, and obtain approval following OM D11 or other related operational procedure documents.

9. For recruiting staff consultants, the user unit prepares the consultant recruitment plan following instructions in CMS and submits it through CMS to the head of the department (HOD) or the HOD's deputy for approval.

D. Checking and Earmarking Budget

10. When initiating a consultant recruitment process, the user unit ensures the availability of the approved budget for the consulting services by checking the Integrated Disbursement System (IDS) for TA assignments or for grant-financed assignments. It earmarks the required budget for the consulting services recruitment to be initiated. CMS provides an on-line automatic verification and earmarking mechanism for staff consultant budgets.

E. Advance Contracting

11. To expedite consultant mobilization, particularly for project preparatory technical assistance (PPTA) for which time is critical, user units should use advanced contracting procedures, if PPFD has endorsed the consultant recruitment plan. This means that, after the CSRN[3] has been posted for the required period, user units may proceed with shortlisting, requesting, and evaluating proposals by following this PAI. However, negotiating and signing the consulting contract only occur after the TA or the grant becomes effective. The TA or grant becomes effective after approval, and signing of the TA Letter of Agreement, if a TA Letter of

[3] There is a plan to further integrate CMS and CSRN.

Agreement is required, and signing of the co-financing agreement, if the TA or grant is funded from project specific co-financing that ADB administers.

F. Advertising (Consulting Services Recruitment Notice - CSRN)

12. Before shortlisting or any recruitment, the user unit advertises the assignment by posting a CSRN. The CSRN posting can be done once an outline TOR is available, and should be updated to reflect any changes in the final TOR or in the consultant recruitment plan. The advertisement follows requirements in PAI 2.03.

13. The requirement for advertising may be waived, without approval, for small individual consultant assignments if the total input of the assignment is 3 months (or 66 working days)[4] or less, and the job level is below international level 6. If a small individual consultant assignment falls within this exception, and is neither advertised nor single-sourced, but more than one candidate has been identified from the CMS database or other sources, all shortlisted candidates should be informed of their inclusion in the shortlist and requested to submit an expression of interest (EOI) before proceeding with the selection process. If a shortlisted consultant does not submit an EOI, then his/her CV shall not be considered.

14. Advertising becomes mandatory, regardless of assignment length and job level, if a former ADB staff or ADB spouse is a potential candidate.

G. Consultants Registration

15. Consultants seeking a contract for ADB-administered assignments must be registered in CMS. Consultants should register in CMS before submitting an EOI[5].

16. All consulting firms registering in CMS must:

- be legal entities with the capacity to enter into binding and enforceable contracts with ADB;
- be incorporated or legally established in an ADB member; and
- have a bank account for financial transactions.

17. ADB's requirements on place of incorporation or legal establishment are as follows:

- Corporations or companies must be incorporated in an ADB member.
- Partnerships that are not incorporated and have individual members must be duly registered in an ADB member.
- Universities, institutions, public sector organizations and NGOs that are not incorporated must provide details that they are duly established and legally capacitated to enter into binding and enforceable contracts with ADB (by charter, statute, etc.).

18. To register in CMS as an individual consultant, the person must:

[4] If engagement is likely to be extended beyond 66 working days, the assignment is advertised.
[5] CMS username and password are necessary to submit EOIs through CSRN.

- be a national of an ADB member or have appropriate authorization to legally reside and work in the country of the assignment;
- have relevant education, at least at the college level; and
- have relevant work/consulting experience.

H. Consultant's Expression of Interest (EOI)

19. CSRNs on ADB's website include a link that allows qualified consulting firms to submit EOIs following a standard template. These are automatically acknowledged and saved in the CSRN database, which the user unit uses in preparing the long list and shortlist. Shortlisting results from evaluating these EOIs. PAI 2.03 details how consultants submit EOIs as an individual or as an entity, which can be a firm, association, or joint venture. Under special circumstances, for example, when the consultant encounters difficulty in accessing the CSRN, the consultant may submit EOI to the user unit by courier, email, or fax.

20. When submitting an EOI as a firm or association, the lead firm states its CMS registration number in the EOI. If unregistered, the lead firm first completes at least a simplified registration (SR) in CMS, and submits a full registration (FR) before contract negotiations, if selected.

