



PEMSEA RESOURCE FACILITY

Procurement Manual

April 2024

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INTRODUCTION

This Procurement Manual has two parts:

Part 1: presents the Procurement Policy Framework which sets out the overall goal and principles of the procurement process. It also identifies the main requirements that apply to all procurement conducted by the PRF

Part 2 presents the Procurement guidelines which enumerates the activities and details the step-by-step guide of the procurement process conducted by the PRF.

PART 1: PROCUREMENT POLICY FRAMEWORK

I. GENERAL CONSIDERATIONS

The PEMSEA Resource Facility Procurement Policy defines the rules and regulations for selecting, contracting and monitoring suppliers for goods and services contracted and funded by the PEMSEA Partnership Fund.

A. Definitions

Procurement is defined as the overall process of acquiring goods and services, from planning, sourcing and solicitation of offers, preparation and award of contract, contract management, delivery of goods and services, and the final disposal of asset.

Suppliers are defined as private and public entities, and individuals, where the public and private entities include consulting firms, management firms, auditors, universities, investment firms, merchant, research institutions, government agencies and NGOs, procured by PRF for a wide range of activities and/or services such as policy advice, management, financial services, social and environmental studies, formulation of projects, delivery of trainings, editing, conduct of surveys, preparation of training modules, mapping, procurement of goods and/or services to supply for ex. technological solutions, infrastructure, IT hardware/software, office supplies, travel related requirements, maintenance of office facilities, and printing and publication to complement the capability and resources of PEMSEA.

B. Applicability

The PRF Procurement Guidelines shall apply to procurement of goods and services by the PRF, which are financed under the PEMSEA Partnership Fund¹

¹ PEMSEA Partnership Fund includes funds sourced from country voluntary contributions, multilateral, bilateral, private and foundation grants and donations.

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C. Eligibility

All registered or incorporated entities and qualified individuals are eligible to compete for PEMSEA-financed services and goods. However, in the case of competitive proposals/bids from entities or individuals that are of equal quality, quantity, timeliness, technical qualifications and price, preference will be given to entities that are registered or incorporated in, and/or individuals who are nationals of PEMSEA Country Partners.

As a control mechanism, PRF shall adhere to the level of authority in approving procurements as defined in this Procurement Manual.

II. PRINCIPLES OF PEMSEA PROCUREMENT

As an internationally accepted norm, the following general principles must be given due consideration while executing procurement on behalf of the organization:

A. Best Value for Money

Proof of best value for money is in believing or concluding that the goods or services received are worth the price paid. In a procurement process, this principle requires a comparative analysis of all relevant costs and benefits of each proposal throughout the whole procurement cycle.

The PRF shall ensure that technical support services to programs and projects of national and local governments and other collaborators are achieved through the effective and efficient use of PRF resources. Rosters of qualified suppliers of goods and services and rosters of experts shall be established, maintained and updated by the PRF on a regular basis, through calls for proposals and expressions of interest.

B. Fairness, Integrity, Transparency

The PRF shall ensure that:

- all qualified goods or services providers are given equal opportunity to compete in accordance with the direction provided in these Guidelines;
- rules and procedures are unambiguous and closely observed, and the process is well documented and complete;
- accurate records are maintained and accessible;
- procurement operations are carried out ensuring the best quality, at the right time and at the right price; and
- overall costs in conducting the procurement process are minimized.

C. Interest to PEMSEA

The following considerations guide PEMSEA's interest for the acquisition of inputs:

- The need for economy and efficiency in the implementation of the program, including the procurement of goods and services involved;
- Access to procurement opportunities for all interested and qualified suppliers;
- Use of PEMSEA-developed expertise, i.e., RTF/NTF, Learning Centers and Regional Centers of

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Excellence², to maximize capacity development and knowledge transfer specific to the needs of national and local governments and other stakeholders for sustainable coastal development in the region.

III. ETHICS

Ethics are the moral boundaries or values within which the PRF officials work. Ethical behavior encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Ethical behavior identifies and avoids conflicts of interests, and does not make improper use of an individual's position.

The PRF shall ensure that staff involved in procurement, particularly those dealing directly with suppliers and potential suppliers:

- a. recognize and deal with any conflicts of interest, including perceived conflicts of interest, promptly;
- b. deal with suppliers and potential suppliers even-handedly;
- c. consider seeking advice where probity issues arise;
- d. does not compromise the PRF 's standing by accepting inappropriate gifts or hospitality;
- e. are scrupulous in their use of public property; and
- f. comply with all duties and obligations including the PRF's Code of Ethics and PEMSEA Financial Rules and Regulations.

The PRF shall ensure that purchasing function and financial function are separate and independent from each other to avoid conflict of interest and ensure check and balance (see Conflict of Interest Guidelines on Section 16). The PRF shall also ensure that fraudulent and corrupt practices are prevented in the implementation of its procurement function (see Fraud and Corruption Guidelines in Section 15).

PART 2: PROCUREMENT GUIDELINES

The following set of guidelines will serve as reference materials on matters pertaining to the Procurement Management of PEMSEA Resource Facility (PRF). These guidelines provide the standard level of service and describe the specific roles and responsibilities of staff members with regard to the support services/functions that may be availed by PRF staff. This set of guidelines is also meant to be used as one of several orientation materials for new staff members, interns, consultants, RTFs/NTFs and as general reference guide to all staff members. These guidelines adhere to the PRF Procurement Framework defined above (and POL-PRF-008 as part of the QMS documentation) and the Code of Ethics for Personnel of PEMSEA (POL-PRF-009 as part of the QMS documentation) of PEMSEA Resource Facility. These documents are also found in the PEMSEA Rules of Governance as annexes 8 and 9 respectively.

² RTF, NTF, Learning Centers and RCoE are teams of specialist and experts and organizations (in the case of Learning Centers and RCoE) that will serve as the region's knowledge sharing agents and PEMSEA's technical support mechanism in the implementation of Sustainable Development Strategy for the Seas of East Asia (SDS- SEA).

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Procurement Management includes guidelines on procurement including procurement planning, sourcing, solicitation, management and evaluation of submissions, review of procurement and contracts, awarding, contracts management, contract administration, vendor performance evaluation, receiving and storage, inventory, office supplies distribution and inventory, fixed asset inventory and importation of goods.

Procurement General Guidelines

- This process involves procurement of goods and services.
- Procurement shall follow the principles cited in this Procurement Manual which includes guidance on finding best value for money, “fairness, integrity and transparency” and interest to PEMSEA.

Procurement Process Flowchart

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PROCESS	STEPS	PERSON/S INVOLVED	MANUAL SECTION
Procurement Planning	<pre> graph TD PP[Procurement planning] --> RD[Requirement definition] PP --> ARP[Annual review of Procurement Plan] RD --> STE[Advertising of procurement requirements] RD --> STTE[Sourcing thru telephone/email] STTE --> RV[Registration of vendors] STE --> RV STE --> PQB[Prequalification of bidders] RV --> RQ[Receiving of quotations] RV --> RB[Receiving of bids] RV --> RP[Receiving of proposals] PQB --> RP </pre>	<ul style="list-style-type: none"> Project Manager Finance Procurement Officer 	Section 1.1
			Section 1.2
		<ul style="list-style-type: none"> Requisitioner/Procurement Officer 	Section 1.3
Sourcing of good and services	<pre> graph TD STTE[Sourcing thru telephone/email] --> RV[Registration of vendors] ADPR[Advertising of procurement requirements] --> RV ADPR --> PQB[Prequalification of bidders] RV --> PQB RV --> RQ[Receiving of quotations] RV --> RB[Receiving of bids] RV --> RP[Receiving of proposals] PQB --> RP RP --> EP[Evaluation of proposals] EP --> RA[Recommendation of Awards] RA --> ROE[Report on evaluation] ROE --> PPO[Preparation of Purchase Order or Contract for procured goods] ROE --> PJO[Preparation of Job Order or Contract for procured services] </pre>	<ul style="list-style-type: none"> Procurement Officer 	Section 2.1
			Section 2.2
			Section 2.3
Solicitation activities	<pre> graph TD RQ[Receiving of quotations] --> EQ[Evaluation of quotations] RB[Receiving of bids] --> EB[Evaluation of bids] RP[Receiving of proposals] --> EP[Evaluation of proposals] EQ --> RQBP[Rejection of quotes, bids or proposals] EB --> RQBP EP --> RQBP RQBP --> RA[Recommendation of Awards] RA --> ROE[Report on evaluation] ROE --> PPO[Preparation of Purchase Order or Contract for procured goods] ROE --> PJO[Preparation of Job Order or Contract for procured services] </pre>	<ul style="list-style-type: none"> Procurement Officer 	Section 3.1
Management and Evaluation of submissions	<pre> graph TD EQ[Evaluation of quotations] --> RQBP[Rejection of quotes, bids or proposals] EB[Evaluation of bids] --> RQBP EP[Evaluation of proposals] --> RQBP RQBP --> RA[Recommendation of Awards] RA --> ROE[Report on evaluation] ROE --> PPO[Preparation of Purchase Order or Contract for procured goods] ROE --> PJO[Preparation of Job Order or Contract for procured services] </pre>	<ul style="list-style-type: none"> Procurement Officer Bids and Awards Committee 	Section 4.1
			Section 4.2
		<ul style="list-style-type: none"> Requisitioner/Procurement Officer 	Section 4.3
Contract preparation	<pre> graph TD PPO[Preparation of Purchase Order or Contract for procured goods] --> PCR[Procurement Committee Review] PJO[Preparation of Job Order or Contract for procured services] --> CCR[Contract Committee Review] PCR --> RAC[Recommend approval of contract] CCR --> RAC RAC --> AMP[Amend PO/contract] RAC --> CPO[Conduct of post-review] AMP --> RA[Recommendation of Awards] CPO --> RA RA --> ROE[Report on evaluation] ROE --> PPO ROE --> PJO </pre>	<ul style="list-style-type: none"> Requisitioner/Procurement Officer 	Section 5.1
Contract review	<pre> graph TD PCR[Procurement Committee Review] --> RAC[Recommend approval of contract] CCR[Contract Committee Review] --> RAC RAC --> AMP[Amend PO/contract] RAC --> CPO[Conduct of post-review] AMP --> RA[Recommendation of Awards] CPO --> RA RA --> ROE[Report on evaluation] ROE --> PPO[Preparation of Purchase Order or Contract for procured goods] ROE --> PJO[Preparation of Job Order or Contract for procured services] </pre>	<ul style="list-style-type: none"> Procurement Officer Procurement Committee Contracts Committee 	Section 6.1, 6.2, 6.3
			Section 6.4
			Section 6.5
			Section 6.6
Awarding of contract	<pre> graph TD AC[Awarding of contract] --> PS[Posting on website] PS --> NUB[Notify unsuccessful bidders] PS --> DB[Debriefing] NUB --> RA[Recommendation of Awards] DB --> RA RA --> ROE[Report on evaluation] ROE --> PPO[Preparation of Purchase Order or Contract for procured goods] ROE --> PJO[Preparation of Job Order or Contract for procured services] </pre>	<ul style="list-style-type: none"> Approving Authority 	Section 7.1
			Section 7.2
		<ul style="list-style-type: none"> Procurement Officer 	Section 7.3
			Section 7.4
Receiving and storage	<pre> graph TD DRSG[Delivery, receiving and storage of goods or services] --> CM[Contract management] CM --> CA[Contract administration] </pre>	<ul style="list-style-type: none"> Administrative Requisitioner Project Manager 	Section 10.1
Contract management	<pre> graph TD CM[Contract management] --> CA[Contract administration] </pre>	<ul style="list-style-type: none"> Contracts Committee Secretary Procurement Officer Requisitioner Finance IT 	Section 8.1
Contract administration	<pre> graph TD CA[Contract administration] </pre>	<ul style="list-style-type: none"> Contracts Committee Secretary Procurement Officer 	Section 9.1

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Procurement Process, Roles and Responsibilities

1. Procurement planning

- 1.1. Requisitioners (Project Managers and Officers of PRF Units) shall perform procurement planning for requirements to be fulfilled in the current budgetary period in order to ensure that the PRF obtains high-quality goods and/or services at competitive prices and within the time frame required. Requisitioners need to ensure the optimal use of funds throughout the budgetary period.
 - Procurement planning includes establishing the timelines required to perform each step of the procurement process per the identified solicitation method and contract type.
 - The preparation of a realistic procurement plan for a project is critical for its successful monitoring and implementation. As part of the project preparation/ unit planning, requisitioners shall prepare a preliminary procurement plan, for the entire duration of the project. The requisitioners shall update procurement plans throughout the duration of the project at least annually (during year end staff planning) by including contracts previously awarded and to be procured in the next 12 (twelve) months. All procurement plans and their updates or modifications shall be subject to MANCOM's review and approval before implementation. After reviewing, the PRF shall arrange the publication on its external website of the agreed initial procurement plan and all subsequent updates once it has provided a no objection.
- 1.2. The Requisitioner shall be responsible for defining the requirements, while the Procurement Officer shall be responsible for the procurement process, the assessment of the requirements, and the evaluation criteria, to ensure that they are generic and appropriate from a competition perspective. Where necessary, the Procurement Officer must clearly communicate to the Requisitioner that an adequate Scope of Work/Terms of Reference (SOW/TOR) should be provided in order to allow the solicitation.
 - Requirement definition is the first step in the implementation of procurement activity and an integrated step in procurement planning. Requirement definition is a systematic approach to define the procurement requirements included in the requisition, which should be in the form of a Scope of Work or Terms of Reference, either of which should come with technical specifications that outline the needs of the Organization.
 - Should technical experts needed for tender preparation, the requesting unit/requisitioner identifies experts and recommend to MANCOM.
- 1.3. The Requisitioners, the Procurement Officer(s) and the Finance and Accounting Officer shall meet annually at a minimum and as the need arise to review the procurement plans for the forthcoming budgetary period(s) and typically update the procurement plans on a quarterly basis as required.
 - In case of emergencies, such as natural disasters or other situations where there is a risk of injury or loss of life, the timing and sequencing of procurement activities may be modified in order to deal with the emergency.

