

Terms of Reference (TOR) for Appointment of PPP Transactions Consultant (Individual)

Background

In September 2015, the Government of Bangladesh issued the *Public Private Partnership Act (PPP Act 2015)* to facilitate the development of core sector public infrastructure and services vital for the people of Bangladesh. The PPP program is a part of the Government's Vision 2021 goal to ensure a more rapid, inclusive growth trajectory, and to better meet the need for enhanced, high quality public services in a fiscally sustainable manner. Under this act, the PPP Authority was established in September 2015 as a separate, autonomous Authority under the Prime Minister's Office to act as a catalyst to proactively identify, realize, screen, develop and provide support for PPP projects.

The PPP Authority's role in relation to the PPP program extends to supporting the Line Ministries and Agencies to identify, develop, procure and finance PPP projects. For interested investors and lenders, the PPP Authority provides a professional, transparent, centralized portal for accessing high quality PPP Projects and is staffed by both private sector professionals and civil service resources, the PPP Authority facilitates project development, and builds capabilities, with the goal to enhancing the quality, attractiveness, and sustainability of PPP projects.

PPP Authority not only has a regulatory oversight role, it offers project development support, and provides expert project facilitation services to the Contracting Authorities and Line Ministries. With its in-house PPP expertise, PPP Authority engages closely with the Contracting Authorities and their advisors for various commercial and legal issues to ensure that the project becomes bankable and also government objectives are met. The PPP Technical Assistance Fund (PPPTAF) is established to provide project development funding support to sanctioned PPP projects. PPP Authority procures consultants and advisors through PPPTAF to support the development, review and validation of project concepts, commercial fundamentals, legal considerations and finalization of transaction documentation.

Objective of the Consulting Assignment

The objective of this consulting agreement is to appoint an individual PPP Transactions Consultant who can support the PPP Authority in the development, review and validation of project concepts, commercial fundamentals, preparation and finalization of transaction documentation.

Scope of the Services

The consultant is required to work in line with PPP Authority for the services in accordance with the standards set out for PPPs in relevant laws, regulations, rules and policy. The scope of the services will specifically include (but not be limited to) the following:

Preparation of Transaction Documents:

The activities include but not limited to providing support to the PPP Authority to:

- Prepare a Project Information Memorandum for potential tenderers to give them more detailed information about the project.
- Prepare the advertisements and notices required for the launch of a procurement process.
- Prepare Invitation for Bid (IFB) document to communicate the details of the scope of services that are required from tenderers, to guide tenderers in relation to their submission of proposal and to select a tenderer to initiate negotiations for the awarding of the contract to deliver the project.
- Provide input into the draft PPP contract in accordance with applicable Bangladeshi laws, taking in to account the PPP Law, guidelines and the standard model PPP agreement.
- Prepare a Service Requirements list that sets out the output specifications incorporating the key performance indicators and the thresholds that apply to each.
- Liaison and co-ordinate with other advisors, such as the legal advisor, appointed by the Implementing Agency/PPP Authority to support the implementation of the project.

Procurement Support:

To assist the contracting authority in carrying out the following activities:

- Support the launch of the bid process by arranging and conducting Bidders' Conferences to discuss the bid requirements and set out the Project context.
- Respond to requests for clarification from bidders on the bid and other documents including addendum if any required.
- Carry out detailed consultations and meetings with potential bidders at the IFB stage to discuss the Project, bidding documents and other relevant issues in addition to regular bidder conferences.
- Developing mechanisms to evaluate responses to the IFB.
- Prepare a virtual data room containing key documents and information, including the draft PPP Contract and IFB.
- Finalize the PPP Contract and IFB to take into account comments and requests for clarification received from the Qualified Bidders.
- Support the process for evaluating the bidder's proposals, support in negotiating with the preferred bidder and award the contract to the preferred bidder.

- Support the PPPA and the Private Partner in various technical and commercial issues up to the financial closure
- Any other activities as assigned by the PPP Authority

The total services will need to be delivered over a continuous contract period of 24 months but may be extended as per Government rules.

Required Qualification

The Position requires the following minimum qualification:

1. Bachelor's Degree in Business/ finance/accounting/economics.
2. At least 7 years of experience in a consulting/ financial/commercial institution. Experience in infrastructure sector consultancy for government is desired.
3. At least 5 years of practical experience in dealing with PPP project development and PPP transactions. Preference will be given to additional years of experience.
4. Practical transaction experience of successfully closed PPP transactions (signed PPP contacts) will be an added advantage.
5. Experience in cross sector PPP projects will be preferred. Experience of working with PPP Authority will be an added advantage.
6. Experience for working with multilaterals/development partners in PPP projects or programs will be distinct advantage.
7. Should have strong and proven communication, writing and presentation skill. Fluency in E-Nothi system is preferred.
8. Should be fluent in the use of MS Word, Excel, Power point and MS Project.
9. Must have very good typing speed, both in English and Bengali.

Application Procedure

An application should be submitted along with a detailed CV and a recent photograph. A financial proposal also needs to be submitted along with the application but in a separate sealed envelope. Preferred applicant may be interviewed. The template for the CV and financial proposal is provided in the annexure to this document.

A Quality and Cost Based Selection (QCBS) method would be followed for the evaluation purpose with 75% weightage to the Qualification and Experience requirement criteria.

Annex 1: CV Template

1. NAME
2. ADDRESS
3. NATIONALITY
4. DATE OF BIRTH
5. TIN NO (with TIN Certificate)
6. EDUCATION (with proper documents)
7. TRAINING AND WORKSHOP
8. SUMMARY OF PROFESSIONAL EXPERIENCES (with proper documents)

	Period	Position	Employer
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9. COMPUTER KNOWLEDGE
10. DETAILS OF RELEVANT PROFESSIONAL EXPERIENCES (with proper documents)
 - Job Title
 - Employer
 - Description of Duties: (Please mention name and details of specific and relevant projects only)
11. EXPERIENCE OF RELEVANT COMMUNICATION, WRITING AND PRESENTATION SKILL (Please list relevant experience)

Annex 2: Financial Proposal Template

Name of the Consultant	Position Applied	Expected Remuneration* (BDT/Month)

* Please insert the net expected monthly amount. Any applicable government taxes would be added back to the amount for determining contract ceiling during the contract tenure.