21. When submitting an EOI as a joint venture (JV), the lead partner states all CMS registration numbers of all partners in the EOI. If any partner is unregistered, that partner first completes at least a SR in CMS. FR for all partners are completed before contract negotiations.

22. Before submitting an EOI, individual consultants register in CMS and attach their curriculum vitae (CV) and copy of a national identity document (passport, national identity card, driving license, etc.).

I. Recruiting Consulting Firms

23. Read this section on recruiting consulting firms with PAI 2.03 (paras. 15-44) if the reader is unfamiliar with the general procedure for recruiting consulting firms.

a) Preparing Shortlist, RFP, and Consultant Recruitment Activity Monitoring

24. The user unit should take the following steps through CMS to initiate recruitment:

- Create a long list primarily based on the EOIs received through CSRN and a short list following the shortlisting criteria and eligibility requirement in PAI 2.01. For EOIs submitted online, the user unit may extract the long list following the Advanced Search facility. Under special circumstances when shortlisting involves sensitive factors or requires special knowledge or assistance the user unit or PPFD, may request a consultant selection committee (CSC) meeting to select the shortlist. For high-value individual consulting engagements (valued at $200,000 and above), PPFD may consider conducting a CSC meeting to review the proposed ranking by the user unit.
  - Prepare the technical proposal evaluation criteria.
  - Prepare a Request for Proposals (RFP) including the data sheet and all attachments.

- Complete the data required for the Consultant Recruitment Activity Monitoring (CRAM).[6]
- Submit the consultant recruitment plan, shortlist, evaluation criteria, RFP, and CRAM through the PPFD officer responsible for recruiting to the PPFD director for approval.

25. When CMS is not used, the user unit submits a memorandum (template available in PPFD Hub) to the PPFD director for approval. The memo briefly describes the user unit actions on shortlisting and is submitted to PPFD with a checklist (template available in PPFD Hub), CP/TA paper, TOR, refined longlist, narrative evaluation criteria, summary and personnel evaluation sheets, shortlisting criteria, and short list with brief justification.

b) Receiving Proposals

26. **RFP** - The PPFD director approves the consultant recruitment plan, the short list, the evaluation criteria, the RFP, and the CRAM. The EA then clears the shortlist for TA assignments (when applicable), and the RFP is sent through CMS to the shortlisted firms by:

- the user unit, if the assignment is valued at $750,000 or less; or
- PPFD, if the assignment is valued above $750,000

27. The same threshold and procedure apply when CMS is not used for recruitment and the RFP is sent as hardcopy.

28. **Timeframe for Proposal Submission** - When CMS is used, the proposal submission time given to the shortlisted firms may be reduced from the conventional 45 days for full technical proposal (FTP), 35 days for simplified technical proposal (STP), and 21 days for biodata technical proposal (BTP) to 35 days for FTP, 25 days for STP, and 15 days for BTP. The user unit may extend or reduce the time for the consultant to prepare the proposal under special justified circumstances, such as emergency assignments that need quick mobilization, or assignments that may require a longer proposal preparation time. The user unit indicates this in the CMS for that particular recruitment. When consultants are unable to submit proposals before the submission date due to technical difficulty in accessing CMS for reasons beyond their control, PPFD directors may extend the submission deadline or consider using paper submission if the internet issue cannot be resolved in time.

29. **Clarification/Amendments to the RFP** - Shortlisted firms may use CMS to clarify RFP contents no later than 5 days before the deadline for submitting proposals. The RFP sender (para. 26) may respond through CMS, and the reply should be accessible through CMS to all shortlisted firms. If ADB then amends the RFP, it may issue an addendum through CMS. When CMS is not used for recruitment, clarifications and amendments are written to all shortlisted consultants.

30. **Extension of Proposal Submission Date** - To give shortlisted firms reasonable time to address an amendment in their proposals, the RFP sender may extend the proposal submission deadline.

[6] Most of the steps will be recorded automatically, if CMS is used.

