



TERMS OF REFERENCE – INVITATION PROCEDURE

Provincial Support Programme

Phase 1-Extension

Duration: 15.10.2024 – 31.07.2026 (20.5 months)

Invitation procedure

Outside the scope of international treaties

This procedure is based on the Federal Act of 21 June 2019 on Public Procurement (PPA, SR 172.056.1) and the Ordinance of 12 February 2020 on Public Procurement (PPO; SR 172.056.11).

This means that during the procedure no communication may take place between the tenderer and the contracting authority.

16.07.2024

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Abbreviations

Abbreviation	Definition
AC	Award Criterion / Criteria
CM	Chief Minister
CSPM	Conflict Sensitive Program Management
DPR	Detailed Technical Project Reports
EC	Eligibility Criteria
FG	Federal Government
GESI	Gender Equity and Social Inclusion
GCB	General Conditions of Business
GoN	Government of Nepal
IT	Information Technology
LG	Local Government
OCMCM	Office of the Chief Minister and Council of Ministers
PFM	Public Financial Management
PG	Province Government
PLGSP	Provincial and Local Governance Support Program
PMISC	Programme Management and Implementation Support Consultant
PMU	Programme Management Unit
PRA	Partner Risk Assessment
PSC	Programme Steering Committee
PSP	Provincial Support Programme
SC	Steering Committee
SCP	Swiss Cooperation Programme 2023-2026
SCS	Swiss Cooperation Strategy 2018-2021
SDC	Swiss Agency for Development and Cooperation
SECO	State Secretariat for Economic Affairs
SOR	Service Oriented Remuneration
TA	Technical Assistance
PPA	Public Procurement Act
PPO	Public Procurement Ordinance

1 Summary

Well functioning all spheres of government, in particular the provinces and governance processes are key to the success or failure of the new federal system in Nepal. Newly established provinces are a critical catalyst for identity, strengthened service delivery and the consolidation of the peace process. By promoting platforms for inter-governmental cooperation and deliberative processes, and by fostering implementation capacities and the link with citizens in Koshi provinces, the Provincial Support Programme (PSP) aims to contribute to Nepal's successful implementation of Nepal's federal Constitution 2015.

Harnessing Switzerland's long-standing record of cooperation with Nepal and its extensive experience in consensus-oriented, inclusive multi-level governance systems, the PSP is designed to support Nepal in its state- and institution-building within its new federal structure. By contributing to the establishment of systems and processes, it seeks to enhance performance, service delivery and accountability of new provincial institutions towards citizens and thereby catalyzing more inclusive development.

PSP focuses on assisting **Koshi Province, a focus province of Swiss Agency for Development and Cooperation**, where many SDC's development activities are currently clustered. The Programme comprises of three principal components focusing on the i) strengthening of Province's legislative, policy making, administrative, fiscal management, implementation and service delivery functions (**Outcome 1**); ii) building of inter-governmental strategic partnerships between local and provincial level authorities through prioritized development projects (**Outcome 2**); and iii) working with Province Government (PG) and legislative authorities to enhance their accountability towards their constituencies (**Outcome 3**). Province's elected government authorities; in particular the office of the chief minister and council of ministers (OCMCM), provincial line ministries and the Province Assembly will be the programme's focal institutional counterparts.

PSP is the programme of Koshi province government to implement the Constitution for which Switzerland has agreed to provide the support. The Government of Switzerland will provide financial and technical assistance (TA) to the PG through the programme Management and implementation support consultant (PMISC).

Though the PSP phase-I, was initially envisioned to be completed by 2024. The beginning of the first phase of the project was obstructed by the COVID-19 scenario restricting the mobility and creating the hinderances for the smooth operation for the initial two years. This was followed by the political instability at the federal level, which also had its implications at the provincial level, hence the expected reforms could not take place at the provincial level as it were envisioned and also other started initiatives were not been completed. It was mainly due to these two reasons the project could not be implemented as planned for the last 4 years (2020-2024). However, there were some notable progress made during this period such as:

- the project initiated some commendable efforts on reform,
- inter-governmental collaboration in line with the Constitutional spirit, particularly between province and local levels (strategic partnership) and establishing systems,
- strengthening institutions and capacitating human resources at the provincial level during this period.

Now with the successful second round of general election of federal in 2022, the provincial and local level along with the new political leadership at all spheres, Nepal's federalism is making some progress in the process of institutionalization amidst the implementation challenges raised mainly due to the political instability. Therefore, it is expected that the extended phase (2024-2026) will contribute more significantly in strengthening the provincial institutions, governance process, promote inter-governmental collaboration in line with the Constitutional spirit and complete the remaining tasks initiated during the last 4 years of project implementation.

The PMISC will play an advisory and supporting role by implementing a long-term programme demands firm programme steering with adoptive, flexible management and transparent monitoring tools. The PMISC will function through its office within Office of the Chief Minister and Cabinet Minister's (OCMCM's) premises in Koshi Province. The main modalities for engagement will include provision of:

- i) targeted technical assistance (TA) on institutional strengthening, customized capacity building/ training, hands-on implementation capacity and mentorship support to PG authorities (executive);
- ii) seed funding in select PG-Local Government (LG) strategic partnership (with LGs);
- iii) targeted TA to State elected representatives and parliamentary committees (legislative).

2 Purpose of this document

These specifications describe the objectives that are to be pursued and achieved with this object of procurement. It regulates the procedure and form of the submission of tenders and, together with the General Terms and Conditions of the FDFA, the Federal Act of 21 June 2019 on Public Procurement (PPA, SR 172.056.1) and the Ordinance of 12 February 2020 on Public Procurement (PPO, SR 172.056.11) serves as the basis for the present procedure. In the case of an invitation procedure, at least three bids shall be collected, if possible, and the Terms of Reference must also be placed on the FDFA mandates platform. The contract is awarded to the most advantageous tender. It is **not** possible to appeal the award.

This document contains the requirements relating to the mandate for project "Implementation of the Provincial Support Programme". It serves as a template for the potential bidders to submit his/her bid/offer. Contract is awarded according to the invitation procedure pertaining to Art. 20 PPA..

PART A: DESCRIPTION OF PROJECT

3 Background of the project

3.1 Context

Nepal has undergone successive social, political and structural transitions for the past 250 years, yet intensely so in the last three decades. The second transition to democracy dawned in 1990, but fell subject to a decade-long Maoist armed conflict and coup by the King in 2002. The newly found democracy and end to monarchic rule was made possible through the joint peaceful movement by the joining of democratic parties and the Maoists in 2006.