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2. Sourcing goods and services

- 2.1 The Procurement Offices shall advertise the terms of reference of approved specific goods and services for procurement on the PRF Website and in any other media considered appropriate by the PRF (e.g., PEMSEA social media, UN and partners sourcing dissemination outlets, devt.net.com) for goods and services on or above USD3,500. It should be advertised or distributed in a manner that, depending on the nature and complexity of the requirement would lead to the most beneficial responses.
- 2.2 Registration of vendors – The PRF shall maintain a roster of vendors which comprise of a) existing vendors with satisfactory performance, b) qualified potential vendors (qualification criteria for potential vendor will depend on the requirement of the project/initiative). This roster shall be reviewed annually together with the procurement planning. Registration of vendors shall be conducted accordance with the PRF SOP-Know Your Client.
- 2.3 Prequalification of Bidders – **Prequalification is usually necessary for large or complex works, or in any other circumstances in which the high costs of preparing detailed bids could discourage competition**, such as custom-designed equipment, industrial plant, specialized services, some complex information and technology and contracts to be let under single responsibility (including turnkey), design and build, or management contracting. This also ensures that invitations to bid are extended only to those who have adequate capabilities and resources.
- a. Prequalification shall be based entirely upon the capability and resources of prospective eligible bidders to perform the particular contract satisfactorily, taking into account objective and measurable factors, including:
 - relevant general and specific experience, and satisfactory past performance and successful completion of similar contracts over a given period;
 - financial position; and, where relevant,
 - capability of construction and/or manufacturing facilities.
 - b. the invitation to prequalify for bidding on specific contracts or groups of similar contracts shall be advertised and notified. The scope of the contract and a clear statement of the requirements for qualification shall be sent to those who responded to the invitation.
 - c. There shall be no limits on the number of bidders to be prequalified, and all found capable of performing the work satisfactorily in accordance with the approved prequalification criteria shall be prequalified and invited to submit bids.
 - d. For prequalification for groups of contracts to be awarded over a period of time, a limit on the number or total value of awards to any one bidder may be made on the basis of the bidder's resources.
 - e. The list of prequalified firms in such instances shall be updated periodically. Verification of the information provided in the submission for prequalification shall be confirmed at the time of award of contract, and an award may be denied to or rescinded from a bidder who was discovered before or during the implementation

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of the contract period to be incapable or lacking the resources necessary to successfully perform the terms of the contract.

- g. The Requisitioners shall use the Standard Prequalification Document issued by PRF with minimum changes as may be necessary and acceptable to PRF. All such applicants that meet the specified criteria shall be allowed to bid. Requisitioners shall inform all applicants of the results of prequalification.
- h. For prequalification for groups of contracts to be awarded either at the same time or over a period of time, a limit for the number or total value of awards to any one bidder may be made on the basis of the bidder's technical capability and financial resources to meet qualification criteria for the combined contracts. When the time elapsed between the Requisitioner's decision with regard to the list of prequalified firms and the issuance of bid invitations is longer than 12 (twelve) months, PRF may require that a new prequalification process be conducted through re-advertisement.
- i. As soon as prequalification is completed, the bidding documents shall be made available to the prequalified prospective bidders (refer to Section 3.1 of this Manual).
- j. The verification of the information upon which bidders were prequalified, including their current commitments, shall be carried out at the time of the award of contract, along with their capability with respect to personnel and equipment. The award may be denied to a bidder that is judged to no longer meet the required qualification criteria with respect to technical capability and financial resources to successfully perform the contract. If none or very few applicants are found to be prequalified, which would result in a lack of competition, the Requisitioners may issue a revised prequalification invitation subject to the PRF's prior no objection.

3. Solicitation Activities

- 3.1 The Procurement Officer or the Requisitioner shall obtain a minimum of three quotations (or bids or proposal) from vendors through an online email (e.g. recruitment@pemsea.org or procurement@pemsea.org) provided in the notice of advertisement for goods and services on or above USD3,500. If a Requisitioner or Procurement Officer is not able to produce at least three quotations despite its best efforts, a written explanation ("Note to File" refer to Note to File Template in Annex 9 Note to File format – Single Source Selection), of the reasons must be recorded for the approval of the Approving Authority (as specified in Annex 3 – Operational Modality and Authorizations within the PRF of this Procurement Manual). The quotations must be sought from competitive vendors for a quantitatively and qualitatively similar requirements. The process of solicited bids and/proposals shall be properly documented by the Procurement Officer
 - Quotations. A Request for Quotation is an informal method of solicitation. It is used for low- value procurement) where the requirement for goods or services is clear and specific, and the estimated value is on or below US\$ 3,500.

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- Bids. A Bidding process is a formal method of solicitation for requirements on or above USD3,500 up to USD50,000 where vendors are invited to submit a bid for the provision of goods or services through an open tender. It is normally used when the requirements for goods/services are: a) simple and straightforward, b) can be expressed well quantitatively and qualitatively at the time of solicitation, and c) can be provided in a straightforward way.
- Proposal. A request for proposal is a formal method of solicitation for requirements above USD50,000 and is used for procurement of goods and services when requirements cannot be expressed quantitatively and qualitatively (e.g., consulting or similar services) at the time of solicitation or for the purchase of complex goods and/or services where the requirements may be met in a variety of ways and, accordingly, an evaluation based on cumulative/ weighted analysis is most appropriate.
- Bidding Documents. The bidding documents shall furnish all information necessary for a prospective bidder to prepare a bid for the goods, works, and non-consulting services to be provided. While the detail and complexity of these documents may vary with the size and nature of the proposed bid package and contract, they generally include:
 - a. invitation to bid;
 - b. instructions to bidders and bid data sheet;
 - c. form or letter of bid; form of contract; conditions of contract, both general and particular;
 - d. specifications and drawings; relevant technical data (including of geological and environmental nature);
 - e. list of goods or bill of quantities; delivery time or schedule of completion;
 - f. necessary appendices, such as formats for various securities.
- The basis for bid evaluation and selection of the lowest evaluated bid shall be clearly outlined in the instructions to bidders and/or the specifications. If a fee is charged for the bidding documents, it shall be reasonable and reflect only the cost of their typing, printing, or publishing in an electronic format, and delivery to prospective bidders, and shall not be so high as to discourage qualified bidders.
- Requisitioners shall use the appropriate Standard Bidding Documents (SBDs) issued by PRF with minimum changes, acceptable to the PRF, as necessary to address project specific conditions. Any such changes shall be introduced only through bid or contract data sheets, or through special conditions of contract, and not by introducing changes in the standard wording of the PRF's SBDs. When no relevant SBDs have been issued, the Requisitioner shall use other internationally recognized standard conditions of contract and contract forms acceptable to the PRF
- Bidders may be invited to quote prices linked to the market price at the time of or prior to the shipments. Bid validities shall be as short as possible. A single currency in which the consumable is usually priced in the market, may be used for bidding and payment. The currency shall be specified in the bidding document. Bidding documents may permit faxed bids or bids submitted by electronic means, and in such cases either no bid security is required, or standing bid securities may be submitted by prequalified bidders valid over a specified period of time. Standard contract conditions and forms consistent with market practices shall be used.

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- Time for Preparation of Bids. The time allowed for the preparation and submission of bids shall be determined with due consideration of the particular circumstances of the project and the magnitude and complexity of the contract. Generally, not less than 6 (six) weeks from the date of the invitation to bid or the date of availability of bidding documents, whichever is later, shall be allowed for international or national competitive bidding. Where large works or complex items of equipment are involved, this period shall generally be not less than 12 (twelve) weeks to enable prospective bidders to conduct investigations before submitting their bids. In such cases, the Requisitioner is encouraged to convene pre-bid conferences and arrange site visits. Bidders shall be permitted to submit bids by mail or in person. Requisitioners may also use electronic systems permitting bidders to submit bids by electronic means, provided PRF is satisfied with the adequacy of the system, including, inter alia, that the system is secure, maintains the integrity, confidentiality, and authenticity of bids submitted, and uses authorized signature or electronic signature system or equivalent to keep bidders bound to their bids. The deadline and place for receipt of bids shall be specified in the invitation to bid.
- Repeat Order. Where, after the items originally envisaged for the project have been procured through international or national competitive bidding, an additional quantity of the same items is urgently needed to meet the requirements of the project and funds are available for this purpose, the additional items may be procured through repeat order bidding where it can be shown clearly that no advantage could be gained by adopting full international competitive bidding. Under this procedure, bids may be invited only from those who submitted responsive bids for the original order or, if there was a large number of responsive bidders, only from the five lowest responsive bidders.
- Procurement of Consumables. Market prices of consumables, such as supplies and materials, fluctuate, depending upon the demand and supply at any particular time. Many are quoted in established consumable markets. Procurement often involves multiple awards for partial quantities to assure security of supply and multiple purchases over a period of time to take advantage of favorable market conditions and to keep inventories low.

4. Management and Evaluation of Submission (Quotations, Bids or Proposals)

- 4.1 The PRF shall evaluate all offers based on the principles enshrined in PRF Financial Regulation and PRF Procurement Framework including the principle of Best Value for Money, i.e., the ideal combination of technical and financial factors.

The evaluation process shall include the following steps:

- a. Preliminary screening;
- b. Technical evaluation (where relevant, external technical experts can be invited to be part of an Ad Hoc Technical Review Committee if the project requires specialized knowledge on specific services (e.g., GHG emission reduction inventories) and goods (e.g., renewable energy technologies);
- c. Financial evaluation, including justification (Annex 8 Bids Evaluation Sheet – Samples: Three bids; or Annex 9 Note to File format – Single Source Selection) of reasonableness of price (if applicable);

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d. Finalization of the evaluation

- **Bid Opening Procedures.** The time for the bid opening shall be the same as for the deadline for receipt of bids or promptly thereafter, and shall be announced, together with the place for bid opening, in the invitation to bid. The Requisitioner shall open all bids received by the deadline for bid submission at the designated place stipulated in the bidding documents, irrespective of the number of bids received by such deadline. At the bid opening, the Requisitioner shall neither discuss the merits of any bid nor reject any bid. Bids shall be opened in public; bidders or their representatives shall be allowed to be present (in person or online when electronic bidding is used). The name of the bidder and total amount of each bid, and of any alternative bids, if they have been requested or permitted, shall be read aloud (and posted online when electronic bidding is used) and recorded when opened, and a copy of this record shall be promptly sent to PRF and to all bidders who submitted bids in time. Bids received after the time stipulated, as well as those not opened and read out at bid opening, shall not be considered.
- **Clarifications or Alterations of Bids.** Bidders shall not be requested or permitted to alter their bids, including through any voluntary increase or decrease in bid prices, after the deadline for receipt of bids. The Requisitioner shall ask bidders for clarification needed to evaluate their bids but shall not ask or permit bidders to change the substance or price of their bids after the bid opening. Requests for clarification and the bidders' responses shall be made in writing, in hard copy or by an electronic system satisfactory to PRF.
- **Confidentiality.** After the public opening of bids, information relating to the examination, clarification, and evaluation of bids and recommendations concerning awards shall not be disclosed to bidders or other persons not officially concerned with this process until the publication of the award of contract.
- **Examination of Bids.** The Requisitioner shall ascertain whether the bids (a) meet the eligibility requirements specified in these Guidelines, (b) have been properly signed, (c) are accompanied by the required securities or required declaration signed as specified in this Guidelines, (d) are substantially responsive to the bidding documents, and (e) are otherwise generally in order. If a bid, including with regard to the required bid security, is not substantially responsive, that is if it contains material deviations from or reservations to the terms, conditions, and specifications in the bidding documents, it shall not be considered further. The bidder shall neither be permitted nor invited by the Requisitioner to correct or withdraw material deviations or reservations once bids have been opened.
- **Evaluation of Submissions** is the process of assessing and comparing Submissions in accordance with the purchasing requirements (i.e., TOR and requirements in the solicitation document), technical aspects of the requirement and financial aspects (value for money). The aim is to determine the offer that best fits the PRF purchasing requirements and the best value for the PRF. The PRF shall ensure that an objective, fair, and well-executed evaluation process is

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performed, as it would result in a recommendation and a request for an award of contract.

- Should technical experts be needed for the conduct of review/evaluation, the requesting project/unit or requisitioner identifies experts and recommend to MANCOM.
- The bid price read out at the bid opening shall be adjusted to correct any arithmetical errors. Also, for the purpose of evaluation, adjustments shall be made for any quantifiable nonmaterial deviations or reservations. Price adjustment provisions applying to the period of implementation of the contract shall not be taken into account in the evaluation.
- Bidding documents shall also specify the relevant factors, in addition to price, to be considered in bid evaluation, and the manner in which they will be applied for the purpose of determining the lowest evaluated bid. For goods and equipment, other factors may be taken into consideration including, among others, payment schedule, delivery time, operating costs, efficiency and compatibility of the equipment, availability of service and spare parts, and related training, safety, and environmental benefits. The factors other than price to be used for determining the lowest evaluated bid shall, to the extent practicable, be expressed in monetary terms in the evaluation provisions of the bidding documents. Bids shall be compared on the basis of base price without taking into account the provisions for price adjustments. Likewise, customs duties and import taxes on goods to be imported shall be excluded in comparing bids for the supply of goods.
- Rejection of All Bids. Bidding documents usually provide that requisitioners may reject all bids. Rejection of all bids is justified when there is lack of effective competition, or bids are not substantially responsive or when bid prices are substantially higher than existing budget. Lack of competition shall not be determined solely on the basis of the number of bidders. Even when only one bid is submitted, the bidding process may be considered valid, if the bid was satisfactorily advertised and prices are reasonable in comparison to market values. Requisitioners may, after PRF's prior approval, reject all bids. If all bids are rejected, the requisitioner shall review the causes justifying the rejection and consider making revisions to the conditions of contract, design and specifications, scope of the contract, or a combination of these, before inviting new bids.
- If the rejection of all bids is due to lack of competition, wider advertising shall be considered. If the rejection is due to most or all of the bids being nonresponsive, new bids may be invited from the initially prequalified firms, or with the agreement of PRF from only those that submitted bids in the first instance.
- When all bids have been rejected, a rebidding may be called, and the requisitioner shall request for new bids from all who were supplied with bidding documents in the first instance. However, if there has been a sufficient number of bids in the initial bidding, the requisitioner may consider inviting bids only from those who have previously submitted bids. Where all bid prices have substantially exceed the cost estimates, the requisitioner may, instead of calling for new bids, and after consultation with PRF, negotiate with the lowest

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evaluated bidder for a reduction of the bid price. If no satisfactory contract can be concluded and a rebidding is called, modification of the scope of the contract shall be considered.