31. **Exchange Rate** - For recruitments where price is a factor for competition, such as in quality and cost-based selection (QCBS), fixed-budget selection (FBS), and least-cost selection (LCS), PPFD sends exchange rates based on its book rates to shortlisted firms through CMS 10 days before the proposal submission deadline. The same exchange rates will be used for computing the US dollar equivalent for financial proposal evaluations, and for the contract when a firm is selected. When CMS is not used for recruitment, the prevailing exchange rates based on ADB book rates will be given at the financial proposal public opening for evaluation and for the contract when a firm is selected.

32. **Receiving Proposals** – Consultants submit and PPFD receives proposals through CMS following the procedure of the selection method under which the proposals are invited. PPFD will briefly check the received proposals, and then forward to user units or members of the CSC. For cost-based selections including QCBS, FBS and LCS, the financial proposals received are encrypted in CMS until the on-line public opening. When CMS is not used for recruitment, a PPFD staff receives the proposals and registers their receipt, distributes the technical proposals to the user unit or members of the CSC, and keeps the financial proposals unopened in a secure place until they are handed to the PPFD staff for public opening.

33. **Late Proposals** – When CMS is used for recruitment through competitive selection, the system automatically closes the proposal submission window for a particular selection at the submission deadline so that no late proposals will be received. When CMS is not used for recruitment, the PPFD staff registers late proposals received. PPFD informs the firm(s) that submitted late proposal(s) that their proposals are rejected and will be returned unopened.

c) Evaluating Technical Proposals

34. When the assigned budget for consulting firm contract is more than $750,000, PPFD establishes a CSC under PAI 2.01 (paras. 26-29). The CSC evaluates the technical proposals by following PAI 2.03. All members of the CSC and other relevant staff must comply with para. 8 of PAI 2.01 and para. 1.11 of the Guidelines on Use of Consultants on conflict of interest.

35. When the contract budget is $750,000 or less, the user unit evaluates following PAI 2.03. The user unit director assigns at least two specialists in the unit familiar with the TOR requirement to carry out the evaluation. At least one of them needs experience in technical proposal evaluation. Staff appointed to evaluate technical proposals carry out the evaluation solely using the technical criteria without any influence from anyone else or any other consideration. The user unit director may request for a CSC regardless of the budget of the assignment if the user unit has difficulty in assigning experienced staff to do the evaluation. PPFD may conduct a post review of the evaluation made by user units. With the agreement of the PPFD director concerned, the PPFD staff may recommend a post review when PPFD believes that there is a need to verify the evaluation results. Such need may arise from a consulting firm's representation, an EA's question or any other reason PPFD deems appropriate. The post review primarily provides diagnostic information for improving the user unit's capacity for evaluating consultant proposals. However, if post review concludes that the Guidelines on Use of Consultants or ADB's Anticorruption Policy has been violated, then the case will be brought to the Director General, PPFD, to decide the action to take; as well as to other relevant department(s), such as the Office of the General Counsel (OGC) and the Office of Anticorruption and Integrity (OAI).

36. CMS provides on-line evaluation sheets to the evaluators or CSC members, when CSC is required. The evaluation results with narrative comments on the evaluation of each technical proposal, or with any CSC minutes, are submitted through CMS to the user unit director or the CSC chairperson for endorsing to the PPFD director for approval. If the firm is selected, it will be requested to replace any expert who scored lower than 70 points with a qualified candidate before the contract negotiation.

37. When CMS is not used for recruitment, the same approval procedures are followed as above, but the CSC minutes or evaluation results with a memorandum (template in PPFD Hub) are submitted in hardcopy.

d) Public Opening of Financial Proposals

38. Cost-based selections (QCBS, FBS, and LCS) require public opening of financial proposals. CMS automatically generates the e-mail to shortlisted firms whose technical proposals pass the minimum qualifying mark. It advises them of the time of and the link to the on-line public opening. CMS conducts the public opening automatically following PAI 2.03.