A common characteristic shared by prior political systems in Nepal was that all of them were centralized and unitary. On 20 September 2015, a new Constitution of Nepal was promulgated. Nepal thus became a federal, democratic, republic state for the first time in its history. The erstwhile unitary system has been converted into three spheres of governance, creating 753 LGs, 7 PGs and 1 Federal Government (FG). The executive and legislative powers are shared between different spheres. Exclusive and concurrent rights are also granted to all spheres of government.

The new Constitution seeks to address the root causes of poverty, social marginalization, discrimination and poor service delivery. Apart from ensuring fundamental democratic rights, the new Constitution provides an impetus for restructuring Nepal's governance model through devolution of power. Involvement of citizens in development and governance processes, enabling them to make decisions over their lives and in their communities is the strength of the new federal system.

Yet, the federal system can regress if cohesive measures are not built in promptly and effectively as it is inherently a political negotiation process. It is therefore essential that systems and political processes are set up and working quickly. Improved service delivery must kick into high gear, demonstrating the federal system's credibility. Functioning of the PGs is key to success of federalism. But PGs are entirely new and it will take some time for their consolidation and recognition. Although the first five years are gone, PGs still face the daunting task of setting up entirely new systems, procedures, institutions, and implementation mechanisms. They need to prove their credibility and accountability toward citizens fast.

Provinces will play a catalytic role in geographic identity formation, conflict resolution, inter-governmental coordination, provincial economic development and the consolidation of the peace process. As provinces are completely new sphere of government, they need prompt, multi-dimensional support to assume their Constitutional rights and responsibilities. Ensuring maximum local ownership, through three mutually reinforcing components the PSP will expedite technical assistance to Koshi province in its development of well-functioning institutions, systems and procedures. In doing so, PSP will enable the Koshi province government, its inter-governmental counterparts and citizens to exercise their rights and responsibilities through democratic processes and inclusive service delivery as per their exclusive and concurrent rights set out in the Constitution. Successful establishment of the province, as a new sphere of government and development driver, will thus contribute to the success of federalism itself.

Effective intergovernmental relations between all three spheres of government and horizontal cooperation among the provinces will also have a very important role for a successful federalism. For effective governance, the PG and LGs will have to cooperate. PGs will have to play a role of a supportive enabler to the LGs – also to present a united front against a possible regression and against efforts of recentralization by the FG.

3.2 Geographic focus

PSP focuses on assisting **Koshi Province** where many SDC's development activities are currently clustered. An ethnically diverse home to 4.9 million people as per the last census 2021, to Nepal's lucrative tea, cardamom producing areas and bordering with India, Koshi is

an important cogwheel in Nepal's economy and stability. Due to Koshi's geo-political and economic role, development of legislative, administrative, fiscal functions and procedures will set important precedents for other provinces and for Nepal's transformation from unitary to a functioning federal system.

While Koshi's 4.9 million people are the primary beneficiaries of the PSP, at the operational level, mainly the executive and legislative institutions will be the *direct* beneficiaries from PSP's technical assistance and capacity building activities. Emphasis on capacitating inter-governmental coordination between local-province and provincial -federal level authorities, respective LG and national-level institutions can equally be benefitted from the programme.

3.3 Development goals

The PSP was one of the main programmes contributing to *federal State building* - domain 1 of the Swiss Cooperation Strategy (SCS 2018-2021) and it is also one of the major objective and transversal theme of the current Swiss Cooperation Programme (SCP 2023-2026). Promotion of *federal State building* and strong institutions aligns with conflict transformation priorities in Agenda 2030 and in the Swiss Federal Dispatch to Parliament 2020-2024. It will also positively serve as an umbrella for leveraging synergies and influencing the implementation of sectoral projects in SCP' other domains 2 and 3. Geographically, PSP will engage at the Koshi province.

Concentration of activities in Koshi province and collaboration with its government will allow for a better synergies between SCP's three domains. It will also enable mutual sharing and horizontal dissemination of knowledge and field experiences in policy dialogue arenas at intra-province and inter-governmental level. Switzerland's engagement via Provincial and Local Governance Support Programme (PLGSP)¹ will also be useful. While the PLGSP promotes an *all of government and development partners coordinated approach* through national channels, its consensus-based procedures are more extensive hence and often lengthy. PSP in this sense complements the PLGSP by allowing more agile, flexible and hands on cooperation with Province authorities hence quicker deployment of technical assistance on the ground. It is envisaged that both programmes will pro-actively harmonize their activities at operational level in Koshi Province.

4 Project

4.1 Phases

Recognizing that instituting a federal system is a longer-term yet organic process, PSP envisages three consecutive programme phases (2019-2032) in tandem with Nepal's election cycles. The proposed tender is for the two years extended period of the first phase (2019-2024-2026) will consolidate the reforms initiated in last four years and continue to contribute *laying the institutional and procedural foundations* for federalism at provincial level, along with the establishment of latter's democratic accountability toward the citizens. The starting of the first phase of the project was obstructed by the COVID-19 scenario restricting the mobility and creating the hinderances for the smooth operation for initial two years. Later, political instability at federal level also had the implications to provincial level, hence the expected reforms could not take place at the provincial level as it were envisioned. Now with the successful second round of general election of federal, provincial and local level with new political leadership at

¹ In support of Nepal's new federal Constitution and its implementation, working closely with Ministry of Federal Affairs and General Administration, PLGSP (January 2019 –July 2023) seeks to facilitate and lead processes of policy support, institution building and capacity development at sub-national level. Covering all 7 provinces and 753 LGs, its two principal objectives aim to i) *strengthen provincial and LG systems and procedures, inter-governmental relationships to maximize benefits of cooperative federalism for Nepali citizenry*, ii) *enhance the capacity of provincial and LGs to deliver services and development outcomes effectively to citizens*. With a total budget of 130 million USD, PLGSP links to the former LGCDP and is co-implemented by Government of Nepal (GoN), FCDO, SDC, Norway, European Union and United Nations.

all spheres, Nepal's federalism is slowly in the process of institutionalization amid of implementation challenges raised mainly by the political instability. Therefore, it is expected that the extended phase of 20.5 months will contribute more significantly in strengthening the provincial stitutions and governance process and to promote intergovernmental collaboration in line with the Constitutional spirit.

The PSP Project-Phase I was implemented by the consortium Pricewater Coopers (PwC) AG & PwC PL India implemented this programme for last 4 years (2020-2024).

The PSP Phase I still has some remaning tasks which is planned to be completed in the extended phase for the period of 2024-2026. The details of completed task as a part of the achievements and lessons learnt is provided in the **Annex A**.