- PRF's prior approval shall be obtained before rejecting all bids, soliciting new bids, or entering into negotiations with the lowest evaluated bidder.

4.2 The findings of the evaluation process will later be used as the basis for the recommendation of award. After the evaluation of the information and detailed price analyses presented by the bidder, the Procurement Officer or Bids & Awards Committee (BAC) for large procurement (please refer to Annex 8 Bids Evaluation Sheet – Samples: Three bids) and Requisitioner may:

- Accept the offer
- Reject the offer

4.3 The procurement officer/requisitioner shall prepare a detailed report on the evaluation and comparison of bids setting forth the specific reasons on which the recommendation is based for the award of the contract.

- Requisitioners shall complete evaluation of bids and the award of contract within the initial period of bid validity so that extensions are not necessary. An extension of bid validity, if justified by exceptional circumstances, shall be requested in writing from all bidders before the expiration date. The extension shall be for the minimum period required to complete the evaluation, obtain the necessary no objections, and award the contract. In the case of fixed price contracts, requests for second and subsequent extensions may be permissible only if the Requisitioner has provided an appropriate mechanism as provided in PRF's relevant SBD to adjust the quoted price of the winning bidder to reflect any increase in the cost of inputs for the contract over the period of extension. Whenever an extension of bid validity period is requested, bidders shall not be requested or be permitted to change the quoted (base) price or other conditions of their bid. Bidders shall have the right to refuse to grant such an extension. If the bidding documents require a bid security, bidders may exercise their right to refuse to grant such an extension without forfeiting their bid security and are hence disqualified, but those who are willing to extend the validity of their bid shall be required to provide a suitable extension of bid security.
- Post qualification of Bidders. If bidders have not been prequalified, the Requisitioner shall determine whether the bidder whose bid has been determined to offer the lowest evaluated cost has the capability and resources to effectively carry out the contract as offered in the bid. The criteria to be met shall be set out in the bidding documents, and if the bidder does not meet them, the bid shall be rejected. In such an event, the Requisitioner shall make a similar determination for the next-lowest evaluated bidder.

5. Contract preparation for procured goods and services

5.1 In the case of consultancy services, the requisitioning office/officer will prepare the draft contract for services above USD 2,500.00, or a draft Job Order for services USD 2,500 and below.

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In the case of procured goods such as the purchase of equipment, IT software/hardware, technology costing more than USD10,000.00 the requisitioning office/officer will prepare a draft contract.

Contract templates can be found in Annex 7, while the guide on the types of requisition of goods and services and the nature of PEMSEA-vendor/supplier agreement may vary, based on their cost can be found in Annex 3: Operational Modality and Authorizations within the PRF; Part 2 Authorization.

- The schedule of contract milestone payment shall follow the details as specified in: Annex 3 Operational Modality and Authorizations within the PRF - Part 3: Contract Payment Schedule Based on Milestone Delivery.
- Justification and/or technical evaluation is needed for purchase orders or contract with special arrangement on milestone payment schedule. This arrangement should be approved by the Project Manager/Budget Owner or the Executive Director as necessary.

6. Contracts/Procurement Committee Review

- 6.1 The Procurement Officer shall ensure that submissions which shall include the summary result of the bidding process, including the recommendations on vendor/contractor proposed and the draft contract to the Contracts/Procurement Committee are comprehensive, factually accurate, and clear to facilitate the review of the procurement action/contract. The Procurement Officer shall also ensure that the recommended vendor/contractor is registered at the required level before submission of the case to either the Contracts or Procurement Committee. Submissions shall be in sufficient detail to enable the Contracts/Procurement Committee to obtain an accurate and complete description of the procurement actions taken and the basis for the proposed award. A submission for the review by Contracts/Procurement Committee may be ex post facto (please refer to Retroactive/Post-Facto Procurement/Contract Section 11 of this Procurement Manual)
- 6.2 The Procurement Committee or Contracts Committee shall ensure that the proposed procurement actions/contract are compliant with the PRF Financial Rules and Regulations, taking into consideration the guidance provided in this Procurement Manual. The Procurement Committee or Contracts Committee may ask questions and make observations, on the adequacy or necessity of the requirements of the proposed procurement action/contract. The terms of reference and the rules for the composition, work, and authority of Contracts/ Procurement Committee is available in Annexes 1 and 2 of this Procurement Manual.
- 6.3 The Chair of the Contracts/Procurement Committee shall ensure that relevant procurement and requisitioning staff are present at the Contracts/Procurement Committee's meetings to answer questions and provide clarifications when required.
- 6.4 The award or amendment of a procurement contract shall take place upon the advice of the Contracts/Procurement Committee.

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6.5 Modifications:

- In the case of contracts subject to prior review before granting a material extension of the stipulated time for performance of a contract, or agreeing to any modification or waiver of the conditions of such contract, including issuing any change order or orders under such contract (except in cases of extreme urgency) which would in aggregate increase the original amount of the contract by more than 15% of the original price, the requisitioner shall seek PRF's no objection to the proposed extension, modification, or change order. If PRF determines that the proposal would be inconsistent with the provisions of the financing agreement and/or procurement plan, it shall promptly inform the requisitioner and state the reasons for its determination. A copy of all amendments to the contract shall be furnished to PRF for its record.

6.6 Post Review. The requisitioner shall retain all documentation with respect to each contract where post review or post review (sampling) is required during project implementation and for at least two years after the project closing date. This documentation should include, but not be limited to, the signed original of the contract, the evaluation report including the analysis of the respective proposals, and recommendations for award, for examination by PRF or by its consultants. Master copies of electronic documents must be retained in print form, suitably authenticated by the issuing agency by signature, stamp or other feature acceptable to PRF. For post review, the requisitioner shall furnish the required documentation to PRF upon award of contract unless otherwise specified in the financing agreement. For post review (sampling), PRF will identify the sample of contracts for which the requisitioner is required to submit documentation to PRF. If PRF determines that the goods, works or services were not procured in accordance with the agreed procedures as reflected in the financing agreement, it may declare mis-procurement as established in the Guidelines. PRF shall promptly inform the requisitioner the reasons for such determination. If mis-procurement is declared after disbursement, an investigation will be conducted by the Ethics Committee to determine the parties responsible for mis-procurement and determine the necessary actions (i.e., penalty and refund shall refund the corresponding amount to PRF). In the case of post review (sampling), PRF reserves the right to revert to prior or post review.

7. Awarding of Contracts

7.1 Contracts are awarded by the relevant Approving Authority, following the approval of the appropriate Authorized Official (specified in Annex 3 – Operational Modality and Authorizations within the PRF of this Procurement Manual). An award may be made following the approval by the appropriate Authorized Official, further to Contracts or Procurement Committee recommendation, as applicable. The PRF can enter into a contractual obligation with a vendor only after official award of a contract by the relevant Authorized Official and fulfillment of any conditions to that award (such as a successful prototype inspection as appropriate). A matrix showing the Operational Modality and Authorizations within the PRF can be referred to in determining the steps and roles and responsibilities of management and staff with regard to procurement requirements of the PRF. (Annex 3). An ex post facto case may be accepted by the PRF in accordance with Section 11 Retroactive/Post-Facto Procurement/ Contract of this Procurement Manual. The Procurement Officer shall maintain a file and keep a note to the file or a Statement of Award on file for future reference, including the signed award decision or the justification not to award, as applicable. For

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procurement/contract reviewed by a Contracts or Procurement Committee, minutes of the relevant Contracts or Procurement Committee meeting and signed recommendations must be kept in accordance with established records control and retention policy.

- A contract is a written, legally binding agreement between the PRF and a contractor, which establishes the terms and conditions, including the rights and obligations of the Organization and the contractor.
- Translations. Contracts awarded under ICB must be written in English. Any supporting documentation that might have originated in another language (such as technical descriptions of equipment) must be accompanied with an English translation.

7.2 The PRF posts on its website information about awarded contracts. The notice of awarded contracts should contain a brief description of the contract, a reference number, the contract amount, the date of the contract/ award, and the details of the vendor.

7.3 The Procurement Officer shall issue written notification to the unsuccessful bidders, informing them of their unsuccessful submission ("Letter of Regret").

7.4 Debriefing. In the publication of contract award referred to in section 7.2 of this Manual, the requisitioner shall specify that any bidder who wishes to ascertain the grounds on which its bid was not selected, should request an explanation from the requisitioner. The requisitioner shall promptly provide an explanation of why such bid was not selected, either in writing and/or in a debriefing meeting, at the option of the requisitioner. The requesting bidder shall bear all the costs of attending such a debriefing.

8. Contract Management

8.1 Contract Management refers to all actions undertaken after the award of a contract and covers activities such as vendor performance monitoring, payments, contract closure, record retention, and maintenance of the contract file. The primary goal of contract management is to ensure that quality goods and services, in the right quantity, are delivered on time and in accordance with the agreed-upon contract terms.

- Depending on the nature of the contract, the Contract Management function is the responsibility of:
- a. For Quality and Timeliness of the delivery of the Contract Requirements:
 - either the Requisitioner (staff directly assigned to oversee and manage the implementation of the contract (, or the end-user (e.g., Project Manager in case of project requirement - product or service delivery; Administration Clerk in case of Admin/Office general maintenance requirements and office supplies). The Requisitioner is responsible for monitoring the performance of the contractor and for receiving, accepting, and approving the deliverables specified in the contract.
 - The Procurement Officer should be informed by the Requisitioner of any non-acceptance of deliverable to ensure proper recording in the procurement case file and to permit action on any necessary contract administration matters.
- b. Timeliness of Milestone/Overall fulfillment Contract
 - The Procurement Officer shall monitor the timely fulfillment of the defined milestones in the contract (refer to Section 9. Contract Administration below).

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- Acceptance is carried out as follows, per type of requirement:
- c. For Goods: Please refer to Section 10 Receiving and Storage section of this Procurement Manual.
- d. For Services: If services have been satisfactorily received, the Project Manager/Requisitioner must document that the services have been satisfactorily completed in accordance with the terms specified in the contract and facilitate the payment of the vendor based on the PRF Financial Rules and Regulations.

9. Contract Administration

- 9.1 The Contract Management function is supported by the Contract Administration activities undertaken by the Procurement Officer. Contract Administration is comprised of all actions undertaken by the Procurement Officer following the award of a contract that relates to the administrative aspects of the contract, such as contract amendment or extension, contract closure, record retention, maintenance of the contract file, handling security instruments (e.g., Performance Security), and any contractual disputes or claims.

10. Receiving and Storage Roles and Responsibilities

- 10.1. For goods procured for the project, the Project Manager or authorized **Project Officer** will receive incoming purchased items by signing on the delivery receipt **after** making certain of the quantity and quality of the goods based on the contract. The goods are delivered to the identified project site.
- 10.2. For goods procured for PEMSEA/ PRF office, the **Administrative Clerk** receives all incoming purchased items by signing on the delivery receipt after making certain of the quantity and quality of the goods based on the Purchase Order/Contracts. The goods are delivered to the requesting staff member or stored in the stock room (supplies).
- 10.3. The Project Manager or his/her designate **or the Administrative Clerk** prepares a delivery report/certification of receipt in good order and submits this together with the delivery receipt and invoice to **Accounting Unit** for payment processing.

SUPPLEMENTAL GUIDELINES: ON DUE DILIGENCE, FRAUD AND CONFLICT OF INTEREST

11. Retroactive/Post-Facto Procurement/Contract

- 11.1 Post-facto situations occur in the event that a contract or purchase order has not yet been issued by PRF, however the services have been rendered or the goods have been purchased and received. These can also occur when no contract or purchase order has been issued, although, the Supplier has already begun providing services or the goods have already been ordered but not yet delivered.
- 11.2 Organizational Units (requestor of goods or services) should make every effort to avoid post-facto or retroactive cases. Nevertheless, if such circumstances occur, approval of the Executive Director) is required, for all such contracts valued at USD 30,000 or more, before

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payment may be made or; if payment has been made, for such expenditures to be accepted by PRF as legitimate charges against the appropriate budget line(s).

11.3 To seek the approval of the Executive Director, the Organizational Units (requestor of goods or services) must provide:

- a. An explanation of the circumstances resulting in the post-facto or retroactive situation, such as (1) what transpired, (2) when, (3) persons involved, (4) emergency or unusual circumstances, (5) processes, precautions or controls followed, and (6) what mechanisms have been put into place in order to ensure that such situations are prevented in the future.
- b. The reasonableness and acceptability of the procurement activity:
 - Details of the activity, including the nature of services or goods; duration; cost; conformity with project requirements; and evidence of an agreement to the activity from, or by the Government or the Beneficiary, as appropriate.
 - Reasonableness of the activity/cost demonstrating its economy, efficiency and equity.
 - Successful completion of the activity including certification by an authorized official that services have been satisfactorily performed; and requested outputs have been produced (i.e., reports, documentation) and are acceptable to all parties.
 - In the case of a contract for civil works, a certificate signed by the engineer should be submitted stating: (a) that the project has been designed and constructed according to the proper specifications; and (b) that no accidents or injuries have occurred during construction, which would cause PRF to be potentially liable for any damages whatsoever.
- c. Brief explanation and confirmation that no financial loss has occurred to PEMSEA or the Funding Sources as a result of this circumstance.
- d. And any other matters, as appropriate (e.g., special contractual provisions, if any, applicable as a result of the procurement actions such as warranties, copyrights, etc.).

12. Mis-procurement

12.1 PEMSEA Partnership Fund finances expenditures for goods and works procured in accordance with the provisions of this Procurement Manual. If procurement is not carried out as stated, PRF will declare a mis-procurement, and cancel that portion of the financing allocated to the goods and works that have been mis-procured. In appropriate cases, PRF may permit rebidding after declaring mis-procurement. PRF may, in addition, exercise other remedies provided for under the financing agreement. Even if a contract is awarded after acceptance of the offer, PRF reserves the right to declare mis-procurement if it concludes that the acceptance was issued on the basis of incomplete, inaccurate, or misleading information or the terms and conditions of the contract had been substantially modified without PRF's approval.