39. When CMS is not used for recruitment, PPFD invites the qualified firms to the public opening at ADB headquarters and conducts the public opening following PAI 2.03. The user unit witnesses the public opening, but the invited consulting firms' attendance is optional. PPFD records the proposed prices and the technical scores, as announced at the public opening, and distributes the information on exchange rates to be used for the financial proposal evaluation to the firms' representatives who attend the public opening. PPFD communicates in writing all information disclosed at the public opening to all firms that submitted proposals.

e) Evaluating Financial Proposal

40. PPFD evaluates the financial proposals following PAI 2.03. When financial proposals are submitted through CMS, the system automatically checks and corrects arithmetical errors and discrepancies between technical and financial proposals. Proposals that are conditional or restrictive may be rejected. When the financial proposals are not submitted through CMS, PPFD checks such errors and corrects the proposals.

f) Selecting the First-Ranked Firm

41. The procedure for selecting the first-ranked firm depends on the selection method described in PAI 2.03.

42. When QCBS, FBS, or LCS are used, PPFD determines the ranking after the financial evaluation. The PPFD director concerned approves the final ranking of proposals.

43. When QBS is used and the assignment is budgeted above $750,000, the PPFD officer submits the proposals' ranking with the CSC minutes for the PPFD director's approval. When QBS is used and the assignment is budgeted at $750,000 or less, the user unit officer submits the ranking of proposals with the evaluation report through the user unit director for the PPFD director's approval.

44. When CQS is used, the user unit officer submits the EOI rankings with their justifications through the user unit director for the PPFD director's approval. After evaluation of the first-ranked firm's proposal, the user unit officer submits the selection of the firm through the user unit director for the PPFD director's approval.

45. When SSS is used, the user unit officer submits the evaluation of the firm's proposal and the recommendation for engagement through the user unit director for the PPFD director's approval.

46. The above processes can be done through CMS or on paper, if CMS is not used.

g) Preparing for Contract Negotiations

47. Before contract negotiations, PPFD checks the eligibility (PAI 2.01, Section M) and performance records of each proposed member in the selected firm's team, and completes the clearing requirements in Section L of this PAI.

48. The user unit must ensure at this stage that the TA letter, if required, has been signed by the Government, and/or that the co-financing agreement has been signed by the co-financer(s) if the assignment is financed by funds from external source(s) that ADB administers.

49. The user unit, with PPFD, decides on the mode of negotiation. Negotiations are usually by correspondence when assignment budgets are $750,000 or less. The PPFD officer responsible for the negotiation discusses the schedule and procedure with the user unit officer beforehand.

50. PPFD sends a letter of invitation to the selected firm advising the schedule, venue (for face-to-face negotiation), agenda for contract negotiations, and the actions for the firm to take before contract negotiations, as indicated in PAI 2.03.

51. The selected firm confirms its proposed personnel, and replaces personnel, with similar or better experience and qualification, when appropriate, as indicated in PAI 2.03.

52. For face-to-face negotiations and when TA budget includes an allowance for the EA to send representatives to observe, the user unit invites the EA. ADB expects the EA's representative to confirm the support that the EA will provide to the consultant and to agree on the EA's and the consultant's responsibilities, regardless of whether the EA attends the negotiation.

h) Negotiating the Contract

53. PPFD negotiates a contract with the first-ranked consultant. The user unit officer assists, particularly on technical matters, and PPFD may also ask the project counsel from OGC to assist on specific legal issues.

54. PPFD conducts the negotiations following PAI 2.03. When the negotiations are face-to-face, PPFD prepares the minutes of the important points of agreement.

55. PPFD finalizes the terms of the contract for ADB under ADB's policies and procedures. The maximum contract amount must be within the maximum available budget for the assignment. The contract stipulates that the consultant must submit its request for final payment within 60 days of completing the assignment.

56. If PPFD cannot reach a satisfactory agreement with the first-ranked consultant for technical, financial, or other reasons, negotiations terminate. With endorsement from the user unit director and PPFD director, PPFD then negotiates with the next-ranked consultant until it reaches an agreement.

57. When the consultant agrees on the contract's terms and conditions, PPFD explains to the consultant ADB's procedures for payments, contract variations, and evaluation of the consultant's performance.

58. PPFD negotiates each contract within the amount budgeted for the assignment in the TA report. When PPFD negotiates with a consultant that proposes a higher contract amount, in normal circumstances PPFD negotiates the amount down until it is within the budget, unless additional budget is made available.

i) Finalizing the Contract

59. The negotiations are completed when the consultant signs the contract. When the negotiations are face-to-face, the consultant's authorized representative usually signs the contract and the minutes, and if any EA representative is attending, he/she also signs the minutes as an observer before leaving the negotiations. PPFD attaches the minutes to the contract to clarify the terms and conditions, but the minutes are not part of the contract and do not modify the terms and conditions.