It is expected that the result of the mid-term review of this phase I (including extended phase) which will be carried out by SDC, will determine the need of remaining two phases.

4.2 Project objectives / outcome of the project

Project objectives

Transformation from a unitary state to a federal system involves significant structural, behavioral and perception changes at all spheres of government. *Consequently*, in alignment with the new Constitution, the overall goal of the PSP is to support the *Government of Nepa(GoN) to implement federalism through well-functioning, inclusive institutions and systems*. While focusing its activities at provincial level, the PSP will force adherence to the principles of cooperation, coordination and co-existence at all government levels. To achieve this the PSP adopts a systemic approach with three mutually reinforcing Outcomes.

Outcome 1: *PG delivers equitable development and public services*. This outcome will contribute to building of institutions, systems and processes allowing the PG to administer and implement equitable development activities and citizen centered service delivery faster. To further bolster efficiency, elements of electronic governance will be also introduced. In the contemporary era, e-governmence is an essential building block of any public administrative system. If effectively set up, it can be a particularly good instrument to foster federalisation processes. Outcome 1 will implement two concrete outputs:

Outcome 2: *Koshi province and associated LGs cooperate with each other on selected development priorities*. Outcome 2 is admittedly modest recognizing not only that behavioral change – understanding that all spheres of government are equal – will take some time, but also that such relations are in place for a very first time in Nepal. It can also be expected that their immediate focus will be to bring their own house in order first before seeking meaningful cooperation with each other. Scope of this outcome will evolve over time, expecting to gradually strengthen inter-governmental relations between FG, PG and LG.

To stimulate strategic partnerships between PG and LG but also horizontal cooperation between *LGs*, incentives and criteria for prioritizing inter-LG initiatives will be incorporated. It will focus on instigating a policy dialogue with FG to address equalization mechanisms, nurturing a balance between different regions within Koshi province, enhancing infrastructure, local economic development and equitable natural resource management. Koshi province being a border Province with India, conducive projects to facilitate good trans-border relations, trade and stable local political economy, will also be strongly considered.

Outcome 3: *PG and elected representatives are accountable to their constituencies*. Outcome 3 will contribute to instituting inclusive and participatory policies, tools and practices for PG,

establish participatory approach to agenda setting process, citizens', civil society's and private sector's mutual accountability and strengthen citizens' ownership and engagement in decision-making processes.

Activities under outcome 3 will engage the Province Assembly (PA), its thematic and Sectoral parliamentary committees. The Committee will support the PA in developing transparent processes and a citizen-friendly website, and in enhancing PA's participatory approach to agenda setting processes. To support this process, Outcome 3 will work with elected representatives within the executive and Province Assembly.

The outcome wise detail on the remaining task is provided as:

Remaining Works for the Extension Phase under Outcome I

The extension phase primarily aims to ensure the implementation of ongoing activities towards achieving the outcome and consolidating learnings for future phases of the project. During this extension period, the project will focus on implementing:

- annual planning and budgeting guidelines,
- the Fiscal Directives and Financial Accountability (FDFA) Act,
- revised law-making processes at both provincial and local levels,
- the Chief Minister's (CM) dashboard, Digital Pradesh,
- Keshaliya Khola conservation plan, and
- recommendations from the Own Source Revenue report for the Koshi government.
- Implementation of annual planning and budgeting guidelines is critical to addressing planning and budgeting issues at the provincial and local levels and it is a major political objective under outcome 1.

Remaining Works for the Extension Phase under Outcome II

The extended phase of the project aims to consolidate the initiated activities under this outcome. Mainly this includes:

- Complete the construction of all the four Integrated Emergency Response Centres which are already started and take it functional that have already commenced and make them functional
- Approve the building code guidelines from PG and implementation of building code in all the municipalities in a systemic manner
- Implement at least 2 strategic partnership projects in solid waste management in collaboration with PG and LGs.
- At the political and policy level, it is crucial to ensure the functionality of thematic committees under the provincial coordination committee. These committees will discuss and address thematic and sectoral issues related to the implementation of the Constitution, mainly focusing at provincial and local levels.

Remaining Work for the Extension Period under Outcome III:

During the extension period, it is expected that the project will mainly focus on the implementation of

- Training need assessment of the provincial assembly
- Orient provincial assembly members on parliamentary scrutiny over executive
- designing and implementing a citizen-parliament interface using Information Communication Technology-friendly technologies
- Establishment and implementation of inclusive law-making legislative process

4.3 Prior involvement

Initial scoping of the concept was conducted by Dr. Nicole Töpperwien from Ximpulse GMBH and Dr. Shyam Bhurtel and design of the proposed project was done by Ms. Jordanka Tomkova, from Stiftung InnovaBridge Switzerland and Mr. Prateek Pradhan from Nepal. Mr. Purna Chandra Bhattarai of Nepal was also consulted for certain section (institutional) of the Project Document. Because of their prior involvement, they were excluded in the preparation and submission of the bid. They and their companies are excluded as single tenderer, and as consortium partners or as subcontractors nor are they entitled to provide any information to bidding organizations.

4.4 Project set-up

4.4.1 Stakeholders

The project's main interlocuter is the Koshi province government. Given the scope and complexity of Nepal's federal reforms and the important role that the PGs will play in it, a wide range of primary and secondary stakeholders from government and the non-government sector have an interest in the program.

- **The primary stakeholders** who can affect operationalization of the federalization process at the sub national level are the Province Assembly, the Office of the Chief Minister and Council of Ministers (OCMCM), and the line ministries, The Province Coordination Council and Provincial treasury control office are also primary stakeholders. PSP will collaborate with them closely.
- **Secondary stakeholders** such as the LGs, their associations as well as the private sector can also affect the federalization process.. The FG and the District Coordination Committees (DCCs) can be potential spoilers. PSP will have to keep them informed and stay positively engaged.

4.4.2 Institutional Arrangements

A bi-lateral agreement has been signed between Government of Nepal and Government of Switzerland for the implementation of PSP. The Office of the Chief Minister and Council of Ministers (OCMCM) of Koshi province will be the main executing agency of the programme. It is extended until 31 July 2026.