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13. Vendor Performance Evaluation

- 13.1 The Requisitioner shall conduct an evaluation of the vendor's performance, supported by the Procurement Officer using the Supplier Performance Evaluation Sheet (see Annex 4). The evaluation shall consider the experience with the vendor during the entire contract period. It is important to carefully document contract performance and to be able to produce evidence of the same in the event of disputes, in order to form an institutional memory, and for audit purposes.

14. Dispute Resolution Guidelines

- 14.1 A "dispute" is a disagreement between the PRF and the supplier/vendor over the payment of money, the adjustment or interpretation of contract terms, any claims arising out of or relating to any aspect of a solicitation, bid, or failure to conduct a solicitation or bid, any decision to award, deny, suspend or cancel, terminate or not renew, any contract or agreement.
- 14.2 This guideline defines the process for resolution of claims, disputes, complaints and dispute resolution requests filed by an aggrieved person relating in any way to any agreement entered into by the vendor, including, but not limited to, those arising out of or relating to any aspect of a solicitation, bid, or failure to conduct a solicitation or bid, any decision to award, deny, suspend or cancel, terminate or not renew any procurement contract or agreement.
- 14.3 File a Request for Dispute Resolution.
- The aggrieved person may file a request to seek a determination with respect to resolution of claims, disputes, complaints and dispute resolution through the PRF Complaints "webpage" or through writing to the PRF Administration Associate.
 - The request for dispute resolution shall include the following information:
 - Name, address, and telephone number of the requester/company;
 - Details of the contract that is the subject of the request for dispute resolution;
 - Details of the factual grounds supporting the position of the requester;
 - Other supporting documentation the requester wishes to submit.
 - If the requester believes the Request for Dispute Resolution contains materials that should be held confidential, a statement advising the PRF Administration Associate of this fact shall accompany the Request for Dispute Resolution.
- 14.4 Time for filing the request for dispute resolution:
- 14.1.1 For disputes relative to the provisions/requirements/processes of call for bids/proposals, the request for dispute resolution shall be filed not later than five (5) working days prior to the closing date for receipt of initial bids/proposals.
 - 14.1.2 For disputes relative to an amendment to any solicitation that are apparent before the closing date for receipt of bids/proposals, the request for dispute resolution shall be filed not later than five (5) working days after the amendment is posted.
 - 14.1.3 For disputes relative to the award of a contract, the request for dispute resolution shall be filed not later than ten (10) working days after the issuance of a notice of award of contract.

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14.1.4 All other written disputes shall be filed not later than five (5) working days after the aggrieved person knows or should have known of the facts giving rise to the action complained of.

14.1.5 Failure to file a written Request for Dispute Resolution Request shall bar any further administrative equitable relief.

14.5 Evaluation and decision for the Request for Dispute Resolution

- a. The PRF Management Committee is the authority to evaluate and decide on all Request for Dispute Resolution.
- b. The PRF Management Committee shall issue a written decision within thirty (30) calendar days after a Request for Dispute Resolution has been filed. The decision shall include:
 - A brief description of the claim;
 - A reference to the pertinent solicitation or contract provision;
 - A brief statement of the factual issues;
 - A statement of the PRF Management Committee's decision with supporting background and rationale and the remedial action and/or award, if any.
- c. The PRF Administrative Associate shall furnish a copy of the decision to the requisitioner. The PRF Administration Associate shall also see to it that the evidence of delivery of the copy of the decision is secured.

15. Fraud and Corruption

15.1 PEMSEA's anti-corruption policy requires requisitioners (including beneficiaries of PEMSEA financed activity), as well as bidders, suppliers, and contractors under PEMSEA Partnership Fund-financed contracts, to observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, in the context of these Guidelines, PRF:

- a. defines, for the purposes of this provision, the terms set forth below as follows:
 - "corrupt practice" means the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
 - "fraudulent practice" means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
 - "coercive practice" means impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - "collusive practice" means an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party.
- b. will reject a proposal for award if it determines that the bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the contract in question;

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- c. will cancel the portion of the financing allocated to a contract if it determines at any time that representatives of the requisitioners or of a beneficiary of PEMSEA Partnership Fund-financed activity are engaged in corrupt, fraudulent, collusive, or coercive practices during the procurement or the execution of that contract, without the requisitioners having taken timely and appropriate action satisfactory to PRF to remedy the situation;
- d. will sanction a firm or an individual, at any time, in accordance with PEMSEA's Anticorruption Policy and Integrity Principles and Guidelines (both as amended from time to time), including declaring ineligible, either indefinitely or for a stated period of time, to participate in PEMSEA- financed or PEMSEA-administered activities or to benefit from an PEMSEA-financed or PEMSEA-administered contract, financially or otherwise, if it at any time determines that the firm or individual has, directly or through an agent, engaged in corrupt, fraudulent, collusive, or coercive or other prohibited practices; and,
- e. will have the right to require that a provision be included in bidding documents and in contracts financed by PEMSEA, requiring bidders, suppliers, and contractors to permit PRF or its representative to inspect their accounts and records and other documents relating to the bid submission and contract performance and to have them audited by auditors appointed by PRF.
- f. The contract documents shall include an undertaking by the contractor that no fees, gratuities, rebates, gifts, commissions, or other payments, except those shown in the bid, have been given or received in connection with the procurement process or in contract execution.

16. Conflict of Interest

PEMSEA's policy requires that requisitioners (including beneficiaries of PEMSEA financed activity), as well as bidders, suppliers, and contractors under PEMSEA Partnership Fund-financed contracts, shall not have a conflict of interest. PEMSEA considers a conflict of interest to be a situation in which a party has interests that could improperly influence that party's performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws and regulations, and that such conflict of interest may contribute to or constitute a prohibited practice under the anticorruption policy. PRF will take appropriate actions to manage such conflicts of interest or may reject a proposal for award if it determines that a conflict of interest has flawed the integrity of any procurement process.

A conflict of interest can arise when the PRF staff or Project staff:

- a. owns shares in the entity;
- b. has previously worked for the entity or is currently working for the entity (secondary employment);
- c. has a relative or close personal friend working in and/or is on the board of the entity;
- d. their community or church leader is a majority shareholder in the entity;
- e. has received gifts or hospitality from the entity;
- f. favors the entity in the evaluation process in order to receive gifts, hospitality, money or some other benefit in return;
- g. owes money to the entity; and,
- h. has a professional or legal obligation to the entity.

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Annex 1: Terms of Reference Contracts Committee (Reference: TOR-PRF-004)

THE PRF CONTRACTS COMMITTEE

1. General

1.1 Policy on the award of contract - responsibilities of the awarding authority

Organization policy on the award of contracts requires that all applicable PEMSEA Financial Regulations and Rules be complied with, that the Contracts Committee or Procurement Committee satisfy itself that the contract proposed has been examined and approved by the Financial and relevant other officers as appropriate, that adequate justification has been provided, that all other conditions being equal, a fair contract price be accepted and that the contract proposed is overall in accordance with the best interest of PEMSEA.

2. Composition/Procedures of the Contracts Committee

2.1 The Executive Director has designated that the Contracts Committee shall be composed of the representatives from the following units:

- Planning and Partnership Unit
- Technical/SDS-SEA Implementation Program Services Unit
- Administration Unit
- Finance and Accounting Unit

Note: In selecting the members of the Contracts Committee the PRF shall ensure that the members of the Contracts Committee have the relevant experience and expertise to assess and provide recommendations regarding the contracts of goods and services.

2.2 The Secretary of the Contracts Committee is the Executive Assistant

2.3 Procedures

2.3.1 Ideally, the Contracts Committee will meet at 2:00 PM on the first and third week of every month, in the PEMSEA office conference room if there are contracts to be reviewed. Submissions to the Contracts Committee must be delivered to the Committee Secretary on or before a scheduled Committee meeting.³

2.3.2 PEMSEA units/officers making requests to the Contracts Committee are required to include the following information in their submission:

- a. For an individual consultant, the CV and completed *Personal History Statement of the consultant*, Terms of Reference, estimated cost, milestone payment schedule, and justification for selection;
- b. For a subcontract with a company or institution, the call for proposals, an assessment

³ In light of the hybrid work schedule post-pandemic, the meetings can be held online or the review can done electronically by members.

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- of the project proposals, Terms of Reference, estimated costs, milestone payment schedule, and justification for selection;
 - c. For an MOA, a brief outline of the project, administrative, coordination and co-financing arrangements, work schedule and budget;
 - d. For all contracts/MOAs, an indication of the available budget and budget code.
- 2.3.3 If the Chairman of the Committee cannot attend a meeting, the members of the Committee shall elect a Chairman from amongst themselves. If a member of the Committee is unable to attend a meeting his alternate shall attend in his/her stead. The alternate shall be the Officer-in-Charge of the unit concerned or a staff member holding a senior post from the same unit designated as alternate by the member. Should the member fail to designate an alternate, the Chairman may do so, on his/her behalf.
- 2.3.4 In any meeting of the Contracts Committee, a quorum is considered secured when at least three members (no alternates) are present.
- 2.3.5 The Committee shall arrive at decisions on a consensus basis.
- 2.3.6 The Committee may:
- a. accept a proposed contractor when, in its opinion, the individual or company meets the required qualifications, conditions or circumstances described in the Terms of Reference; or
 - b. reject any or all proposed contractors when it considers this not to be in the interest of the PEMSEA;
 - c. In accordance with PEMSEA Financial Regulations and Rules (FRR), waive the normal requirements for competitive proposals/tenders in favor of negotiated contract cost when deemed necessary or when it would be more advantageous to PEMSEA.

A negotiated contract is one where a specific contractor is targeted, for a variety of reasons, to perform the contract (even though there is more than one firm that can perform the contract). In competitive proposals/ tenders, a contract is agreed following a tendering process where the award is often made to the cheapest (or best value) tender. The process for "negotiated contract" allows the PRF to select a contractor on a basis other than the lowest bid. Negotiated contracts can be agreed between PRF and a contractor that have experience of working with PRF (and that the PRF has established a relationship built on trust).

- d. Negotiated contract is particularly appropriate for specialist works where there may only be a limited number of potential suppliers, or for extending the scope of an existing contract or for recurring service. It can give the PRF the confidence of working with a contractor they already know, can reduce the duration and the cost of tendering and can allow early contractor involvement. Note: negotiated contract differs from a sole source situation, which occurs when: only one firm is available and capable of performing the contract, or the urgency of the situation dictates that the competitive process cannot be used.

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- e. Should the choice of the contractor to whom the contract is to be awarded may be predetermined by the specification of the Terms of Reference, request additional justification for contracting a particular individual or firm, and/or review if a change in the specification may be warranted in order not to preclude the possibility of obtaining competitive proposals/tenders if in its opinion the interests of PEMSEA so require; and at its discretion, seek to validate information and/or recommendations provided to it.

2.3.7 Officers from the PRF units and/or external experts, particularly those with special technical knowledge, may be called upon to attend for specific agenda items, to advise on or assist in the consideration of any matter put before it.

2.3.8 In case that a member of the Contracts Committee is also the officer-in-charge of procuring goods or services for a specific project or unit needs (e.g., Senior Program Officer or the Administrative Associate), he/she shall only present (or assist in the presentation of) the procurement documents and shall inhibit in the Contracts Committee's overall assessment and decision making.

3. Secretary of the Contracts Committee

- 3.1 The Secretary shall act as receiving officer for submissions to the Committee, meeting agenda, prepare and distribute minutes of the Committee's proceedings, conduct required correspondence and maintain its files.
- 3.2 The Secretary of the Committee will provide its members, normally two days in advance of the meeting time, with a written agenda of the proposals for consideration, as well as copies of the relevant supporting documentation.

4. Awarding authority and signatory

- 4.1 Contracts for individual services, professional consultancy services, services of specialized firms or companies and Letter of Agreement will be awarded and signed in accordance with the Financial Rules and Regulations guidelines and the Procurement Manual.
- 4.2 It is the duty of the officer signing a contract, or his designated representative, to make sure that conditions laid down by the Awarding Authority are complied with.
- 4.3 Any official designated to act in the absence of those authorized in this section will have the same authority as the official for whom he/she is acting. He/she must in such cases indicate clearly the capacity in which he/she is signing. The authority cannot otherwise be delegated to any other official without the prior written authorization of the Executive Director, as appropriate and in accordance with the respective contract values.

5. Minutes of the Contracts Committee meetings

- 5.1 A Contracts Committee meeting must be convened for all contracts and MOAs/MOUs

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proposed under PEMSEA. Minutes shall be drawn up on the meetings, in which the salient points discussed and the decisions taken shall be recorded. The minutes are to show under appropriate headings the Committee's advice or recommendations on each item submitted for its consideration. The Committee shall provide appropriate reasons for its recommendations to the Executive Director. Additional explanation will be necessary on the selection of a single proposed contractor or a tender other than the one bearing the lowest cost, including the conditions surrounding its acceptance and other measures proposed to take account of these circumstances.

- 5.2 The minutes shall be signed by the Chairman and the Committee members who were present at the meeting.
- 5.3 The signed minutes shall be forwarded to the Programme Support, Administration and Finance and Accounting Unit, for:
 - a. Preparation of the contract, as recommended by the Committee;
 - b. Submission to the Executive Director, for approval and signature of the recommended contract offer;
 - c. Filing and future audit reference.

