



Terms of reference – Invitation procedure

Water Use Permits in the Kyrgyz Republic (WUP KG)

Inception Phase: 01.06.2023 - 30.10.2023

Main Phase: 01.11.2023 - 30.10.2027

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).

26.01.2023

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1 Abbreviations

AC	Award criteria
CHF	Swiss franc
CIS	Commonwealth of Independent States
EC	Eligibility criteria
EU	European Union
FDFA	Federal Department of Foreign Affairs
GCB	General Conditions of Business
GTC	General terms and conditions
IA	Implementing agency
IWRM	Integrated Water Resources Management
KGS	Kyrgyz som (national currency)
LNOB	Leave no one behind
NWRM	National Water Resources Management Project
PPA	Public Procurement Act
PPO	Public Procurement Ordinance
ProDoc	Project document
SC	Steering Committee
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goals
SOR	Service-oriented remuneration
USD	United States dollar
WB	World Bank
WUP KG	Water Use Permits in the Kyrgyz Republic

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.

3 Goal and content of the mandate

3.1 Background

The project “The Water Use Permit in KG” will support the efforts of the Ministry of Natural Resources, Ecology and Technical Supervision of the Kyrgyz Republic in i) strengthening the current water pollution permit system, ii) restoring the ground water use permit system and iii) enforcing the newly introduced surface water permitting system, so that the water authorities ensure compliance of water resources quantity and quality with binding standards and norms. These intervention lines will be accompanied by activities focusing on strengthening the water accounting system at the water source level because without knowing the volume of water it is impossible to regulate the use.

The water resources are often seen through the prism of consumption only, which is at best incomplete and at worse counterproductive. Basin plans, often seen as a panacea by development and national partners, focus on the water services and infrastructure improvement mainly and thus neglect the regulation issue. This demonstrates that the thoroughly correct approach pursued in past years (basin plans) is effective only when combined with regulation. This requires urgent measures to establish a comprehensive governance and management system. A well-functioning water governance system requires a separation between regulation/policy making and water supply services/water use, because uncontrolled water use always leads to the abuse resulting in huge losses both in irrigation and drinking water services. This requires accountability of both users (industries and sectors) and providers, but the former is impossible without the latter. This is also a prerequisite to mitigate corruption risks.

Changes in the political context: Before 2020, Kyrgyzstan was the first in the region to introduce a water code in 2005 based on IWRM principles. Unfortunately, the political instability (roughly one new government a year since independence) slowed down the implementation of the code. According to the code, the Ministry of Agriculture was the main body in charge of water resources policy making/regulation as well as the irrigation services management, which creates a conflict of interest. Since 2020, the country has been going through a political transformation process and the changes have also affected the water resources domain. The government established the Ministry of Natural Resources, Ecology and Technical Supervision (hereafter the Ministry) and gave it water policy-making functions while the Ministry of Agriculture is in charge of irrigation services only. This is a strong political signal of separating regulation from water service management and represents a very positive window of opportunity. The Ministry focuses on the water protection and rational water use. This follows a similar path to the development of IWRM in Europe, which started from the perspective of water resources protection due to pollution of rivers by industries.

Opportunity: ‘Water user and water polluter pays’ principles are parts of the Water Code adopted in 2005. However due to conflict of interest because accommodation of both regulation and irrigation management in the same ministry of agriculture, there were no sufficient capacities nor political will to enforce these principles. Now, with the emergence of the Ministry these principles are high on agenda of the government.

Within a very short period, the Ministry has demonstrated an outstanding performance and managed to upgrade the national water council into a council on water and land resources to be chaired by the president, and not the chairman of the cabinet of ministers anymore. Both the political and administrative contexts are conducive to the project, with clear ownership. The Ministry managed to introduce the economic value of surface water resource (water use fee – different from water service tariff) in the end of 2021. This creates an incentive to use water better, thus decreasing the pressure on what has become a scarcer commodity.