4.4.3 Programme Steering Committee (PSC):

The PSC, an apex governance body of the PSP will act as a supervisory board that provides strategic direction. It will endorse the Programme Management Unit (PMU)'s annual work-plans, budgets, address policy issues resolve bottlenecks and review the quality of the actual implementation. It will also monitor and review the progress reports. The PSC will be headed by the CM, other Ministers, Principal Secretary, two LG Chairs, two female deputy chairs from LGs (1 urban, 1 rural) as designated by LGs Associations, two representatives from Swiss Agency for Development and Cooperation (SDC) will be members. The Programme Director will be serving as the member-secretary of the Steering Committee (SC). PSP's Team Leader will participate as invitee to the committee. The PSC will meet at least once every year. The Institutional arrangement i.e. the relation between PSC, PMISC and (PMU) has been depicted in Annex

4.4.4 Programme Management Unit (PMU) and Programme Management Implementation Support Consultant (PMISC; winning bidder of this invitation procedure)

To optimize full local ownership and use of country systems, OCMCM will establish a PMU for day-to-day management and implementation of the Programme. The PMU will be headed by a Secretary as Programme Director. Two Under Secretaries will also be deputed to the programme with required associate/support staff. The PMU will manage and implement PSP in its spirit and substance as presented in the Programme Document (ProDoc²). Sectoral Ministries, PA Secretariat and provincial treasury Comptroller Office will be mobilized for executing respective components of the programme.

The SDC will provide financial and technical assistance to the Koshi province government through the PMISC. ***The PMISC shall be mandated to an implementing agency selected through a competitive process as per the FDFA procurement rule.*** The head of the PMISC will serve as the Programme Manager/Team leader. S/he will execute the programme under the supervision of the Programme Director. The PMISC will have Team leader and required administrative and support staffs. Additional short term experts will be hired as per PG's needs and demands'. The PMISC will function through its office within the PMU, at OCMCM's premises. The PMISC will play an advisory and supporting role to the PMU in planning and management but also in the implementation and supervision of the programme's operational activities.

4.4.5 Coordination with Other Programmes and Development Partners (DPs)

The Provincial and Local Governance Support Programme (PLGSP)³ is also being implemented in the Koshi province. Consequently, the PSP will continue to be managed in broad alignment with the PLGSP. Coordination and complementarity will be ensured through a possible joint Steering Committee, where Team Leaders of both programmes will be invitees. The secretary of governance reform division of OCMCM will act as the director of both Programmes. This will ensure operational complementarity, optimization of resources, and prevention of duplication. PSP's presence in Koshi province will ensure a regular follow-up of PLGSP, allowing the SDC to give feedback to the federal level and influence policy decisions in order to enhance the quality of PLGSP execution.

The PSP will also continue to closely engage with public financial management (PFM) reforms undertaken through a multi donor trust fund⁴ supported by State Secretariat for Economic Affairs(SECO) managed by the World Bank, and transmit the lessons from the province level to the national level steering committee.

4.5 Financial volume of the project

The estimated duration of the entire project is 12 years (01 October 2018 – 31 July 2030) with first phase of 6 years (including extended period of 20.5 months), second phase of four years and a last phase of two and a half years. The total financial volume over all phases (including administered project funds) is estimated to be approximately CHF 27 million. Please refer to 4.1.

5 Mandate

5.1 Terms of Reference (tasks and outputs of the mandate)

- The contractor must follow the Procurement Guidelines for FDFA (SDC) Contractors, which are available at www.eda.admin.ch > *Services and publications* > *Mandates* >

² The Programme document is attached herewith for the reference.

³ PLGSP is a proposed federal Government Program to build the capacity of Provincial and LGs. SDC is one of the development partners committed to support PLGSP together with other development partners mainly DFID, EU and Norway.

⁴ Multi Donor Trust Fund is a joint initiative of development partners to support Government of Nepal on Public financial management reform. It is being implemented by World Bank where Switzerland is also involved through SECO.

Information and downloads for contractors and contribution recipients or per direct link here: [Procurement guideline for FDFA contractors](#).

Any departure from these rules must be justified and authorised beforehand in writing by the FDFA (cf. General Conditions of Business (GCB) for Project Implementation Mandates – Version May 2021, 2.1. Sub-contracting agreements).

Since this is the ongoing project, many tasks have already been completed or started as per the project document. Therefore, the tenderer, under this mandate will have responsibilities mainly to complete the tasks as stated under section 5.4 during this extended period. In addition, the tenderer will have the responsibility to accommodate additional government request in agreement with SDC.

The Government of Switzerland will provide financial and technical assistance to the Koshi province government through the PMISC. The PMISC will be attached to the PMU. Team Leader of the PMISC will serve as the Programme Manager of the PSP. The team leader will be stationed at the OCMCM, and s/he is expected to deal with the Koshi Province Government, mainly the OCMCM and Ministries, programme director, legislators and other stakeholders. S/He will execute the programme under the supervision and direction of the Secretary of Governance Reform Division (Programme Director). The PMISC will consist of team leader and one technical and procurement expert. Additional short term experts will be hired on a demand basis as per PMU's needs.

The PMISC will play an advisory, supporting and also the implementing role. Implementing a long-term programme demands firm programme steering with flexible and adaptive management and transparent monitoring tools. The PMISC will function through its office within the PMU, on OCMCM's premises in Koshi province. The main modalities for engagement will include the provision of:

- iv) targeted technical assistance (TA) on institutional strengthening, customized capacity building/ training, hands-on implementation capacity and mentorship support to PG authorities (executive);
- v) technical support, preparation of Detailed Technical Project Reports (DPR) and seed funding in select PG-LG strategic partnership (LGs);
- vi) targeted TA to elected representatives and parliamentary committees (legislative).

PMISC in principle, will support the PMU in planning and management. However, It will also assume direct responsibility for the implementation like preparation of DPRs including the preparation of bidding documents and supervising the construction of strategic partnership projects. In addition, it will execute its role mainly as following (but not limited to):

- Design strategies and undertake initiatives to achieve the objectives of the Programme.
- Support PMU in day-to-day operation and implementation of the yearly plan of Operation of the programme as approved by the steering committee, working as its secretariat;
- Design, implement capacity building activities for line ministries, province assemblies and elected representatives;
- Oversee procurement, ensure timely procurement and ensure timely and quality DPRs of selected development projects;
- Supervise and quality assurance of the construction and operation of strategic partnership projects
- Continuously push for reforms in the PG Systems and behavior, in particular while supporting for the implementation of the Constitutional rights of the province

- Closely work with Province Coordination Council (PCC), its thematic committees and ensure collaboration and cooperation among and between the LGs and PGs
- Monitor and supervise operational activities on a day-to-day basis;
- Monitor funds channeled through GoN (province) treasury, and follow-up on the funds flow and audits;
- Support PMU in organizing SC meetings
- Organize required technical evaluations; and
- Provide support in reporting, monitoring and evaluation etc.