6. Amendment of contracts

- 6.1 Amendments proposed to any contract, which has already been approved by the Contracts Committee shall require the approval of the Executive Director within his/her delegated authority/monetary threshold.
- 6.2 If the amendment modifies the expenditure under the original contract or substantially modifies the scope of work and the original contract, the advice of the Committee shall be obtained before the Amendment is issued.
- 6.3 Amendments of a contract shall be numbered serially, commencing with Amendment No. 1. Each amendment shall identify the contract to which it refers by number, subject and date. The nature of the amendment shall be clearly described and a statement included that all other terms and conditions of the contract shall remain unchanged.
- 6.4 It is the duty of the PEMSEA requisitioner/officer requesting a contract amendment to justify that the amendment is consistent with the Terms of Reference and scope of the original contract. In general, if the amendment is not within the original Terms of Reference and scope, then it must be processed as a new contract.
- 6.5 Documentation must be filed with the Contract Tracking System managed by Administration, and Finance and Accounting unit, A copy must be attached to the original contract, showing the amendment request and the Executive Director's, or other signing officer's, decision on the issue.

7. Review of contracting procedures

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- 7.1 The Contracts Committee may advise the Executive Director regarding the general aspects of contracting procedures and regarding all matters relating to contracts that they deem necessary to bring to his attention.
- 7.2 The Contracts Committee shall ensure that PEMSEA obtains value for money through its contracting procedures. For this purpose, it shall call upon other PEMSEA units to furnish it with Roster of Experts, project proposals, technical reports, contractor assessments, and other materials with which to assess proposed contracts/contractors.
- 7.3 Due Diligence concerning PEMSEA's Sanctions Policies and Procedures. When conducting the evaluation of bids, the Requisitioner shall check the eligibility of bidders from the lists of firms and individuals debarred and suspended by PEMSEA that are posted on PEMSEA's external website. The Requisitioner shall apply additional due diligence by closely supervising and monitoring any on-going contract (whether under prior or post review) executed by a firm or individual which has been sanctioned by PEMSEA after such contract was signed. The Requisitioner shall neither sign any new contracts nor sign an amendment, including any extension of time for completion or a change or variation order, to an on-going contract with a suspended or debarred firm or individual after the effective date of the suspension or debarment without PRF's prior review and no objection. PEMSEA will only finance additional expenditures if they were incurred before the completion date of the original contract or the completion date as revised (i) for prior review contracts, in an amendment to which PRF has given its no objection, and (ii) for post review contracts, in an amendment signed before the effective date of suspension or debarment. PEMSEA will not finance any new contract, or any amendment or addendum introducing a material modification to any existing contract that was signed with a suspended or debarred firm or individual on or after the effective date of suspension or debarment.

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Annex 2 - Terms of Reference of the Procurement Committee

THE PRF PROCUREMENT COMMITTEE

1. Committee Members:

1.1 The Executive Director has designated that the Procurement Committee shall be composed of the representatives from the following units:

- Technical/SDS-SEA Implementation Program Services Unit
- Administration Unit
- Finance and Accounting Unit
- IT (Sub-Unit)

Note: In selecting the members of the Procurement Committee the PRF shall ensure that the members of the Procurement Committee have the relevant experience and expertise to assess and provide recommendations regarding the procurement of goods.

Secretary: The Secretary of the Procurement Committee is the Administrative Clerk

2. Functions

- 2.1 The Procurement Committee shall ensure that the proposed procurement action is in accordance with PRF Financial Regulations and Rules (FRR) and PRF procedures and instructions.
- 2.2 The Committee shall review the procurement process to ensure that it is fair, competitive, and transparent, and that the process provides best value for money, represents best practices and commonly accepted practices of UN procurement.
- 2.3 The Committee shall verify with the Finance and Accounting Unit through the Finance Specialist that the requestor/submitter has appropriate funds available to cover the cost of the proposed procurement.
- 2.4 The Committee shall make the final recommendation as to the awarding of procured goods.
- 2.5 In case that a member of the Committee is also the officer-in-charge of procuring goods or services (e.g., the Programme Manager (in the case of project needs) or the Administrative Associate in the case of general PRF procurement needs), he/she shall only present (or assist in the presentation of) the procurement documents and shall inhibit in the Procurement Committee's overall assessment and decision making.

3. Policy

- 3.1 Suppliers with unsatisfactory past performance will be disqualified and blocked-in future tenders;
- 3.2 List of blocked suppliers/providers should be maintained by the PRF Administration Unit with copy to Finance and Accounting Unit.
- 3.3 Suppliers which offer the best value for money are selected for the purchase and any deviation must be properly justified and documented.

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Annex 3: Operational Modality and Authorizations within the PRF

Part 1: OPERATIONAL MODALITY & AUTHORIZATIONS WITHIN PRF

Description	Process	Checking/Endorsement	Approval/Responsible Office
PROCUREMENT			
Solicitation Method			
Competitive Shopping	<ul style="list-style-type: none"> Requirement below or equal to USD3,500 Method is based on the comparison of prices obtained from potential suppliers, received in writing. 	Admin Services endorsed to Procurement Committee	Senior Program Manager/Project Manager
Request for Quotation (RFQ)	<ul style="list-style-type: none"> Requirement on or above USD3500 to below or equal to USD50,000 At least 3 firms/suppliers should be invited through online advertisement Used for low value procurement where the requirement is clear and specific. 	Procurement Committee	Senior Program Manager /Project Manager
Invitation to Bid (ITB)	<ul style="list-style-type: none"> Requirement above USD50,000 Used for procurement of goods, services or works with standard and firm specifications that can be expressed qualitatively and quantitatively through online advertisement (can also be used for low value procurement below USD50,000 if requirements are complex). At least 3 ITBs required with absolute receipt deadline. 	Procurement Committee	Executive Director

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Request for Proposal (RFP)	<ul style="list-style-type: none"> Requirement above USD50,000 Used for procurement of services, works and goods when requirements cannot be quantitatively and qualitatively expressed in the specifications at the time when the solicitation is issued through online advertisement (e.g., consulting or similar services, purchase of complex goods where requirements may be met in a variety of ways) At least 3 firms/suppliers should be invited. 	Contracts Committee or Procurement Committee	Executive Director
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Part 2: Authorizations

Threshold	Nature/Process	Checking/Endorsement	Approval/Responsible Office
Up to US\$100	Cash Advance using petty cash form; no quotation required	Administrative Associate/Petty Cash Custodian	Head of Finance
USD101-US\$3,500 and below	Purchase requisition/Job Order - shopping modality	Requestor	Senior Program Manager/Project Manager
On or above USD3,500 up to less than US\$50,000	Purchase requisition and Purchase Order - 3 written quotations required.	Procurement Committee	Senior Program Officer/Project Manager
All procurements above US\$50,000	Contract/ - 3 ITBs or RFPs via online advertisement	Contracts Committee	Executive Director
- Contracts/MOAs with countries	No competitive selection.	Contracts Committee reviews TORs/activities as against budget allocation	Executive Director

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Part 3: Contract Payment Schedule Based on Milestone Delivery:

Amount	Milestone Payment Percentage (%)	Remarks
Below 10,000 USD	1 st : 50% (upon approval of the 1 st milestone requirements) 2 nd : 50% (upon approval of the final milestone requirements)	
10,000 to 50,000 USD	1 st : 30% (upon approval of the 1 st milestone requirements) 2 nd : 40% (upon approval of the 2 nd milestone requirements) 3 rd : 30% (upon approval of the final milestone requirements)	For goods: if required by supplier, the schedule of milestone payment may change, subject to approval of Project Manager or Budget Owner.
More than 50,000 USD (1 year or less than 1 year duration)	1 st : 30% (upon approval of the 1 st milestone requirements) 2 nd : 40% (upon approval of the 2 nd milestone requirements) 3 rd : 30% (upon approval of the final milestone requirements)	For goods: if required by supplier, the schedule of milestone payment may change, subject to approval of Project Manager or Budget Owner.
More than 50,000 USD (more than 1 year duration)	1 st : 20% (upon approval of the 1 st milestone requirements) 2 nd : 30% (upon approval of the 2 nd milestone requirements) 3 rd : 30% (upon approval of the 3 rd milestone requirements) 4 th : 20% (upon approval of the final milestone requirements)	For goods: if required by supplier, the schedule of milestone payment may change, subject to approval of Project Manager or Budget Owner.

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Annex 4: Supplier Performance Evaluation Sheet

SUPPLIER PERFORMANCE EVALUATION SHEET									
Name of Supplier									
Duration of Engagement									
Project Title									
Brief Description of Work									
					Fully met	Partially met	Needs	Not	
					Expectations	Expectations	improvement	Applicable	
Completed work on time									
Strictly adhered to, and respected their contracted obligations									
Reported to, and updated, the project personnel on issues/status/									
completion of milestone sub-activities									
Consistently demonstrated technical and professional expertise in									
the performance of the contracted work									
Understood, considered and adjusted themselves to the specific									
project context and its unique operating environment									
Delivered high quality and high impact reports and presentations									
Paid close attention to accuracy and details									
Adopted creative, innovative and practical measures to improve									
quality of work									
Implemented all suggested improvements to the work									
Organized work in a manner that achieves maximum productivity									
Responded sensitively to project staff, stakeholders, etc., and									
applied discretion in choosing words and methods of response									
Recognized cultural diversity and related to others in an equal, non-									
discriminatory of race, social status, background, gender, etc.									
Communicates effectively and appropriately with various people									
from varied social levels and with varying levels of capacity									
Recognized and analyzed problems as they came, developed and									
acted upon effective solutions in the performance of the work									
Envisioned and analyzed possible adverse situations/implications of									
some actions, and prepared for them, addressed them, or									
avoided them accordingly									
Please indicate your overall rating as Unsatisfactory, Satisfactory, Very Satisfactory, or Outstanding.									
Remarks									
Evaluated by :					Signature				
					Name				
					Title				
					Office				
Date of Evaluation:									

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Annex 5: Purchase Requisition



PURCHASE REQUISITION

Requested by:		PR # : 2023 – 01
Prepared by:		Date : Jan.,2023
Description	Quantity	Units units
JUSTIFICATION:		
Budget Line: _____		Funds Available : _____
Estimated Cost: _____ PHP		As of : _____
		Certified by : _____ <i>Head, Accounting Section</i>

Requested by:

Authorized by:

Principal Coordinator/Section Head

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Annex 6: Purchase Order



PURCHASE ORDER

DATE: Marc 23, 2023

P.O. No.: 2023-006

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TO: J-POLE AIRE AIRCONDITIONING SERVICES 2172 Blk.-19B Martinez Street, Barangay Addition Hills Mandaluyong City Tel : 864-70213	SHIP TO: - PEMSEA DENR Compound, Visayas Avenue Quezon City Philippines DELIVERY DATE: 3-5 days (as per arrangement)	INVOICE TO: PEMSEA DENR Compound Visayas Avenue Quezon City Philippines PAYMENT TERMS: Check /COD payment for 5 units Aircon and 50 % down payment for the installation 50% balance after completion
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Item No.	Description	Qty Ordered	UOM	Unit Price	Total
1.	Floor Mounted 3TONER Carrier Aircon (Model: 169135CFMASC)	2	units	PHP 85,000.00	PHP 170,000.00
2.	Wall Mounted split type 1.5HP Panasonic 171710CUXPU12WKQ	3	units	PHP 41,500.00	PHP 124,500.00
3.	Installation cost of 5 units Aircon	1	lot	PHP 218,600.00	PHP 218,600.00
***** NOTHING FOLLOWS *****					

REMARKS AND CONDITIONS: VAT INCLUSIVE	TOTAL:	PHP 513,100.00
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PENALTY CLAUSE: Failure to comply with the agreed delivery schedule will result in the imposition of 1% of total cost per day of delay.

_____ Prepared By	_____ Checked By	_____ Vendor Signature	_____ Authorized Signature
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Annex 7: Contract Template

CONTRACT BETWEEN

THE PARTNERSHIPS IN ENVIRONMENTAL MANAGEMENT FOR THE SEAS OF EAST ASIA (hereinafter referred to as “PEMSEA”)

PEMSEA Office Building
Department of Environment and Natural Resources Compound
Visayas Ave., Quezon City 1101, Philippines

And

The MINISTRY OF AGRICULTURE AND FISHERIES (hereinafter referred to as “MAF”)

Comoro, Dili, Timor-Leste

Concerning the

Implementation of the SDS- SEA in Timor-Leste (December 2022 - September 2023)

The MINISTRY OF AGRICULTURE AND FISHERIES hereby accepts this contract.

Signed on behalf of:

MAF

PEMSEA

Mr. Acacio Guterres

Facility
Director General for Fisheries, MAF

Date: _____

Ms. Aimee Gonzales

Executive Director, PEMSEA Resource

Date: 9 December 2022

Total cost:

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CONTRACT:

Partnerships in Environmental Management for the Seas of East Asia (PEMSEA)

And

The MINISTRY OF AGRICULTURE AND FISHERIES (MAF)

PEMSEA Contract No.: PEMSEA/SUB/36-22/Timor Leste

TITLE: Implementation of the SDS- SEA in Timor-Leste (December 2022 - September 2023)

COMPLETION DATE: 30 September 2023

1. STATEMENT OF WORK

The **MAF** shall perform the work in accordance with the Terms of Reference (Appendix A). The project will commence upon the signature of this Contract.

2. PRIORITY OF DOCUMENTS

The documents listed below form part of and are incorporated into this Contract. If there is a discrepancy between the wordings of one document from the wording of any other document that appears on the list, the wording of the document that appears first on the list shall prevail over the wording of any document that subsequently appears on the list:

- a. the Contract
- b. Appendix A – Terms of Reference

3. DELIVERABLES

The **MAF** shall deliver to the **PEMSEA** at the time and place designated herein, the work specified in Appendix A attached hereto.

4. INSPECTION/ACCEPTANCE

All work performed under this Contract shall be subject to inspection by the **PEMSEA** representative, namely the Executive Director, or her designated representative, prior to acceptance. Should the work or any portion thereof not be in accordance with the requirements of this Contract, the Executive Director or her designated representative has the right to reject it or require its correction.

5. PEMSEA REPRESENTATIVE

AIMEE GONZALES

Executive Director, PRF

PEMSEA Office building, DENR Compound, Visayas Avenue, Quezon City, Philippines

Telephone: (632) 929-2992

Fax: (632) 926-9712

The Executive Director or her designated representative is responsible for all matters concerning the scientific and technical content of the work under this Contract. Any proposed changes to the scope of the work shall be discussed with the Executive Director or her designated representative. Any resultant changes can only be authorized by a contract amendment issued and approved by the Executive Director or her designated representative.