Without regulatory functions such as water use permit system as well as without functioning water use fee and pollution fine, there can be no sustainable progress and the domain will continuously be in vicious circle. The permit systems are regulatory instruments to supervise the use from the quantity and quality perspectives. Against this background, the ministry intends to strengthen its regulatory function with a focus on protection of water resources.

(i) The existing water pollution permit system needs to be strengthened. In practice, it is cheaper to pay a minimal water pollution fine than investing in waste water treatment operations;

(ii) The ground water use permit system needs to be restored. It was abolished in 2012 along with other licenses in order to improve the ranking of the country WB Doing Business rating. It is now among the priorities of the Ministry;

(iii) The newly introduced surface water permit system needs to be enforced. The Ministry lacks expertise on developing required procedures such as water users register, parameters and criteria.

The following is the current causes and effects chain: if there is no effective governance system in place: No permits (regulation) → no water accounting/control → no sanctions/no adherence to norms → water resources wasted, depleted or polluted → added environmental and climate risks for the country.

3.2 Prior involvement

No potential tenderers were involved in preparing the invitation procedure or drafting the Terms of Reference. All tenderers that meet the criteria set are invited to submit a bid.

3.3 Objectives

The project will pursue the goal of “Environmental sustainability and rational use of water resources enforced by strong regulatory functions in the water domain”

The proposed impact hypothesis: If the permit systems are enforced/strengthened; and if there is stronger regulation, evaluation and monitoring/water accounting; then there is an incentive/control system in place to protect and encourage a more rational use of water, because the price of wasting or polluting water will make protection and rational use more attractive and because there is political will demonstrated by the separation of regulation from management, introduction of fee for water as well as surface water permits.

The end of project vision is that the project will help the Kyrgyz authorities to reach their stated strategic objective of the promotion of rational use of water resources.

Outcome 1: An effective novel water resource accounting system at source level is operational throughout the country.

Well-functioning water resource accounting at the source level (abstraction from rivers, boreholes) is the basis for an effective supervision. At the end of the project, the water authorities will have a clearer picture on the amount of water resources being formed annually (absent) and how and by whom water is used at the source level. The project will support the development/modification of the water accounting processes resulting in the register of water users such as sectors and industries, the water cadaster elaboration and water accounting statistical reports, automation and digitalization of procedures and link to a water information system.

Outcome 2: An effective novel water use monitoring and compliance system at all levels is operational throughout the country

The project will strengthen the regulation capacities of the water authorities to ensure compliance of water resources quantity and quality with binding standards and norms. The project will upgrade all three permitting systems (i) optimize the water pollution tax, (ii) the restoration of the ground water use licensing and (iii) the enforcement of the new surface water permitting system. In addition, inspection and sanction systems will be elaborated to ensure the compliance of the water use with tissues permits. Based on issued permits, the water users will pay or be exempted from water use or pollution taxes. The regulating instruments are at the same time sustainability factors since these instruments will motivate, control and sanction the users.

Intervention strategy

The Inception phase is required to validate the scope and the weight of each potential intervention line further described to reach the planned outcomes. The implementing agency (IA) is expected to develop a project document (ProDoc) with a more specific objective system, intervention and a detailed budget. Once the relevance of the project document is agreed with national partners, the implementing partners can proceed with a project implementation mandate. In the Main phase, the Ministry and the Swiss Embassy will sign a project agreement defining the scope of the project and responsibilities and providing the framework for signing a contract between the contracting authority (SDC) and an implementing agency.

As mentioned, the project will contribute to the enforcement and enhancement of the water accounting system and of all three permitting systems present in the water code. All three permit systems are country-owned and are specified in the respective laws. They need to be either optimized, modernized or newly enforced. The draft water strategy (to be approved in 2023) plans to strengthen the water accounting and permit systems. Where needed, legal framework revision will be done especially when it comes to the restoration of some permits as planned in the strategy.