5.2 Profile of the tenderer

The tenderer must have a proven practical track-record in the field of federalism, decentralization, institution strengthening, capacity building, coordination and policy influencing (mainly in Nepal). The practical experiences of at least 3 years is expected in mobilizing the technical assistance in supporting the PG and LG on e.g. formulation of periodic plan of provincial and LGs, strengthening the public financial management system and procedures, promotion of intergovernmental collaboration , formulation of Detail Project Report, conduction of institutional strengthening plan including organization and management survey. The tenderers must have the management capacity related to complex, multi-actor programmes with prior experience in mainly working with PG and LGs, parliament etc. The tenderer is expected to have very fast decision-making mechanism to mobilise the technical assistance, sound but very quick and efficient administrative, financial policies and procedures which can ensure the timely quality technical assistance to PG. Considering that PSP is the political programme for SDC, it is expected that the tenderer is flexible enough to accommodate the suggestions and advise of SDC on a regular basis during the implementation of the programme.

Bidding consortia are not permitted.

The tenderer which must be a single tenderer must meet the requirements listed below.

Requirement

1 Knowledge:

- Substantial knowledge on implementation of federalism, in particular with the issues relating to restructuring and implementation of the Constitution of past seven years in Nepal
- Understanding of the government system and its functioning particularly in the federal context of Nepal
- Knowledge in policy support, institution building of government departments
- Knowledge of defining and mobilizing quality technical assistance
- Experience of working in the transformative and evolving political process and institution
- Knowledge on the influence of the different actors, particularly in the context of Federalization in Nepal, Knowledge on adaptive and flexible management, quick decision making and result (outcome) based monitoring and evaluation
- Share the core values and approaches of SDC. This includes mainstreaming of gender and social inclusion, good governance and notably the application of conflict and Constitution-sensitive programme management (CSPM) principles, which implies the need for an intimate knowledge of the context and its actors, as well as

participatory and transparent working methods to ensure acceptance of the project's intervention.

2 **Experience:**

- At least 3 years experience in policy support in province and local level e.g. periodic plan, public financial management reform, intergovernmental collaboration, institutional strengthening etc.
- Competent and experienced personnel related to project work
- Successful track record of capacity building and technical assistance of government entities, particularly in federal context
- Successful implementation record of initiatives with multi sectoral government stakeholders, policy dialogue.
- Experience in project steering and monitoring with multiple stakeholders, including public, private and civil societies.
- Knowledge in bringing together different stakeholders and coordinating their actions – particularly in monitoring, supervision, guiding of implementing partners and reporting to the Development partner as per the Log frame.

3 **Organisational Set-up/Governance :**

- Has adequate organizational settings including the back stopper/specialists for technical support on system building, institution building of government department
- Efficient and quick procedures/decision making that allow flexible procurement system and can efficiently mobilise technical experts in a very short span of time
- Sound internal control system, good governance, multicultural work environment and compliance
- Devolution of authority of decision making (e.g. to team leader on administrative, financial and human resource related tasks)

5.3 **Volume of the mandate**

Financial offer form for Phase 1-extended period:

a) Financial offer form Part IV – administrated project funds

The total volume of the administrated funds (part 4 of the Service Oriented Reumeration (SOR) budget form, annex 6.1) for the first phase- extended period (2024 – 2026) must not exceed the maximum amount of CHF 841,500.

b) Financial offer form Part I – III – coordination funds

Part 1-3 of the SOR budget form have to be calculated by the tenderer. This amount will be evaluated under the award criteria (please fill in SOR offer form, see annex 6.1).

PART B: BIDS

6 Evaluation of the bids

The tenderer and the bids are evaluated on the basis of the following model:

Step 1: Formal requirements

The tenderer must fully comply with the formal requirements specified in section 5.1. Otherwise the bid will not be considered.

Step 2: Eligibility criteria (as listed in the separate annex)

The tenderer must duly fulfil without limitation or modification the eligibility criteria listed separately in Annex EC. The tenderer must also provide, where indicated, the necessary evidence with the submission of the bid.

Only those tenderers that fulfill all formal requirements and eligibility criteria will be evaluated on the basis of the award criteria. The other tenderers will be excluded from the further procedure.

Step 3: Award criteria

The bids will be evaluated on the basis of the award criteria and the evaluation scale specified in section 5.3. The most advantageous bid will be awarded the mandate.

6.1 Formal requirements

Compliance with the deadline to submit a bid: the bids must be submitted by the deadline set.

Compliance with the form: the bids must be submitted in the form described in section 7.

6.2 Eligibility criteria (the list of eligibility criteria is in a separate annex)

The tenderer must duly fulfill, without limitation or modification, the eligibility criteria listed separately in Annex EC. The tenderer must also provide, where indicated, the necessary evidence with the submission of the bid.

Only those tenderers that fulfill all formal requirements and eligibility criteria will be evaluated on the basis of the award criteria. The other tenderers will be excluded from the further procedure.

6.3 Award criteria

The following table provides an overview of the evaluated award criteria (AC) and the corresponding weightings:

AC	Award Criteria	Weighting
	Technical Proposal	
AC 1	Composition, qualification and experience of nominated team by the bidder	25%
AC1.1.	Composition of the proposed project team: required skills and experience in relation to <ul style="list-style-type: none">• Workforce diversity• the objectives of the programme,• Experience of working and management of similar	35 %

	<p>programmes, especially working with the PG and LGs</p> <ul style="list-style-type: none"> • coordination with other technical and financial partners, • Strengthening capacities (redistribution of tasks and responsibilities). • skills for ensuring sustainability of the project results 	
AC 1.2	<p>Qualification of the Team Leader:</p> <ul style="list-style-type: none"> • Master’s degree in law/public administration/political science/economics /organizational management. • At least 7 years of practical experience in effectively managing larger scale governance specific donor project in collaboration with the government authorities. • Strong understanding of Nepal’s Constitution, existing legislation in respective fields, public administration and service delivery processes, good governance standards, institution building methods and inter-governmental coordination mechanisms in Nepal is essential. • Must possess a strong leadership, strategic planning, analytical and organizational skills with proven track record in delivering consistent results in longer program management cycles, and procurement procedures. • Experience of working and managing diverse teams and building partnerships is preferred. • Must possess leadership qualities and must be a pro-active multitasker, excellent communicator, competent to work in a dynamic, high pressure and politically sensitive environment(s) with fluency in written and spoken English. <p>Complementary experiences, skills for ensuring sustainability of the project results and ability to prepare strategic programme delivery plans, writing concise results-based reports is an added advantage.</p>	35%
AC 1.3	<p>Qualification of the Finance and Admin Officer:</p> <ul style="list-style-type: none"> • A Bachelors degree in Finance/ Accounting/ Administration or equivalent. • At least 5 years of practical experience in implementing Public Financial Management (PFM) reform programmes and projects, including inter-governmental PFM strategies, action plans and capacity building initiatives. • Knowledgeable about current issues/methods/approaches in financial management, including those relating to the public sector, fiscal decentralization and other cross-cutting governance issues (e.g. procurement, budgeting, public sector accounting systems; audit, taxation, payroll and pension, procurement; anti-corruption) • Demonstrated experience in evaluating audits, assessing auditor competence, and following up on issues resulting from the audits. • A good understanding and ideally implementation experience in optimizing the use of information technology in public sector financial management processes. • Ability to interpret financial and project management reports and to determine appropriate remedial actions. • Strong planning, organization and time management skills required to facilitate teamwork and to contribute towards a 	30%