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6. LIMITATION OF EXPENDITURE

There shall be no increase in the total liability of the **PEMSEA** or in the price of work or services resulting from design changes, modifications or interpretations of the specifications authorized or paid to the **MAF** unless such changes, modifications or interpretations shall have been approved by the **PEMSEA** prior to their incorporation or implementation, negotiated on the basis of staff time, day rates and expenses, as identified in the Detailed Budget (Appendix A). In no event shall the aggregate price paid to the **MAF** pursuant to this Article exceed the total contract price.

7. MODE OF PAYMENT

Upon acceptance of all applicable deliverables by the Executive Director or her designated representative, payment to the **MAF** will be made up to 100% of the amount claimed in accordance with the following schedule:

Milestone Activity	Outputs	Completion Date	Milestone Payment (US\$)
Subproject 1: Inception Meeting			
1			
2	•		
Sub-total			
Subproject 2: Revitalization of PEMSEA Office in MAF			
1			
2	•		
3	•		
Subtotal			
Subproject 3: Strengthening of local capacity and collaboration mechanisms for ICM implementation and scaling-up			
1	•		
2	•		
3	•		
Subtotal			10,550
Subproject 4: Promotion of the NOP for Adoption and Implementation			
1	•		
2	•		
3	•		
Subtotal			
TOTAL			

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8. CONDITIONS PRECEDENT TO PAYMENT

No payment shall be made to the **MAF** unless or until:

- a. reports, milestones and other milestone documents prescribed herein are submitted to the Executive Director or her designated representative in accordance with the terms of this Contract;
- b. with respect to all materials, equipment parts, work in progress or completed, the cost of which has been paid to the **MAF** and in respect of which payment is being made by the **PEMSEA**, the **MAF**, if required to do so, shall establish to the satisfaction of the Executive Director or her designated representative that the materials, equipment, parts, work in progress or completed are free from all claims, liens, attachments, charges or encumbrances;
- c. in the case of payment in respect of finished work, such work has been inspected and accepted in accordance with the terms of this Contract.

9. USE OF SUB-CONTRACTOR

- a. Prior to formalizing agreements and utilization of sub-contractors, the **MAF** shall identify the competent national institutions or individuals and provide information on the institution or curriculum vitae (CVs) of the individuals to the Executive Director or his designated representative for approval, along with a description of the proposed work, specific milestone for each task or sub-task, specified per diem rates or fees, and estimated cost of the sub-contracted work. Consent will be provided by the Executive Director or her designated representative in writing to the **MAF** prior to initiation of the contracted work.
- b. Terms and conditions of contractual agreements between the **MAF** and the sub-contractor shall be consistent with the terms and conditions of the agreement between the **PEMSEA** and the **MAF**, except that payment, in addition to the provisions provided in this Contract, shall be made upon completion of the milestone of a certain activity.
- c. If there is any discrepancy of one document from the wording of any other document, the wording of this Contract shall prevail over the wording of any other document.

10. GENERAL CONDITIONS

- a. All rights and title to any intellectual property generated in the course of project implementation, which includes but is not limited to copyright, shall vest in **PEMSEA**. In any publication of that work arising from the project, the **MAF** or sub-contractor's contribution shall be acknowledged
- b. All materials, equipment and supplies which are purchased from resources made available from **PEMSEA** shall be used in the execution of the work described in Appendix A, and shall remain the property of **PEMSEA**, until the completion of the work. Materials and equipment supplied by **PEMSEA** shall be marked with the insignia **PEMSEA**.
- c. Nothing in this agreement or in the relationship between the parties shall constitute or be construed as an employer-employee relationship between the parties.

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11. WAIVER

Nothing contained in this Contract shall constitute a waiver, expressed or implied, of any privilege or immunity which the **PEMSEA** may enjoy, whether pursuant to the Convention on Privileges and Immunities of the Specialized Agencies or any other convention or agreement, law, order or decree of international or national character.

12. SETTLEMENT OF DISPUTES

Any disputes arising from the interpretation or application of this contract shall be settled amicably between parties.

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Annex 8 – Bids Evaluation Sheet – Sample 1: Three bids for consultancy services

ATSEA-2

Evaluation/Assessment of Bids/Proposals: Development of ATS SAP Monitoring System, 14 June 2023

Presentation/Discussion: 19 June 2023

Reviewers/Panel: Handoko Adi Susanto, Regional Project Manager
Casandra Tania, Regional Biodiversity Specialist
Cristine Ingrid Narcise, Policy and Results-based Management Specialist
Kathrine Rose Gallardo Aguiling, Monitoring and Evaluation Specialist

Agenda Item	Discussion	Decision/Action
Assessment: 14 June 2023 Documents: 1) TOR – Development of ATS SAP Monitoring System 2) EOIs/Proposals <ul style="list-style-type: none"> Kemi Ayanda Benigno Balgos Catherine Frances Corpuz 	<p>The Regional Project Management Unit (RPMU) of ATSEA-2 is seeking to engage an international consultant to support the development and pilot testing of the ATS SAP Monitoring System, results of which will be presented in the 5th Regional Steering Committee (RSC) in November 2023.</p> <p>Expected outputs are:</p> <ul style="list-style-type: none"> Inception meeting report, including the concept/framework for the ATS SAP MS, initial outline of the SAP MS document, and proposed approaches/methods and detailed work plan for the development of the monitoring system Report on 1st Working Group Meeting to review the draft ATS SAP MS and Guide Second Draft ATS SAP MS and Guide Report on regional training workshop, and action plan for pilot testing of SAP MS Summary report on the pilot testing of the SAP MS and 2nd Working Group Meeting Final draft ATS SAP MS and Guide Presentation materials and participation/ presentation in the RSC Meeting Final ATS SAP MS and Guide <p>Expected duration of work is from 1 July 2023 to 10 December 2023 for 30 man-days work.</p>	<ul style="list-style-type: none"> The reviewers endorsed the services of Ms. Corpuz and requested the Secretary to arrange with Ms. Corpuz a presentation and discussion of her proposal.

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	<p>In line with the PRF guidelines, the consultancy was advertised using the following media: ATSEA-2 and PEMSEA websites, and social networking sites, i.e., LinkedIn, Facebook and Twitter, and circulated to different networks and stakeholders.</p> <p>As of closing deadline, three (3) expressions of interest/proposals were received.</p> <p>A Technical and Financial team composed of the ATSEA-2 Regional Project Manager, Policy and Results-based Management Specialist and Project Monitoring and Evaluation Specialist, individually assessed the qualifications, experiences and capacity of the 3 candidates.</p> <p>The candidates were assessed and rated based on a set of technical (70%) and financial (30%) criteria.</p> <p>Based on the final ratings as a result of the average of the scores given by the panel members, Ms. Corpuz got a score of 953.8. Ms. Ayanda and Mr. Balgos got 759.8 and 949.6, respectively. The average weighted scores is provided in Annex A.</p> <p>While all 3 candidates have thoroughly covered the requirements of the ToR and are all highly qualified, the Panel finds Ms. Corpuz as the preferred candidate. Ms. Corpuz's proposal was developed in line with the requirements, steps and timeline in the TOR and also showed additional considerations on the approach and factors in developing and sustaining an M&E system in addition to those stated in the TOR.</p> <p>Ms. Ayanda has the longest experience not only on M&E aspect but extending M&E to link with KM and learning, but not much on environment sector. Mr. Balgos is also experienced in M&E and has experience working in the region and environment sector. The description in his proposal</p>	
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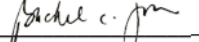
<p>Proposal Presentation/Discussion 19 June 2023</p> <p>Present:</p> <ol style="list-style-type: none"> 1) Handoko Adi Susanto 2) Casandra Tania 3) Cristine Ingrid Narcise 4) Kathrine Rose G. Aguilung 5) Rachel Josue 6) Catherine Frances Corpuz 	<p>however lacks certain depth in terms of understanding certain realities and nuances related to program implementation.</p> <p>Ms. Corpuz is an applied economist and international development practitioner with >20 years of engagements in national and regional initiatives in Asia. She has >10 years experience working with the ASEAN Secretariat on project development and management, from project design, operational planning, implementation, financial management to monitoring and evaluation. She is well adept in program and project design; management and implementation; Mixed methods (qualitative and quantitative) research and analysis; Monitoring, evaluation and learning; Knowledge management and capacity building; Stakeholder engagement.</p> <p>Ms. Corpuz's financial proposal is a bit higher compared to the budget but reasonable considering her experience and skills.</p> <p>Ms. Corpuz started by describing her understanding of the ToR, i.e., to develop an ATS SAP Monitoring System (MS) with a Monitoring and Reporting Procedure to complement the on-going updating of SAP and NAPs, and the proposed monitoring system which should be able to build on ATSEA-2's results-based planning, budgeting and monitoring mechanisms, and to ensure accountability and transparency for its policy organs and institutions as well as its member states. The MS should enhance their ability for feedback and knowledge share on the results and lessons learned during implementation of ATSEA-2. This will contribute to the continuous sharpening and reviewing of strategies and successful implementation of the SAP. She proceeded with the technical approach and methodologies for implementing the tasks in developing the ATS SAP Monitoring System.</p>	<ul style="list-style-type: none"> • The Panel is unanimous in selecting the services of Ms. Catherine Frances Corpuz for the Development of the ATS SAP Monitoring System.
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	<p>Ms. Corpuz will adopt an approach that will ensure there is effective and efficient Monitoring and Learning System that will underpin it. Monitoring will be done in 3 levels:</p> <ul style="list-style-type: none"> • Compliance Monitoring for tracking of the ATS SAP initiatives, programmes and outputs; • Results (Outcome) Monitoring involving both qualitative and quantitative data on the effectiveness and efficiency of delivery of the SAP outputs and outcomes; • Impact Monitoring focusing on the degree to which the key priorities of the SAP have been achieved, which in turn will contribute to the achievement of overarching objectives. <p>She described the elements of the ATS SAP MS including having a template for monitoring reports. She also outlined the main risks, level and assumptions pertinent to the design of the ATS SAP Monitoring framework.</p> <p>The work plan, developed in accordance with the identified scope of work in the ToR was also presented. The workplan will depend on the information that will be made available upon engagement. With only 30 days allocated for the assignment, Ms. Corpuz recommends flexibility in terms of increasing the duration of engagement, depending on the level of expectations and resources that will be made available. However, she is committed to complete the assignment within the timeframe.</p> <p>Noting that Ms. Corpuz based her proposal on several assumptions, Ms. Aguilin gave an overview on the current status of SAP implementation and updating and the expectations from the consultant who will be engaged for this project.</p>	
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	<p>The updated SAP, in a way, is a more simplified version but it will need further review and refinement of the indicators initially identified. Ms. Aguilung added that there is a regional governance mechanism that is being developed to support the implementation of the next SAP, both for the regional and national components. The consultant is expected to help develop the design and mechanism for monitoring, evaluating and reporting on the implementation of the SAP, including designing the monitoring framework and reporting system; guiding the selection of qualitative and quantitative indicators; sequencing and schedule of M&E and reporting; and guidance on the formats for reporting and converting them into knowledge products;.</p> <p>The Panel was satisfied and impressed with Ms. Corpuz' presentation and will be considered for the engagement. All references, pertinent materials and documents, particularly the updated SAP, will be provided to Ms. Corpuz so she can already undertake a review of the indicators and see how to make these indicators 'smarter'.</p>	
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Prepared by: 
Rachel C. Josue

Concurred and Approved:


Handoko Adi Susanto


Casandra Tania


Cristine Ingrid Narcise


Kathrine Rose G. Aguilung

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Technical component	EOIs/Proposals				Remarks		
	Maximum score	Ayanda	Balgos	Corpus	Ayanda	Balgos	Corpus
<p>Bidder's qualification, capacity and experience/expertise of the organisation – factors to be considered:</p> <p>a. Reputation of the individual or organization and staff credibility/ reliability/ industry standing</p> <p>b. General organizational capability which is likely to affect implementation: management structure, financial stability and project financing capacity, project management controls; extent to which any work would be subcontracted</p> <p>c. Relevance of specialized knowledge and experience on similar engagement done in the region/country</p>	200	170	160	185	<p>With 22 years multi-donor, multi-sector, multi-country experience with USAID, DFID, EU, and UN in conceptualizing and delivering projects, and in ensuring commensurate performance management and visibility, covering these subjects: education, health, governance, agriculture, leadership, gender, diversity, security, conflict and stability, urban development and sustainability.</p> <p>With long experience (>10 years) in program management, M&E, knowledge management and communications</p> <p>With the following core areas of expertise: Performance Management, Strategy & Framework Design, Project leadership, Theory of Change, Learning & Knowledge Management, Innovation & Strategic Thinking, Value for Money Analysis, Team Building & Training Facilitation, and Governance</p> <p>Projects mostly in Nigeria and countries in Africa, & Saudi Arabia (none in ATS region)</p>	<p>Current Lecturer at the Ateneo de Manila University - Development Studies Program</p> <p>Areas of specialization: International development, evaluation, mixed-methods research, disaster risk reduction, community resilience, local governance, public policy, humanitarian action, biodiversity and environmental conservation, and social science research</p> <p>With 10 years of experience in evaluation work, with 43 evaluation-related assignments (mostly in the Philippines, w/ 3 or 4 international projects), including: - Lead Consultant in developing the M&E System for the Philippines' National Disaster Risk Reduction and Management Plan 2020-2030 - Current consultant of PRF for Developing the Monitoring and Evaluation Framework and Plan of the SDS-SEA Implementation Plan 2023 - 2027; and Consultant (Team Leader) for the preparation of PEMSEA's SDS-SEA Implementation Plan 2018-2022 and for the Mid-Term review of the plan (with close guidance and inputs from PRF's Technical Committee/Officers)</p>	<p>An applied economist and international development practitioner with >20 yrs of engagements in national and regional initiatives in Asia</p> <p>- With >10 yrs experience working with the ASEAN Secretariat on project development and management, from project design, operational planning, implementation, financial management to monitoring and evaluation - Worked with PEMSEA for >5yrs as Economist/Technical Officer for Public-Private Partnerships, Senior Technical & Training Associate, and ICM Site Officer for Xiamen, China (with demonstrated capacity for analytical thinking and for delivering high quality technical outputs) - Former Senior Lecturer in the UP School of Economics, University of the Philippines, and Economic Development Analyst at the National Economic and Development Authority, Philippines</p> <p>Key Skills: Program and project design; management and implementation; Mixed methods (qualitative and quantitative) research and analysis; Monitoring, evaluation and learning; Knowledge management and capacity building; Stakeholder engagement</p>
<p>Proposed methodology, approach and implementation plan – factors to be considered:</p> <p>a. Understanding of the requirement: have the important aspects of the task been addressed in sufficient detail? Are the different components of the project adequately weighted relative to one another?</p> <p>b. Description of the offeror's approach and methodology for meeting or exceeding the requirements of the ToR</p> <p>c. Details on how the different service elements shall be organized, controlled, and delivered</p> <p>d. Assessment of the implementation plan proposed including whether the activities are properly sequenced and if these are logical and realistic</p> <p>e. Demonstration of the ability to plan, integrate, and effectively implement sustainability measures in the execution of the contract</p>	400	380	370	390	<p>The proposal was developed in line with the requirements and steps in the TOR although timeline extended to December (instead of ending November) and the results of pilot testing will be reported after the RSC meeting (instead of during/to the RSC meeting). These however can be clarified as needed with the consultant. M&E and QA of the project implementation was also highlighted.</p>	<p>The proposal was developed in line with the requirements, steps and timeline in the TOR</p>	<p>The proposal was developed in line with the requirements, steps and timeline in the TOR (just need to clarify with the applicant that ATSEA-2 is the project and ATSEA is the long-term program)</p> <p>The proposal also showed additional considerations on the approach and factors in developing and sustaining an M&E system in addition to those stated in the TOR</p>
<p>Management structure and key personnel:</p> <p>a. Composition and structure of the team proposed. Are the proposed roles of the management and the team of key personnel suitable for the provision of the necessary services?</p> <p>b. Qualifications of key personnel proposed (general experience, specific experience relevant to the assignment, regional/international experience, education/qualification)</p>	400	375	375	380	<p>Academic background: Doctorate of Philosophy (PhD) (2020-08 - Current, Unical University – Cyprus); PGD: Health Systems Management (University of Liverpool – UK); MA: Public Administration (Ambrose Alli University - Ekpoma, Nigeria); BA: International Studies (Ambrose Alli University - Ekpoma, Nigeria) Higher Diploma: Secretariat Administration, Dorben Polytechnic – Abuja, Nigeria</p> <p>With long and specific experience in M&E mostly in Nigeria, some with other countries in Africa, and latest engagement in Saudi Arabia</p>	<p>Academic background: Ph.D. in Development Studies (units - dissertation proposal writing stage) De La Salle University, Philippines (2017 – present) Geneva Summer School – Understanding Humanitarian Action, The Graduate Institute -Université de Geneva, Switzerland Geneva Centre for Humanitarian Studies (2017) MA in Development Policy (M.A.), De La Salle University, Philippines (2012 – 2014) Diploma in Indonesia Language and Culture, Universitas Gadjah Mada, Indonesia (2007 - 2008) BA in Community Development, cum laude (B.Sc.), University of the Philippines (2002 – 2006) Special courses/seminars: EdX Course on Monitoring on Evaluation, 2021; UNDP Webinar Series on Results-Based Monitoring (RBM) and Evaluation - Theory of Change, 2021; Outcome Monitoring and Evaluation and Mapping Workshop, September 2013, Kathmandu, Nepal With >10 yrs experience in M&E mostly in the Philippines and some international projects; current PEMSEA consultant for SDS-SEA IP M&E Framework and Plan development (with guidance from PRF Technical Committee); proficient in Bahasa Indonesia</p>	<p>Academic Qualifications: - Ph. D in Economics (candidate), University of the Philippines, 2000 - MA in International Relations (major: International Economics and Development), International University of Japan, 1993 - MA in Economics, University of the Philippines, 1991 - BA in Economics (cum laude), University of the Philippines, 1987</p> <p>Certifications: - Certified Knowledge Manager (ongoing), Knowledge Management Institute - Master Certificate in Results-Based M&E and Information Systems, Laval University and IDEA International, 2021 - PRINCE2 Foundation, Axelos, 2016</p> <p>With long experience in international development work in the Asian/East Asian region; worked in Jakarta from 2006 to 2023; with basic knowledge of Bahasa Indonesia</p>
Total Score	1000	925	905	955			
Weighted score (70% from Total Score)	700	647.5	633.5	668.5			
Financial component	Maximum score	Ayanda	Balgos	Corpus	Ayanda	Balgos	Corpus
Proposed budget compared to the available budget	500	200	500	450	\$84,000 offer vs \$12k budget	\$9,000 offer vs \$12k budget	\$15,000 offer vs \$12k budget
Realistic budget allocation	200	200	500	500			
Total Score	700	400	1000	950			
Weighted score (30% from Total Score)	210	120	300	285			
Total weighted score for both components (technical & financial)		767.5	933.5	953.5			

NOTE: Project budget is \$12k budget for consultant and 6k for workshops (online/hybrid)

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Annex 8 – Bids Evaluation Sheet – Sample 2: Three bids for good

Procurement Committee Meeting
 Selection of Travel Agencies to service PEMSEA's travel requirements
 March 1, 2023; 1:30 PM
 PEMSEA Conference room

The procurement committee convened last Wednesday (March 1, 1:30 PM) to discuss selection of travel agencies.

The Procurement Specialist (Rocky) forwarded to the Procurement Committee the travel offers received from travel agencies that responded to PEMSEA's invitation to bid for Travel Services. Selection criteria for evaluating these travel agencies were also provided.

Only three bidders responded to the invitation, with two of them serving as PEMSEA's service providers, D World Specialist Travel and Tours (DW) and Travel Managers Inc. (TMI), and LGCT Travel and Tours Inc. (LGCT) being the new bidder. The latter did not present a detailed proposal, as needed in the notice of bidding, and instead attached it to an email rather than sending it online, as requested in the invitation. Yet, LGCT's proposal was properly reviewed and rated.

To prevent prejudice with TMI and DW, which have provided flight booking services to PEMSEA, the Procurement Committee agreed to evaluate the three travel companies solely on the basis of what is in their offers.

I. Travel Managers International, Inc. (TMI)

- TMI was founded in 1975 and has been IATA accredited since 1980, totaling 40 years of operation. TMI carries both IATA and non-IATA carriers, allowing them to issue automated airline tickets.
- Government Accreditation: Department of Tourism, Department of Foreign Affairs, Bureau of Immigration, National Statistics Office Reservation system is the Abacus Workspace, which may provide customized reports for business clients.
- TMI is ISO 9001:2015 certified; established a customer-focused quality management system that defines the company processes. A member of Reed & Mackay's International Partnership, a global network of independent travel agencies in over 50 countries with 24 skilled professionals accessible to respond to customers' emergency problems. 24/7
- TMI provides a free in-plant workforce, replete with a computerized reservations system and a virtual Travel Managers office (with minimum requirement of issued tickets)
- Among their top clients are Signal TV, INC., TV5 Network, Ayala Land, Child fund Philippines, Oxfam Philippines, Smart Communications, SMC, and DFA Group.
- TMI's management plan clearly specifies their process, personnel roles and duties, and how they handle customer care.
- TMI also included a comprehensive list of services offered, service prices, and an airfare pricing structure based on uniform routing and carriers.
- TMI offers 30-day credit terms

II. D World Specialists Travel & Tours Corp.

- D' World Specialists Travel & Tours Corp. is a certified International Air Transport Association (IATA)
- accredited agent and Philippine Travel Agencies Association (PTAA) member.
- D' World Specialists Travel & Tours Corporation was incorporated in 2009
- Carries the following travel services like
 1. International and Domestic reservations and ticketing
 2. Itinerary planning
 3. Inbound and Outbound Tour Packages
 4. Travel Documentation Services (Passport and Visa processing)
 5. Corporate Travel Management
- D World Specialist submitted a comprehensive proposal that includes their processes and management plan, including their service fees, pricing schedule of airfares.
- D World Specialist can extend a 15-day credit term to PEMSEA.

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III. LGCT Travel and Tours Inc

- LGCT Travel and Tours was established in 2016 as a client-focused travel management firm.
- A member of the Department of Tourism, the National Association of Independent Travel Agencies-Philippines, Inc., and the Philippine Tourism Commission (NAITAS). Philippines Automobile Association (AAP)
- Got a Certificate of Incorporation in line with the Revised Corporation Code of the Philippines (RA Act No 112332) in January 2022, and is now operating under the new company name LGCT Travel and Tours Inc.
- Services Offered:
 1. Domestic Ticketing – Assist you to find the cheapest flight on your preferred time
 2. International Ticketing – Help you find the most direct and cheapest flight for your
 3. worldwide travel requirements
 4. Visa Processing – We handle visa requirements for your specific travel preference
 5. Hotel Reservations – We have partner hotels in every major city worldwide. This means you
 6. get the best deals on your accommodations. We also make arrangements to suit your budget.
 7. Package Tours – Customize itinerary of your choice for both local and International Packages
 8. Meeting Incentives Convention Events (M.I.C.E) with airfare, hotel and tours
- Their service fees are included in the comparative cost in Annex 1.
- LGCT did not include an airfare price structure, making their proposal incomplete
- Unlike the two earlier travel companies, LGCT sent its proposal as an attachment to an email to the Procurement Specialist, rather than the online submission required by the invitation to bid. (Failure to follow instructions)

See attached Annex 1 for the cost comparison for your reference.

The committee determined that TMI's proposal was the most satisfactory after thorough analysis, its contents and pricing structure of airfares and service fees met PRF's standards. Following that, DW and LGCT Travel & Tours were ranked second and third, respectively. The Procurement Committee agreed to accredit two (2) travel providers to manage PEMSEA's travel needs for a two-year term. This accreditation may be extended or terminated based on satisfactory services. A Service Agreement between PEMSEA and the travel contractor will be formed to indicate all the travel services they have offered to PEMSEA with the specific terms and condition.

The Procurement Committee's evaluation score is provided below.

Travel Services

Selection Criteria - Score Sheet

Criteria	Points	Travel Managers Inc	D World Specialist	LGCT Travel and Tours Inc
Customer Service (timely response to messages/requests, regular updates with traveling arrangements and other travel-related issues)	20	15	15	NA
Industry Knowledge (years of experience, smooth booking process, worry-free logistics for traveller)	20	17	15	10
Value for Money (transparent fee structure, low but flexible fare, provide best solutions for individual needs, reporting on travel spend)	20	15	15	10

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Time Saving (organized, can run several custom packages to choose from to suit traveller need)	20	15	15	15
Resources (able to negotiate fares and hotel rates on behalf of traveller/organization [best deal possible], access to a vast range of carriers and products)	20	17	15	10
TOTAL	100	79	75	45
Averaging	20	15.8	15	11.25

Having said that, the procurement committee agreed to recommend that two travel agencies be accredited, with TMI serving as the primary travel agent and DW serving as the backup, providing travel services if TMI is loaded with flight arrangements.

Mary Anne, on the other hand, indicated that UNDP for IRBM may query why the two were picked and may ask PRF to provide justification.

Ingrid added that the Procurement Committee's justification for selecting the two travel companies was that the selection followed the proper selection process based on the PRF's procurement policy's invitation to bid, which the meeting agreed on.

- The advertisement was disseminated to various organizations, including MARINA and DENR, and was published on the PEMSEA website and other PEMSEA social media sites.
- The minimum posting period for bid submission was two weeks, which was more than enough time.
- Thus far, only the three have applied.

The Procurement Committee Secretary (Elsie), who also is one of the process owners for PRF's travel requirement, was asked about the effectiveness of TMI and DW past performance.

- She reported that her overall experience with the two travel agencies is favorable and satisfactory, with both providing prompt responses even during non-business hours and their flexibility in meeting last-minute changes
- provides the best route (most direct and economical fares);
- unless requested, they do not usually provide a super-restricted fare to allow for possible changes and adjustments on flights. Super-restricted fares or book and buy booking class are neither rebookable nor refundable.
- They, however, have an unfavorable outcome due to some unforeseen events. *(in a few cases) Aimee*


By the Procurement Committee:


Shinji Kim

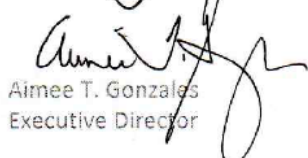

Cristine Ingrid Narcise


Mary Anne Dela Pena


Elsie Merina


Rod Corpuz

Noted by:


Aimee T. Gonzales
Executive Director

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Travel Services

Selection Criteria - Score Sheet

Criteria	Points	Travel Managers Inc	D World Specialist	LGCT Travel and Tours Inc
Customer Service (timely response to messages/requests, regular updates with traveling arrangements and other travel-related issues)	20	15	15	NA
Industry Knowledge (years of experience, smooth booking process, worry-free logistics for traveller)	20	17	15	10
Value for Money (transparent fee structure, low but flexible fare, provide best solutions for individual needs, reporting on travel spend)	20	15	15	10
Time Saving (organized, can run several custom packages to choose from to suit traveller need)	20	15	15	15
Resources (able to negotiate fares and hotel rates on behalf of traveller/organization [best deal possible], access to a vast range of carriers and products)	20	17	15	10
TOTAL	100	79	75	45
Averaging	20	15.8	15	11.25

Evaluated by the Procurement Committee

Shinji Kim

Elsie Merina

Cristine Ingrid Narcise

Rod Corpuz

Mary Anne Dela Pena

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ANNEX 1

Travel managers						D World Specialist			LGCT Travel And Toui
Place of Origin	Airline	Airfare	Taxes	Service fee	total	Airfare	Taxes	Service f total	
Beijing	PR	469	179.6	15	663.6	667		20	687
Phnom Penh	TG	625	82.3	15	722.3	725		20	745
Jakarta	SQ	442	85.7	15	542.7	547		20	567
Bali	SQ	486	83.9	15	584.9	594		20	614
dili	SQ	913.33	177.9	15	1106.23				0
Kuala Lumpur	MH	321	63.7	15	399.7	403		20	423
Seoul	KE	318	148.6	15	481.6	497		20	517
Bangkok	TG	349	185.1	15	549.1	555		20	575
Hanoi	VN	360	80.5	15	455.5	377		20	397
Singapore	SQ	528	101.3	15	644.3	778		20	798
Tokyo	JAL	1036	344.7	15	1395.7	1405		20	1425
Vientiane	QV/PR	1080	156.3	15	1251.3	1257		20	1277
SERVICE FEES									
SF - International tick	USD 15					USD20			PHP500
domestic ticket	P150.00					PHP200			PHP200
visa processing	2000					PHP3500			PHP1500
Bureau of Immigratio	1000					PHP1500			
DFA visa extension	1000					PHP1500			
travel insurance	150								PHP500
credit terms	30 days					15 days			15 days

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Annex 9: Note to File format Single Source Selection. Sample 1:

NOTE TO FILE

To : Handoko Adi Susanto, Regional Project Manager of ATSEA -2
From : Casandra Tania, Regional Biodiversity Specialist of ATSEA-2
Subject : Rehiring of Fishwell Consulting
Date : 6 April 2023

This note to file is prepared to justify the rehiring of Fishwell Consulting to organise regional exchange on Rights-Based Management (RBM) to Australia.