60. The user unit must not direct the consultant to start the assignment under the contract until such contract has been signed by all the parties concerned, the notice to proceed has been duly issued to the consultant, and the contract has been rendered effective.

61. After the consultant signs the contract, PPFD prepares a report on the negotiations. For ADB, the

- Director, PPFD signs contracts valued at $2,000,000 or less,
- Deputy Director General, PPFD signs contracts above $2,000,000 up to $5,000,000; and
- Director General, PPFD signs contracts of more than $5,000,000.

62. After the contract is signed, PPFD sends a copy of the contract and the minutes to the head of the user department or office, the user unit, the Controller's Department (CTL), OGC, the regional department (if not the user department), and other departments concerned with the project. PPFD then advises the other consultants who submitted proposals that they were unsuccessful. PPFD encodes the signed contract in the Integrated Disbursement System (IDS) (for TA assignments and grant-financed assignments). CMS provides an automatic contract encoding for staff consultancy assignments.

j) Notice to Proceed

63. The user unit then makes the contract effective by sending the consultant a written or electronic notice to proceed (NTP), copied to CTL, PPFD, and the other departments and offices. CTL then arranges the mobilization payment to the consultant. If the contract is for a TA assignment, the user unit sends a copy of the signed contract to the EA (and to the funding source, if applicable) and confirms whether the EA is ready for the consultant to start the field services. The consulting contract does not become effective until the NTP is issued. The NTP must not be dated prior to the contract date. Dating the NTP prior to the contract date without prior approval of PPFD may constitute misconduct and will be subject to disciplinary measures under Administrative Order 2.04 on Disciplinary Measures and Procedures. The user unit must not allow the consultant to start the assignment under the contract until such contract has been signed by all the parties concerned, the notice to proceed has been duly issued to the consultant, and the contract has been rendered effective.

J. Recruiting Individual Consultants

64. Read this section on recruiting individual consultants with PAI 2.03 (paras 9-14) if the reader is unfamiliar with the general procedures in recruiting individual consultants.

a) Submitting Request for Individual Consultants

65. The user unit takes the following steps through the Individual Consultant Selection (ICS) / CMS to initiate recruitment:

- Create a long list primarily based on the EOIs received through CSRN and a shortlist, and rank them using the qualification grade scoring system in the ICS in CMS. The shortlisted consultants must meet the eligibility requirement in PAI 2.01, Section M, and must be qualified for the proposed assignment. For small individual consultant assignments, the short list may contain one single candidate if: (i) the input required by the assignment is 3 months (or 66 working days) or less; (ii) the job level is below international level 6; and (iii) the candidate is not a former ADB staff or ADB spouse.
- Identify the job level and professional group by following ICS/CMS.
- Send a noncommittal inquiry letter and the TOR directly to the selected or first-ranked candidate or to all shortlisted candidates to confirm that he/she is available, determine if he/she has any close relative working for ADB, determine if he/she is a former ADB staff member, and confirm that there is no actual, potential or perceived conflict of interest (PAI 2.01, para. 7). The inquiry letter includes an affidavit of good health for a candidate younger than 70 to complete and return, and if 70 years or older, a medical certificate for the candidate's doctor to complete and return. The user unit may ask younger candidates for a medical certificate if it doubts their health, or when the assignment is physically demanding.
- Obtain applicable clearances (check requirements in Section L of this PAI) for engaging the individual and complete all other requirements indicated in the CMS.
- Complete the checklist in CMS to ensure all requirements for submitting the request for individual consultants have been met. To avoid delay, the user unit must be aware that PPFD cannot start processing the contract until the user unit has completed the checklist. User units must ensure that checklists are properly complied with and include no misrepresentation regarding compliance with the checklist.

- Submit the request for individual consultants using CMS through the director of the user unit to the user department head for approval. After approval, CMS automatically routes the request to PPFD for processing a contract.
- All relevant staff must comply with paras. 7-8 of PAI 2.01 on conflict of interest.

b) Deciding Remuneration and Processing Contract

66. PPFD checks if the proposed candidate has met the eligibility requirements as stated in PAI 2.01 Section M, and starts processing the contract once the user unit has completed the checklist items and sent the request for individual consultant through CMS.