	<p>common goal.</p> <ul style="list-style-type: none"> • Very good team work, communication, multi-tasking and facilitation skills, adaptability to dynamic and potentially unstable institutional environments. • Full working knowledge of English and excellent report writing skills with proficient accounting software skills. <p>Qualification of the Monitoring and Technical Officer:</p> <ul style="list-style-type: none"> • Bachelor Degree in engineering/urban planning/development planning/economics/management • At least 5 years practical experience in implementing development and public service delivery projects in Nepal, ideally in infrastructure and natural resource management at sub-national level. • Sound legislative and applied knowledge on Nepal's development planning, urban planning, strategic development planning issues, concepts and realities. • experience in working closely with government authorities in supervising DPR drafting, transparent procurement, implementation, monitoring and evaluation processes in public service delivery contexts. • Technical knowledge on procurement methods, aggregated data collection to track social and economic programme impacts; cost-benefit analyses; etc. • Excellent organizational, writing and analytical skills in drafting concept notes, DPRs and reports. • Ability to apply sound judgment in planning own work, working under high pressure, managing conflicting priorities with ability to assume leadership and work under minimum supervision. • Demonstrated track record of cooperating with multiple stakeholders, supervising expert teams from a wider range of disciplines and fields. • Well-versed in outcome-level results measurement and analysis and reporting. • Takes responsibility for incorporating gender and social inclusion perspectives in all areas of work. Fluency to write and verbally communicate English is required. 	
AC 2	Understanding of the project and general approach	25%
AC 2.1	Understanding of the context, mandate and proposed approach for the programme; including key achievements and challenges of last five years of implementation of the Constitution, federalism	25%
AC 2.2	<p>Approach, tools and proposed strategy for strengthening province to ensure the sustainability of the programme results, strategy of building/strengthening the capacities of partners.</p> <p>Localization of aid: Preference for regional/local implementing partners, training of local experts (train the trainers) and general strengthening of local capacities (both among public entities and civil society actors).</p> <p>Innovative approach to project implementation, application of</p>	45%

	<p>new technologies (incl. reference to previous projects)</p> <p>Proposed approach for cooperation and coordination with other development partners, programmes/projects of SDC or with similar programme from different development partners or Koshi province</p> <p>Approach to promote intergovernmental collaboration especially between PG and LGs of Koshi province including the strategies to ensure the sustainability</p> <p>Appreciation of gender equity and social inclusion as per the spirit of the Constitution of Nepal and its implication on project implementation.</p> <ul style="list-style-type: none"> Innovative approach to project implementation, application of new technologies (incl. reference to previous projects) 	
AC 2.3	<p>Description of the risks, constraints and opportunities and the means identified for addressing them</p> <ul style="list-style-type: none"> Measures taken for ensuring adherence to the principles of good governance and combating corruption 	30%
AC 3	Procedure and project organisation	20%
AC 3.1	Activities proposed	30%
AC 3.2	Proposed project set-up	15%
AC 3.3	<p>Procedures to mobilise the technical assistance, time for the decision making , devolution of decision making power to the team leader for mobilizing the technical experts and authority over the staffs (Rationality of the proposed organisation/structure, coherence of the distribution of responsibilities, complementary skills within the team, appropriate gender-mix)</p>	40%
AC 3.4	Demonstration of how to achieve the lowest possible environmental impact in terms of travel activities within the project	15%
AC 4	Financial proposal	30%
AC 4.1	Clarity of the proposition, full character of the cost structure, realistic estimation of the costs	15 %
AC 4.2	Financial planning/costing structure: allocation to various lines of action (advice, case studies, workshops)	15%
AC 4.3	<p>Price formula for Phase I-Extended period Overall amount of service costs (part 1-3 of SOR budget, SOR offer form, see annex 6.1) in CHF excl. VAT (see chapter 5.3):</p> $\text{Score} = M \times \left(\frac{P_{\min}}{P} \right)^2$ <p>P = Price of bid being assessed Pmin = Price of cheapest bid M = Maximum of point (= 5) Exponent = Exponent in formula (=2)</p>	70 %
	Total	100%

6.4 Presentation of the tenderer and the bid

The contracting authority reserves the right to invite the best ranked tenderers to a presentation on their company and bid.

The content of this presentation will take the following form:

Agenda:

Welcome	10 min.
Presentation of the tenderer	20 min.
Presentation of the bid	20 min.
Client questions on the presentations	10 min.

The Single Point of Contact (SPOC) specified and an employee authorised to legally represent the tenderer must be present at the presentation.

Each award criterion will be evaluated according to the following score table:

Score	Fulfilment and quality of the criteria	
0	Cannot be established	<ul style="list-style-type: none">• Not possible to assess• No information
1	Very poor fulfilment	<ul style="list-style-type: none">• Very limited achievement of the criteria• Insufficient, incomplete information
2	Poor fulfilment	<ul style="list-style-type: none">• Limited achievement of the criteria• Information without sufficient relevance
3	Average fulfilment	<ul style="list-style-type: none">• Normal achievement• Average quality, minimum requirement fulfilled
4	Good fulfilment	<ul style="list-style-type: none">• Good achievement• Very good quality
5	Very good fulfilment	<ul style="list-style-type: none">• Very good achievement• Outstanding quality

7 Structure and content of the bid

The tenderer must adhere to the following structure in the interests of fairness and in order to expedite the evaluation process.

The number of pages indicated for each section must be respected (excluding CVs). Excess pages will not be taken into consideration.