1. ATSEA-2 is the second phase of the GEF-financed, UNDP-supported Arafura and Timor Seas Ecosystem Action program, building upon the foundational results realized in the first phase of the ATSEA program, covering Indonesia, Timor-Leste, Papua New Guinea, and Australia.
2. Since 2019, ATSEA-2 has worked to address factors that have constrained sustainable fisheries management in the ATS countries. ATSEA-2 aims to advance RBM approaches to fisheries management throughout the region, specifically focused on the needs and opportunities associated with small-scale fisheries (SSF) as across the ATS littoral countries, a wide range of enabling conditions, policies, programs and approaches are already in place to support RBM for SSF. In 2021, ATSEA-2 developed a generic framework approach for RBM-SSF interventions alongside three specific roadmaps for sites identified in Indonesia, Papua New Guinea and Timor-Leste (Fox et al., 2021). Concurrently, on the ground work in those three sites has been carried out.
3. ATSEA-2 views the local stakeholders involved in the RBM implementation in the 3 countries will benefit from a regional exchange to Australia to gain information from best practices and lessons learned in the implementation of RBM approaches there. The regional exchange is expected to propel the development and implementation of local by-laws on RBM as they learn from other practitioners.
4. Fishwell Consulting is a consulting company based in Australia which has expertise in project management, fisheries monitoring, survey design and implementation, bycatch reduction, policy and guideline development, fisheries management advice, harvest strategy development, science communication and workshop facilitation. Fishwell Consulting was previously contracted by ATSEA-2 Regional Project Management Unit (RPMU) between 2020 and 2021 to help develop the regional Ecosystem Approach to

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Fisheries Management (EAFM) plan for red snapper fishery, conduct EAFM training and Training of Trainers and develop RBM roadmap and strategy.

5. Initially, the regional exchange on RBM was part of the contract commissioned to Fishwell Consulting, but because of travel restrictions due to Covid-19, the activity was dropped. As now the world goes back to normal, it is finally time to conduct the regional exchange. Therefore, ATSEA-2 RPMU does not advertise the vacancy and will make an offer to rehire Fishwell Consulting to help organise the exchange.
6. Fishwell Consulting, led by Dr. Ian Knuckey, presented on 6 April 2023, the proposed schedule and course content, presenters and support.
7. Based on the proposal presentation and the ensuing discussion, the following are taken into consideration:
 - The proposal/program should cover the 3 ATSEA countries, namely, Indonesia, Timor Leste and Papua New Guinea
 - Allocate time in the program (Welcome) for Australian National Focal Point and country representatives to speak
 - For last day of the program, include the RBM strategy and road map for use as reference by the participants
 - Ensure slots in the program for women speakers
 - For optimization of learning session, impart Australia experience
 - Fishwell will handle all logistics from hotel arrangement, airport transfer, assistance in visa arrangement (official letters of invitation to be issued to participants)
 - Course survey to be done for participants' feedback and individual follow-up action
 - Certificates of course completion, tokens or souvenirs for participants

Prepared by: _____
Casandra Tania

Approved by: _____
Handoko Adi Susanto

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Annex 9: Note to File format Single Source Selection. Sample 2:

NOTE TO FILE

From: Dr. Handoko Adi Susanto, ATSEA-2 Regional Project Manager

Date: 19 March 2021

Subject: Single Source Selection of Consultant for Preparation of ATSEA-2 Project Theory of Change

Background of the project

ATSEA-2 is the 2nd phase of the GEF-financed, UNDP-supported ATSEA program, and is designed to enhance regional collaboration and coordination in the Arafura and Timor Seas (ATS) region, which is composed of Australia, Indonesia, Papua New Guinea, and Timor-Leste. Overall, the project focuses on supporting the implementation of the 10-year ATS Strategic Action Program (SAP) endorsed through a Ministerial Declaration in 2014.

In particular, this 5-year project supports the implementation of the following governance and environmental objectives of the SAP: (i) Strengthening of ATS regional governance; (ii) Recovering and sustaining fisheries; (iii) Restoring degraded habitats for sustainable provision of ecosystem services; (iv) Reducing land-based and marine sources of pollution; (v) Protecting key marine species; and (vi) Adaptation to the impacts of climate change.

The project was developed and approved before the preparation of a Theory of Change (ToC) was prescribed as part of the GEF project development process. The regional inception workshop and the 1st Regional Steering Committee (RSC) meeting in November 2019, through the recommendation of the RSC representative of Australia, recognized the importance of a ToC to help facilitate: a) better articulation of the result logic between the various project activities, outputs and outcomes and the targets in the SAP; b) effective communications about the project and its results; and c) clear identification of roles of all related partners and stakeholders. The 2nd RSC meeting in November 2020 further underscored the value of having a ToC for the project, including its value in developing the monitoring system for the SAP.

Engagement of TOC Specialist

To help address the RSC meeting recommendations, the PRF Executive Director linked up the RPMU with Mr. Michael Mikov, a Planning, Monitoring and Evaluation Specialist based in Sydney, Australia, for potential advice in developing the TOC for the project. Mr. Mikov generously shared his time and expertise in meeting with the RPMU, reviewing relevant project documents, developing initial designs for the project TOC and proposing a roadmap for the TOC development process. Mr. Mikov also joined the RPMU in consulting with and getting confirmation from the RSC representative of Australia on the proposed TOC design and development process.

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Development of the project TOC, with linkages to the long-term ATS SAP, requires a good understanding of the long-term vision and program in the ATS region and the ATSEA-2 project components, activities, outcomes and outputs. It also requires considerable time to undertake focused group discussions, peer reviews and stakeholder consultations, and to prepare and refine the expected TOC diagrams and narratives. In view of this, the RPMU recognized the need to engage a specialist that can lead and facilitate the TOC process and generate quality outputs for presentation to the next RSC meeting in November 2021 (or RSC Intersessional Meeting in August 2021, if organized upon the request of the RSC). As Mr. Mikov already has a good understanding of the ATSEA-2 Project and the objectives, scope, approaches and schedule for developing the TOC, the RPMU considers it cost-effective and fair to engage him formally to continue the development of the project TOC.

Mr. Mikov is an expert in strategy development, planning and monitoring who has worked in related senior management and advisory positions in WWF International (Gland, Switzerland) from 2008 to 2016, and in WWF-Australia from 2000 to 2008. Prior to that, he held management and Ministerial Liaison positions at the National Parks and Wildlife Service in New South Wales, Sydney, Australia from 1995 to 2000. He is currently an independent consultant providing strategic planning and monitoring and evaluation advice to a range of non-profit organizations in Australia. Attached is his Curriculum Vitae for further reference

Proposed consultancy rate

Notwithstanding the initial work already undertaken with the RPMU, Mr. Mikov is providing his services at a discounted rate of AUD400/day (approximately USD320) for 37 working days to be spread from April to August 2021. The total amount for the contract, AUD14,800 (USD11,812 using UNDP foreign exchange rates for March 2021 of USD1.00 = AUD1.253), is within the allocated budget for the TOC development.

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Annex 10: Online advertisement templates

1. Goods

Call for Expression of Interest

IT Network Upgrade of Servers and Implementation of Wifi Access Points (AP)

PRF/EOI/#002

PEMSEA is an international organization specializing in integrated coastal and ocean governance for the Seas of East Asia. It is a partnership arrangement comprised of 11 Country Partners and 20 Non-Country Partners with a collective commitment to the implementation of the Sustainable Development Strategy for the Seas of East Asia (SDS-SEA). The SDS-SEA represents a consensus among Partners on the shared vision, objectives and action programs of PEMSEA for sustainable development of the Seas of East Asia. PEMSEA also works closely with educational institutions, Regional Centers of Excellence and ICM Learning Centers to build a critical mass of broad-based, trained and educated coastal and ocean managers to undertake the enormous tasks in the region. PEMSEA Resource Facility (PRF) provides secretariat, communications and technical services and assistance to partners to implement the Sustainable Development Strategy for the Seas of East Asia Implementation Plan 2023-2027.

In order to efficiently serve PEMSEA partners and stakeholders in the EAS region, PRF intends to replace its current Windows Server 2003 and replace them with modern servers running the latest Operating System (OS). In line with this, PRF is also looking to modernize its network infrastructure, using Wifi Access Points (AP) and new switch hubs to implement an efficient Wifi Hotspot and a state-of-the-art Wifi security access. Currently, there are five (5) servers and six (6) switch hubs that may need to be replaced.

PRF IT DEPARTMENT is seeking suppliers to review and provide suggestions and quotations to modernize its PEMSEA's servers and WIFI access points.

SCOPE OF WORK

1. Replacement of the servers with at least two (2) units for modern servers.
2. Installation of virtualization and HCI (Human-Computer Interaction) Software and Licenses
3. Installation of Server Operating System (OS) Licenses ex Windows Server 2022
4. Replacement of the current 6 units of switch hubs to modern switch hubs
5. Implementation of Wifi Access Points for the ground and second floor of the old and new building. An estimate of six (6) Wifi AP devices may be needed
6. Testing of LAN cables for the entire PRF Network through the following: (a) Crosstalk/Packet Loss Test, (b) Continuity Test and (c) Current Test

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IMPLEMENTATION PLAN

PRF will provide the initial specification of the existing servers and switch hubs and will require the suppliers to visit and inspect PRF to check evaluate our existing infrastructure and develop a detailed proposal or Service of Work (SOW). Estimated completion of the project is 30 days upon signing of the contract.

Interested suppliers can submit their expression of interest including information of its business profile and experience with modernizing IT infrastructure to: recruitment@pemsea.org no later than September 28, 2023.

2. Services

Call for Expression of Interest:

Construction Works: Repair of PRF's 2nd Floor ladies' rooms

PEMSEA is an international organization specializing in integrated coastal and ocean governance for the Seas of East Asia. It is a partnership arrangement comprised of 11 Country Partners and 20 Non-Country Partners with a collective commitment to the implementation of the Sustainable Development Strategy for the Seas of East Asia (SDS-SEA). The SDS-SEA represents a consensus among Partners on the shared vision, objectives and action programs of PEMSEA for sustainable development of the Seas of East Asia. PEMSEA also works closely with educational institutions, Regional Centers of Excellence and ICM Learning Centers to build a critical mass of broad-based, trained and educated coastal and ocean managers to undertake the enormous tasks in the region. PEMSEA Resource Facility (PRF) provides secretariat, communications and technical services and assistance to partners to implement the Sustainable Development Strategy for the Seas of East Asia Implementation Plan 2023-2027.

Terms of Reference (TOR) for Construction Works: Repair of Office Restrooms

- Background:** The office restrooms are in need of repair and renovation to ensure functionality and improve overall hygiene standards. This Terms of Reference (TOR) outlines the scope of work required for the construction project.
- Objective:** The primary objective is to undertake comprehensive repair and renovation works in the office restrooms to enhance functionality, aesthetics, and user experience.
- Scope of Work:**
 - Assess the current condition of the restrooms and identify areas requiring repair or renovation.

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- Repair or replace plumbing fixtures such as toilets, sinks, faucets, and pipes as necessary.
- Repair or replace damaged flooring, walls, and ceiling materials.
- Apply fresh paint and perform any necessary cosmetic enhancements.
- Ensure compliance with building codes and safety regulations.
- Provide estimates for materials, labor, and time required for completion.
- Coordinate with relevant stakeholders to minimize disruption to office operations.

4. **Deliverables:**

- Detailed assessment report outlining the condition of the restrooms and proposed repair works.
- Comprehensive repair and renovation plan, including a timeline and budget.
- Completed construction works meeting quality standards and specifications.
- Final inspection report certifying the completion of the project.

5. **Timeline:** The construction works should be completed within [specify timeframe], taking into account any unforeseen delays or challenges.

February 5, 2024: Release of TOR
February 15, 2024: Deadline for work proposals
February 19, 2024: Evaluation of proposals and selection of contractors
February 21, 2024: Contract Agreement
February 26, 2024: Start of the project

6. **Budget:** A detailed budget estimate should be provided, including costs for materials, labor, equipment, and any additional expenses.
7. **Quality Assurance:** The contractor is responsible for ensuring that all repair and renovation works meet the required quality standards and specifications.
8. **Health and Safety:** The contractor must adhere to all relevant health and safety regulations to ensure the well-being of workers and office staff throughout the construction process.
9. **Reporting and Communication:** Regular progress reports should be provided to the admin personnel or designated authority, with open channels of communication maintained throughout the duration of the project.

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10. **Contractual Arrangements:** A formal contract agreement outlining the terms and conditions of the project should be established between the contracting party and the office management.
11. **Evaluation:** Upon completion of the project, a post-construction evaluation should be conducted to assess the quality of workmanship and address any outstanding issues.

This Terms of Reference (TOR) provides a framework for the successful execution of the construction works for the repair of the office restrooms. Adherence to these guidelines will ensure the timely completion of the project with satisfactory outcomes.