The following could be but not limited to, the main intervention lines:

- (i) Institutional development capacity building. Upgrade of the permit systems will lead to development of new processes and procedures or strengthening the existing. Building institutional and professional competence in the Ministry are the key to success. Extensive capacity building should be inspired by the best international practices and exchange around best practices;
- (ii) Automation and digitalization of the processes and procedures are required to ensure efficiency and transparency. This may require development of the water information system with the narrow focus on the water resources balance, water users and permits. Synergetic potential with the other water information system on the water services (irrigation) should be explored;
- (iii) Proper functioning of the water permit systems or water accounting system will require adequate equipment be it the information Technologies or measurement instruments. Where feasible, such a support is to be provided to kick off the process. The project should help elaboration of own financing mechanisms based on the water fees and water fines to be collected in the future. The ministry plans to keep the collected funds in the sector instead of the current practice of channeling it to the republican budget;
- (iv) Legal framework revision if required. Mainly, the project will support the legal framework improvements in order to enforce the permit system.
- (v) Communication and awareness of the water users. This area is also important, because the water use fee is a new concept and the public needs to be informed that the water fees will not concern the individual users/citizens but will concern industries using water. This novelty will concern industrial or sectoral users in the medium term perspective.

Transversal themes: The project is mainly on governance. During the inception phase, the implementing agency will be requested to conduct Gender and Do No Harm analyses as part of a political economy analysis; Leave No One Behind principles, Economic assessment of value for money invested will be integrated in the project's design stage.

Partnership: Many projects and partners, including Switzerland, have addressed a number of challenges in the water resources domain but mainly focus on the water services (irrigation or drinking water). Starting from 2015, the Swiss Cooperation together with the World Bank has been supporting the government through the National Water Resources Management Project (NWRMP). The project helped to enforce some main elements of the code such the State Water Administration, 2 of 5 pilot basin administrations, 5 pilot basin councils, 5 basin plans and a water information system.

Although useful, water management approaches to date have been concentrated either on infrastructures or on basin plans, thus missing a key component of good governance which is about regulation and supervision. Regulation is a pivotal niche in the water domain that other development partners are not covering. No partner focuses on regulatory functions in the water domain while the development banks focus on service delivery and infrastructure.

The Ministry will be the main partner as well as the main beneficiary owing to its core mandate and competence. Given the current governance system and local development challenges, it seems premature to delegate all the competences to the local level. All three permit systems (listed under (i)-(iii) above) are under the roof of the Ministry and its territorial branches will perform the functions of basin administrators. The primary target group of the project will therefore be the Ministry and its subordinated structures in charge of permitting systems. The water users countrywide will benefit from a clear, simple and transparent permitting system leading to the more rational water use.

There are promising signs of ownership and commitment. The Ministry has demonstrated political will in 2021 by taking over regulatory functions and by introducing economic principles of water resource management. The Ministry has already started collecting the newly introduced water tax (already over 120 mio KGS of water tax have been collected in 2022 (USD 1.5 mio)). This demonstrates the determination of the authorities who have invested political capital and the funds can sustain the efforts of the Ministry of Natural Resources in the future, adding to the project's sustainability. The permitting system and economic value of water management are the key elements of the upcoming water strategy being prepared by the Ministry which should soon be approved. Therefore, a single phase of 4 years should be sufficient to build process and develop procedures.

3.4 Content of the mandate

The mandate is divided in two parts, in a project design phase (Inception phase) and a project implementation phase (Main Phase):

Part 1: Project design – Inception phase (01.06.2023 - 30.10.2023)

The aim of the Inception phase is (i) to conduct the necessary analyses in order to detail thoroughly the project outcomes, outputs, approaches and interventions in the project document (ProDoc).

All activities within the Inception phase will be conducted in close collaboration with the Swiss Embassy in Kyrgyzstan. The involvement of the Swiss Embassy in the planning process is to be ensured as well as shared agreement on key strategic issues and future orientations.