Section	Documents	Max. no. pages	EC / AC
1	Covering letter with signature(s)	2 pages	-
2	List of eligibility criteria – duly and completely signed (The list must be complete, without limitation or modification, on submission of the tender, along with appropriate evidence)	As outlined in annex EC	EC 1 – EC 14
3 Documents A - I	All requisite documents, as set out in the list of eligibility criteria	All listed documents in annex EC	EC
4 & 5	Technical Proposal (accordingly to Annex 11, section 4 & 5 of the terms of reference)		
4	Understanding of the project (AC 2.1)	2 pages	AC 2.1
	General approach (AC 2.2-2.8)	4 pages	AC 2.2-2.8
	Agenda for the implementation	1 page	AC 3.2
	Activities proposed	2 pages	AC 3.2
	Proposed project set-up	2 pages	AC 3.3
	Procedure	2 pages	AC 3.4
5.2	(according to Annex 9, of the terms of reference) Professional experience and language skills of each team member (CVs)	2 pages each	AC 1
5	Financial Offer		
5.3	Financial narrative	1 page	AC 4.1& 4.2
5.3	The financial offer is to be submitted duly signed in accordance with annex 6.1 (SOR offer form) in CHF and according to the rules stated in annex 6.2	As outlined in annex 6.1 and 6.2	AC 4.3

PART C: ADMINISTRATIVE ASPECTS

8 Contracting authority

8.1 Official name and address of the contracting authority

Federal Department of Foreign Affairs FDFA
Swiss Agency for Development and Cooperation (SDC)
Embassy of Switzerland in Nepal
Ekanta Kuna, Jawalakhel
P.O Box no. 113, Kathmandu, Nepal

8.2 Type of contracting authority

Confederation (central Federal Administration)

8.3 Type of procedure

Invitation procedure

8.4 Type of commission

Contract for the supply of services

8.5 In accordance with GATT/WTO agreement, or treaty

No. This is a public contract under Annex 5 no. 1 let. d PPA. There is no right of appeal.

9 Timetable of the invitation procedure

9.1 Timetable of the invitation procedure

The following stages are completed prior to making the award decision: the awarding office reserves the right to make amendments.

Date / Deadline	Activity
16.07.2024	Terms of reference published /shared to selected bidders and publication on FDFA mandate platform
22.07.2024	Deadline for expression of interest and submission of written questions through email to kathmandu@eda.admin.ch .
26.07.2024	Publication of answers by e-mail to all tenderers who have expressed interest
15.08.2024	Deadline for submission of tenders
16.08.2024	Opening of tenders
Mid August to End of September	Evaluation of submitted bids / Possible presentation
First week of October	Award decision
First week of October	Written information to all bidders about evaluation result
Mid October	Signing of contract
15.10.2024	Contract start date

The tenderers are requested to reserve these dates and periods.

9.2 Expression of interest in submitting an offer and receiving documents

Interested tenderers can express their interest by email until to kathmandu@eda.admin.ch. 21.07.2024 and will receive the annexes to these terms of reference.

9.3 Required deadline for questions in written form

No individual information is permitted. Any questions may be submitted anonymously by 21.07.2024 (23:59 Swiss time) by e-mail to kathmandu@eda.admin.ch. Questions submitted late cannot be answered. Answers will be sent to all bidders who have made expression of interest by 26.07.2024.

9.4 Type of procedure

Procurement is carried out by invitation of tender in accordance with the Federal Act on Public Procurement of 21 June 2019, PPA, SR 172.056.1.
It is **not** possible to appeal the award.

9.5 Submission of bids

9.5.1 Formal requirements and language of the bid

Bids should include all the documents stipulated in section 7 and submitted in a sealed envelope as follows:

- a) one original signed hard copy of the Technical and Financial Proposal labelled 'Original',
- b) two signed copies of the Technical and Financial Proposal labelled 'Signed Copy',
- c) one data storage device (e.g. USB memory stick) with all Technical Proposal and all Financial Proposal documents. All of these documents need to be searchable PDF files (optical character recognition) and EXCEL spreadsheet for financial proposal in the SOR Budget template

OR

- d) Alternative for submission of offers: The tenderers can submit the bid by email to kathmandu@eda.admin.ch exclusively. All documents need to be searchable PDF files (optical character recognition).

Please follow instructions under chapter 9.5.2 point d).

Language(s) for bids: English

9.5.2 Deadline and address for submitting bids

The complete bid is to be submitted by **15.08.2024** at the latest as follows:

Submission of bids in Embassy of Switzerland in Nepal is encouraged.

Embassy of Switzerland in Nepal

PLEASE DO NOT OPEN – BID

Swiss Agency for Development and Cooperation SDC

Embassy of Switzerland in Nepal

Mr. Sushil Shrestha

Ekanta Kuna, Jawalakhel

Kathmandu, Nepal

Electronic submission of offers:

The tenderers must submit the bid by email exclusively. The complete bid must be submitted to kathmandu@eda.admin.ch by 15.08.2024, 23:00 (Swiss time) at the latest.

The email must mention 'Bid for PSP Project-extended period' in the reference line. The files shall not exceed maximum size of 20MB for each email. It is possible to submit a bid in more than one email in clearly labelled batches. Tenderers must confirm in the email the binding force of the bid. The receipt of the bids submitted via email will be acknowledged via email at the latest until 20.08.2024.

- a) Submission of bid at the reception of the Embassy of Switzerland/Swiss cooperation office in Nepal (Monday-Friday from 9-12am) or at the incoming goods department at Freiburgstrasse 130 in Bern (Monday-Friday from 7.30-11.30am and from 1.30-4.30pm)
- b) Submission of bid by post: concerning observance of the deadline, the date of postmark or the bar code docket of a Swiss Post Office provides proof of the date of posting (company franking marks are not valid as postmarks).
- c) Submission of bid at a Swiss diplomatic or consular representation abroad: foreign tenderers may hand in their bids by the above-mentioned deadline at the latest during office hours at a Swiss diplomatic or consular representation in their country. The representation provides written confirmation of receipt. Tenderers are obliged to send the receipt of the representation concerned by the deadline at the latest by email (kathmandu@eda.admin.ch) to the contracting authority.

OR

- d) The tenderers can submit the bid by email exclusively. In this case, the complete bid

(format pdf) must be submitted by kathmandu@eda.admin.ch by 15.08.2024, 23:00 (Swisstime) at the latest. The email must mention 'Bid for PSP-extended period' in the reference line. It is possible to submit a bid in more than one email in clearly labelled batches. Tenderers must confirm in the email the binding force of the bid. The receipt of the bids submitted via email will be acknowledged via email at the latest until 20.08.2024. All of these documents need to be searchable PDF files (optical character recognition). In all cases the tenderer must retain proof of the timely submission of the bid.