67. PPFD determines the remuneration it will offer for the assignment:

- for an international independent consultant, by using the market-based international consultant remuneration (ICR) matrix based on the assignment level and professional group.
- for a national independent consultant, by using the national consultant remuneration (NCR) matrix based on the assignment level and local market of the consultant's home country.
- for an international or national consultant who is a full-time employee of a firm, by using the relevant remuneration matrix as a reference, and negotiating with the firm, based on the supporting documents the firm submits.

68. PPFD then sends an offer and contract to the selected or first-ranked consultant.

69. In principle, PPFD's offer is non-negotiable. When a consultant rejects an offer, PPFD consults the user unit and normally sends an offer to the next ranked candidate, or an alternative candidate under single source selection.

70. In exceptional circumstances, such as when the user unit requires unique expertise and market demand exceeds supply, PPFD may agree to increase the proposed remuneration for an international or national consultant beyond that specified by the remuneration matrix. The user unit must submit to PPFD evidence (including all EOIs received through CSRN) that it used its best efforts to identify suitable candidates. PPFD may also request the candidate to submit proof that his/her requested remuneration rate reflects his/her market rate. Each request involving a proposed remuneration rate that is higher than the maximum remuneration rate specified in the relevant remuneration matrix must be explained and justified by the user unit in an email from the director of the user unit to Director, PPFD, providing details of the selection including the selection number and information supporting the rate request.

71. PPFD keeps a record of these approvals to increase offers, and the justifications in the CMS files.

c) Finalizing the Contract

73. After PPFD and the consultant agree on the assignment terms, the consultant signs the acceptance of the offer and returns it to PPFD. This completes the recruitment process.

d) Notice to Proceed

74. The user unit then sends the consultant a notice to proceed, copied to PPFD and CTL; and the consultant starts the assignment. The consulting contract does not become effective until the NTP is issued. The NTP must not be dated prior to the contract date. Dating the NTP prior to the contract date without prior approval of PPFD may constitute misconduct and will be subject to disciplinary measures under Administrative Order 2.04 on Disciplinary Measures and Procedures. The user unit must not allow the consultant to start the assignment under the contract until such contract has been signed by all the parties concerned, the notice to proceed has been duly issued to the consultant, and the contract has been rendered effective.

K. Recruiting Resource Persons

a) Scope and Thresholds

75. Resource persons are engaged to act as facilitators, speakers and panelists in conferences, workshops, and seminars that ADB finances. Resource persons may also be engaged to act as external peer reviewers of the country partnership strategy (CPS). Resource persons often have distinguished academic and/or policy backgrounds and qualifications, and are engaged for short assignments, normally not exceeding 33 working days. Such engagement may be on an intermittent basis provided that a resource person may only be awarded a maximum of 5 engagements not to exceed an aggregate total of 66 working days within a 12-month period. User units should establish the number of days that the expert has worked. Resource persons should be engaged through CMS. No extension of a resource person assignment is permitted beyond 33 working days per contract. If the services are required above the time threshold for engagement of a resource person, such engagement shall be secured following the processes and procedures for recruiting individual consultants. Resource person engagement is limited to individuals and not firms.

b) Compensation

76. Instead of a consulting fee, resource persons receive a reasonable range of honorarium as indicated in the honorarium guide (accessible in PPFD Hub). Also, ADB may provide out-of-pocket expenses for airfare, per diem and miscellaneous travel expenses. The engagement of resource persons is approved by the user unit director and PPFD is not normally involved. However, approval by Director, PPFD is required for engagements of resource persons with an honorarium exceeding $1,000 per day for international resource persons and $500 per day for national resource persons.

c) Simplified Recruitment Process

77. Resource person recruitment follows a simplified procedure without involving PPFD if the honorarium is within the ceiling, which PPFD posts and updates from time to time in PPFD Hub, accessible through MyADB. The contracting of resource persons does not require the issuance of an NTP. Resource Persons should be engaged through CMS.