Tasks to be carried out by the selected implementing agency during the Inception phase include, but are not limited to the following:

Analyses / consultations:

1. As part of an analysis of the water use permit system in the Kyrgyz republic, it is requested to conduct at least the following analyses:

- (i) Deepened analysis of the current status of the water permit system, assess the existing process and procedures including financial flows, strengths and weaknesses and identify bottlenecks at policy and institution levels;
- (ii) Deepened analysis of the current status of the water accounting system in relation to the water permit system, assess the existing process and procedures, strengths and weaknesses, identify bottlenecks at policy and institutions levels;
- (iii) Jointly with national partners elaborate proposals for improvement in legal and institutional framework that will serve as basis for policy dialogue in intervention area;
- (iv) Assess the capacity building needs and the required infrastructure improvement relevant for the water accounting and permit systems.
- (v) Assess potentials for the use of information technology, for instance digitalization and automation of procedures, development of water permit information system;
- (vi) Identification of programmatic level risks and development of appropriate mitigation strategies:
- (vii) Assess the communication needs of the national partners to adequately inform the public and relevant stakeholders on the implemented reform agenda;
- (viii) Assessment of opportunities for the learning process and knowledge transfer from best practices most similar to the Kyrgyz context.

2. As part of a context and stakeholders analysis, it is requested to conduct at least the following analyses:

- (i) Actors and their power dynamics, incentives, disincentives etc. (drivers and restrainers of change);
- (ii) Gender and social inclusion analysis focusing on challenges faced by women or any left behind in the intervention area;
- (iii) Economic assessment of the intervention to demonstrate the value for money invested.

3. As part of an analysis of synergy and coordination potentials in the intervention area, it is requested to conduct at least the following analyses.

- (i) Identify potential synergies with other projects funded by Switzerland in Kyrgyzstan;
- (ii) Assess options for coordination/joint actions with development partners and for how SDC's funds can be leveraged by cooperation with other actors and/or with investment from other parties, including from private investors; Assess the extent to which other development partners are working on legal, institutional and policy enabling environment in the concerned intervention area;
- (iii) Define the most appropriate and efficient coordination, steering and monitoring framework.

On the basis of the above-mentioned analyses and results, the selected Implementing Agency shall develop a Project Document (ProDoc) for the implementation of the main Phase, in accordance with the respective SDC guidelines (see annex 9 and 10). The draft ProDoc shall be submitted to the Embassy of Switzerland in Kyrgyzstan by end of the 3rd month of the Inception Phase (meaning end of August 2023).

The Swiss Embassy reserves the right to request amendments to the draft. The revision and final draft of the Project Document is expected latest by the the of the 4th month of the Inception Phase (meaning by end of September 2023).

The project Document shall include the following but not limited to (please refer to Annex 9):

- Detailed context analysis (including results of context and political economy analysis, gender equality and social inclusion analysis);
- Detailed description of the proposed intervention based on identified needs, potentials and priorities and description of how to ensure sustainability of the project and exit strategy;
- Detailed description of the intervention approaches/methodology/instruments and assessment of main risks for the project and/or resulting from the intervention as well as assessment of opportunities; identify measures for mitigation;
- Detailed monitoring system, based on a Logical Framework that includes the defined impact hypothesis, objectives, outcomes, outputs and activities as well as baseline data and target values to measure progress;
- Detailed description of the organizational structure, roles and responsibilities, steering mechanisms;
- Detailed stakeholder analysis; identification of drivers/restrainers of change; identify partner organizations, their roles, experiences, added value, capacities and limitations;
- Assessment of synergies with other Swiss-funded projects and projects of other development partners;
- No cost-benefit analysis is expected to be conducted by the tenderer. Anyhow the tenderer has to present reflections on the value for money invested;
- Detailed operational planning for the first year of implementation.

Part 2: Project implementation – Main Phase (01.11.2023 - 30.10.2027)

The mandate for the implementation of WUP KG main phase is contingent on the performance of the selected implementing partner during the Inception Phase and the approval of the related Credit Proposal by SDC.