9.5.3 Late submission of bids

In all cases the tenderer must retain proof of the timely submission of the bid. Bids submitted late cannot be taken into consideration. They will be returned to the tenderer.

9.6 Opening of bids

The bids are not opened publicly. In accordance with Art. 11 let. e PPA, the contracting authority safeguards the confidential character of all information provided by the tenderer.

9.7 Evaluation

The evaluation is carried out in accordance with the procedure described in section 5 and the formal requirements and eligibility and award criteria set out in sections 7.2, 7.3 and 7.4.

9.8 Evaluation and adjustment of bids

Tenders are evaluated in accordance with Art. 38 PPA. Tenders may only be adjusted at the contracting authority's specific request. Adjustments must be undertaken in accordance with Art. 39 PPA and subject to the conditions set out therein.

9.9 Award decision

All tenderers will be informed in writing of the award decision.

9.10 Conclusion of contract

The contract is concluded subject to the prior approval of credits by the SDC.

9.11 Follow-up mandates

The contracting authority reserves the right to award subsequent mandates to the successful tenderer of this tender procedure if a change of tenderer for goods, work or services to replace, supplement or extend supplies already provided is not possible for economic or technical reasons, would cause considerable difficulties or would entail substantial additional costs.

10 Object of procurement

10.1 Type of commission

Services

10.2 Location where service is supplied

Nepal

10.3 Implementation date

Start: 15.10.2024 and end: 31.07.2026 (20.5 months)

11 Conditions

11.1 General conditions of participation

When submitting the tender, the tenderer must prove that the mandatory participation conditions set out in annex EC are met in full and without restriction or modification. Otherwise, the tender will not be considered.

11.2 Deposits / guarantees

None.

11.3 Consortium of tenderers

Bidding consortia are not permitted.

11.4 Subcontractor

Subcontractors are permitted, subject to the prior approval of the awarding entity. If the tenderer engages subcontractors in order to carry out the work, the tenderer will assume overall responsibility. It must list all the subcontractors involved, together with the roles allocated to them.

Any contractual delegation by the contractor of performance of all or part of the present contract to subcontractors shall be subject to the prior written consent of the contracting authority. Subcontractors and their personnel must satisfy all conditions stipulated in the present contract and the appendices thereto. The contracting authority shall be liable solely to the contractor. In the event that the contractor delegates performance of all or part of the contract, the contractor shall bear sole liability for the acts of any subcontractors. As a general rule the tenderer is required to make the characteristic supply.

11.5 Remuneration for bids

None.

11.6 Validity of bids

180 days after the deadline for receipt of bids.

11.7 Languages of tendering documentation

The Terms of reference are available in English language.

12 Further information

12.1 Conditions for countries not party to the WTO agreement

None.

12.2 General Conditions of Business

General Conditions of Business (GCB) for Project Implementation Mandates – Version May 2021.

These General Conditions of Business (GCB) shall be deemed to have been accepted by the contractor on submission of the bid.

12.3 Basic procedural principles

The contracting authority may only award public contracts for the supply of goods, work and services in Switzerland to tenderers that ensure compliance with the workplace health and safety regulations and the terms and conditions of employment applicable at the place of performance, the notification and authorisation duties under the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IEA) and the provisions on the equal treatment of men and women in terms of equal pay (see Art. 12 para. 1 PPA).

For goods, work or services to be supplied abroad, the tenderer must, as a minimum, ensure compliance with the Core Conventions of the International Labour Organization as set out in Annex 6 PPA (see Art. 12 para. 2 PPA).

Accordingly, the contracting authority may only award a public contract to tenderers that, as a minimum, comply with the legal provisions on the protection of the environment and the conservation of natural resources applicable at the place of performance (see Art. 12 para. 3 PPA in conjunction with Annex 2 PPA).

Any subcontractors that are permitted must meet the requirements set out in Article 12 paras. 1–3 PPA. These obligations must be incorporated into the agreements between tenderers and subcontractors.

12.4 Confidentiality

The parties shall keep confidential any facts and information that are not generally known or in the public domain. In case of doubt, all facts and information shall be treated as strictly confidential. The parties shall take all measures, to the extent that they are commercially reasonable and practicable in technical and organisational terms, to ensure that confidential facts and information are properly protected against access by, or disclosure to, unauthorised third parties.

Any transfer of confidential information by the contracting authority within its own organisation (or within the Federal Administration), or to any third parties appointed, is not deemed to constitute a breach of the obligation of confidentiality. The foregoing also applies to tenderers to the extent that the disclosure of confidential information is required for the performance of the contract, or provisions of the contract are disclosed within the organisation.

The tenderer may not, without the contracting authority's written consent, publicise the fact that a cooperation arrangement with the contracting authority is or was in effect or cite the contracting authority as a reference.

The parties shall ensure that their employees, subcontractors, suppliers and any other third parties appointed comply with the foregoing obligations of confidentiality.

12.5 Integrity clause

Tenderers undertake to take all necessary measures to avoid corruption and, in particular, agree not to offer or accept payments or other advantages.

Tenderers who breach this integrity clause are required to pay a contractual penalty to the contracting authority amounting to 10% of the value of the contract or at least CHF 3,000 for each instance of breach.

The tenderer notes that any breach of the integrity clause will generally result in cancellation of the award or early termination of the contract for good cause by the contracting authority. The parties shall inform each other of any well-founded suspicions of corruption.

PART D: ANNEXES

No.	Annexes
EC	List of eligibility criteria
A	Achievement and lessons learnt from PSP phase I
1	General Conditions of Business (GCB) for Project Implementation Mandates – Version May 2021
2	Code of Conduct for Contractual Partners of the FDFA
3	Project implementation contract template
4	'Tenderer Information' form without consortium
5a	Self-declaration form 'Proof of compliance with the participation conditions' of the Federal Procurement Conference (FPC)
5b	Self-declaration form 'pursuant to Article 29c of the Ordinance on measures in connection with the situation in Ukraine' of the State Secretariat for Economic Affairs (SECO)
6.1	For main phase: SOR offer form
6.2	SDC How-to-Note Service oriented remuneration (SOR)
7	Information regarding partner risk assessment
8	PSEAH Information Sheet
9	Form for EC6_11_13_AC1_Experience
10	Form for EC10_Internal Control System
11	Project understanding and general approach by tenderer (AC1,AC2,AC3)- Technical
12	Project Document(Excerpt)