L. Seeking Clearance

a) Eligibility Clearance

78. The user unit is responsible for checking the eligibility requirements under PAI 2.01, Section M when creating the shortlist and during evaluation of the technical proposals and CVs. PPFD checks compliance with the requirements. User unit checks CMS record against sanctions by using the Sanctions Screening Portal prior to (i) shortlisting (ii) technical proposals, (iii) financial proposals, (iv) contract awards, (v) contract record creation in IDS, (vi) withdrawal payment, and (vii) contract variations; and (iii) other contract (modifications or extensions).

b) Performance Clearance

79. The user unit checks the consultants' performance evaluation records in CMS when creating the shortlist. PPFD verifies compliance with requirements that no consultants in the suspension list appear in the shortlist.

c) TA Consultants Government Clearance

80. For recruiting TA consultants (except for consultants working under a regional TA or under an assignment which do not deal directly with any government agency in the TA recipient country), after selecting consultants for the shortlist, the user unit sends the shortlist through CMS to the government (usually the EA) to request a no-objection to the shortlist. The user unit gives the government 5 working days to reply, and treats no response as no objection. The shortlist remains confidential until the user unit receives the statement of no objection or the time limit expires. This requirement applies to firms and individual consultants.

81. This requirement to clear the shortlist with the government does not apply to regional TAs, unless the user unit considers it necessary for smooth implementation or for other reasons such as to ensure that visas are issued to the consultants.

82. The EA must justify any objection to any shortlisted consultant. After receiving such justification, the user unit may exclude the consultant(s) from the shortlist. ADB accepts no additions to the shortlist and no substitution of consultants thereafter. However, if valid objections reduce the number of consultants to three or fewer, a completely revised shortlist may be prepared. Then, the user unit submits the revised shortlist to the government for agreement. Any changes to the shortlist are submitted through CMS to the PPFD director for approval by no-objection.

d) Clearance for Former ADB staff

83. The engagement of a former ADB staff follows the requirements in PAI 2.01, paras. 44-46.

e) Clearance for Spouse of ADB staff

84. The engagement of an ADB staff spouse follows the requirements in PAI 2.01,paras. 47-56.

f) Clearance for Staff Consultant

85. The user unit consults PAI 2.01 and submits a memo to obtain endorsement from the Director, BPBM for staff consulting assignments when the total engagement inputs including any extension(s) are more than 66 working days. When the total engagement, including any extension(s), is 460 days or more in any consecutive two-year period, through single or multiple contracts under the same department or office, the Head, BPOD-SWU endorses the extension proposal for further approval by the head of the user unit's department or office. When requesting endorsement, the user unit attaches the cost estimates to its memo.

g) Clearance on Consultant Engaged as Legal Expert

86. The user unit seeks OGC clearance for any legal expert and the related TOR before engagement.

h) Clearance for Consultant Engaged as Information Technology Expert

87. The user unit seeks clearance from Digital Technology for Development Unit (SDCC-DT) for any IT expert and the related TOR, before engagement.

i) Clearance for Concurrent Intermittent Assignments

88. When a prospective consultant has concurrent intermittent assignments with ADB, the user unit concerned seeks clearances from the user units handling such concurrent assignments that there would be no conflict and overlap among the assignments. In case of concurrent intermittent assignments with other organizations, the consultant certifies that there would be no conflict or overlap among the assignments.

M. Monitoring the Consultant Recruitment Process

89. CMS has a consultant recruitment activity monitoring (CRAM) function. It identifies the main activities in the recruitment process, target dates, actual time spent on each activity, and the current status. PPFD and the user unit use CRAM to measure time efficiency in recruiting consultants and to take prompt action to prevent or reduce delays.

90. CMS automatically generates a CRAM schedule for a specific recruitment when the user unit completes the Consultant Recruitment Plan and enters a shortlisting date, or sends a request for individual consultant.

91. The CRAM schedule shows the names of the user unit officer and PPFD staff responsible for conducting and monitoring the recruitment.

92. When a planned activity is not achieved on schedule, CMS automatically generates a reminder to the responsible staff for action. The responsible staff must explain the delay in CRAM.

93. PPFD monitors all CRAM schedules to ensure they are updated promptly and checks the planned activity for each TA daily.

94. CMS sends a monthly report on each division’s CRAM status to the user unit's director. The director monitors the user unit’s recruitment activities for all its TAs and acts, when necessary, to overcome delays.