The mandate concerns the implementation of the project, as per the final Project Document. Tasks to be carried out by the selected implementing partner for the WUP KG include, but are not limited to the following:

- Ensure overall project management and results-oriented implementation;
- Operational and financial planning, management and reporting;
- Monitor and report results based on the Logical Framework of the Project Document;
- Knowledge management and know-how transfer to local stakeholders;
- Manage efficiently and effectively the project budget and ensure quality financial reporting and auditing;
- Manage staff, consultants and eventually subcontractors (financed through part 4 of SOR budget), i.e. potential outsourcing of services/activities as needed based on SDC procurement rules for subcontractors;
- Build a solid network and partnership relations with key local and national stakeholders in order to create a conducive environment for the implementation of the project;
- Ensure synergies and complementarities with other Swiss-funded interventions as well as other international development partners;
- Ensure close cooperation and exchange with the Swiss Embassy in Kyrgyzstan, including the timely provision of advice/comments on relevant issues of the project to be taken up in policy dialogue and donor coordination;
- Monitor regularly changes in the context, critically assess their implications and recommend respective adjustments in approach;
- Ensure proper steering and monitoring mechanisms, such as Steering Committees, mid-term review, field visits etc.
- Ensure adequate visibility of Switzerland, in line with the General Conditions of Business (GCB) and respective guidelines of the Swiss Embassy/Swiss Cooperation Office Kyrgyzstan and the Swiss Federal Administration Corporate Design Guidelines;

The potential tenderer shall have the following qualification and expertise:

- An international or national organization (no consortium, but sub-contracting arrangements are possible), preferably with representation in Kyrgyzstan or in Central Asian countries;
- A proven track record and long-term experience in implementing water resources governance-related development projects;
- A proven track record in managing large/complex projects comparable with the present mandate in terms of scope, financial extent and complexity;
- Competence and experience in strengthening the water resources governance and management;
- Required competence and experience to conduct high quality analyses and studies;
- Commitment and experience in mainstreaming gender equality, social inclusion and governance dimensions into projects;
- Pronounced ability to work with a wide range of public, private and professional bodies, at local, national and international level.

The tenderer team composition is split into a team leader and the core team with required competence and expertise in the proposed intervention areas, further specified as award criteria.

3.5 Estimated amount

All the price details must be indicated in CHF excl. VAT. The price excl. VAT includes in particular insurance, allowances, social costs, transport, customs etc.

The tenderer will not be reimbursed for any costs arising from the preparation or submission of bid.

Two separate budget offers are needed: The Tenderer has to submit a separate budget offer for the Inception Phase of the project (annex 4.1) and a budget offer for Main Phase of the project by calculating Part 1-3 of the SOR budget form (annex 4.2). These amounts will be evaluated under the award criteria.

Inception phase (01.06.2023 – 31.10.2023):

The estimated total number of working days for the inception phase is approximately 100 days. This includes a team leader, international and national experts, support staff, travel costs, expenses related to the conduct of the required analyses planning workshops etc. (please fill in offer form Type B (for tenderers from OECD countries) **or** offer form local mandate (for tenderers from non OECD countries), (see annex 4.1). The total amount of the inception phase offer will be assessed under AC 4.1 and AC 4.3.

Main Phase (01.11.2023 – 30.10.2027):

Part 1-3 of the SOR budget form have to be calculated by the tenderer. This amount will be assessed under AC 4.2 and AC 4.4 (please fill in SOR offer form, see annex 6.1).

The total volume of the **administrated funds (part 4 of the SOR budget form, annex 6.1)** for the main phase is estimated to be a maximum of CHF 2'000'000 including capacity building activities, necessary equipment, digitalization and automation and exchanges.

3.6 Timetable of the invitation procedure

Date / Deadline	Activity
26.01.2023	Invitation of at least 3 tenderers and publication of the mandate on the FDFA mandates platform
01.02.2023	Expression of interest in submitting a tender by email: bishkek.bid@eda.admin.ch
08.02.2023	Deadline for submitting questions by email: bishkek.bid@eda.admin.ch
15.02.2023	Sharing of the questions and answers with all the interested tenderers
07.03.2023	Deadline for submission of tenders
End of April 2023	Evaluation of submitted bids
End of May 2023	Information of the tenderers by means of individual dispositions: Awarding of the contract and notification of the not considered tenderers
End of May 2023	Signing of contract
01.06.2023	Contract start date

4 Eligibility criteria

The tenderer must duly fulfil without limitation or modification the eligibility criteria listed in annex EC. The tenderer must also provide, where indicated, the necessary evidence with the submission of the bid. **Confirmation of the fulfilment of the eligibility criteria must be given in 'Annex EC: Confirmation of Eligibility Criteria and documents to be submitted'.**

Only those tenderers that fulfil 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.

5 Award criteria

The following table shows the award criteria (AC) and the corresponding weightings, on the basis of which the bids will be evaluated.

AC	Award Criteria	Weighting
	Technical Proposal	75%
AC 1	Qualification and experience of nominated team	30 %
AC 1.1	Institutional capacities of the tenderer <ul style="list-style-type: none"> • Proven track record and experience of implementing development projects in the area of water resources governance support in Central Asia, CIS countries or Eastern Europe; • Proven track record in managing large/complex projects comparable with the present mandate in terms of scope, financial extent and complexity; 	40%

	<ul style="list-style-type: none"> • Competence and experience in strengthening the regulatory functions in the water resources governance and management; • Competence and experience to conduct high quality analyses and studies; • Commitment, competence and experience in mainstreaming gender and social inclusion into projects; • Experience with successful coordination and collaboration with other donor funded projects in similar contexts. 	
AC 1.2	<p>Qualifications and experience of the Team Leader</p> <ul style="list-style-type: none"> • Demonstrated managerial competences and experience in managing and coordinating mandates comparable in size and scope; • Relevant higher education and professional training for the position; • At least 10 years of confirmed experience in the related thematic areas, e.g. water resources governance, water permitting system, IWRM and basin approach; • Professional experience in Central Asia or CIS countries; • Strong managerial skills, including result-oriented management, strategic planning, human resources and financial management skills; strong experience in steering and mentoring; strong interpersonal, intercultural, networking and communication skills; • Proven track record in cooperating with a large number of state and non-state stakeholders and in strengthening/building the capacities of key local partners; • Excellent in both spoken and written English. 	30%
AC 1.3	<p>Qualifications and experience of the other Core Team members</p> <ul style="list-style-type: none"> • Relevant education and experience for the proposed positions; • Confirmed experience in related thematic areas, e.g. water resources governance, water permitting system, IWRM and basin approach; • Good communication, teamwork and networking skills; ability to work with a wide range of partners; • Knowledge of the context and strong network on the ground. • Knowledge of Russian is an advantage. 	30%
AC 2	Understanding of the project and general approach	30%
AC 2.1	<p>Understanding of the mandate, focusing on the following:</p> <ul style="list-style-type: none"> • Understanding of the context of the water resources management in the target country; • Appreciation and analytical discussion of the end-of-project vision; • Strategy for ensuring the sustainability of the project results, incl. strategy for strengthening the capacities of partners; • Coherence of the proposal with national priorities and the Swiss Cooperation Programme; • Overall coherence of the technical proposal. 	20%
AC 2.2	<p>Proposed approach and methodology for conducting the indicated analyses and consultations during the <u>Inception phase</u>, including:</p> <ul style="list-style-type: none"> • Implementation strategy and main activities foreseen during the Inception phase; 	20%

	<ul style="list-style-type: none"> • Description of how to conduct the analyses requested (a context and political economy analysis, a gender equality and social inclusion analysis, an economic assessment on the value for money, a baseline survey), i.e. information on whether analyses will be conducted by the IA, by subcontractors or external experts; • Description of how to engage with main stakeholders at national and local level. 	
AC 2.3	<p>Proposed approach and methodology for achieving the goal and project outcomes during the implementation the <u>Main phase</u>, including:</p> <ul style="list-style-type: none"> • Appreciation and analytical discussion of the feasibility and relevance of the proposed impact hypothesis, outcomes and intervention strategies of the project; • Description of the implementation strategy; • Approach for an advocacy and policy dialogue strategy and for cooperation and coordination with other relevant programmes or projects; • Description of how to engage with main stakeholders at national and local level; • Proposal for the mainstreaming of gender and social inclusion; • Proposal on the use of innovative approaches. 	50%
AC 2.4	<p>Quality assurance, monitoring and risk mitigation:</p> <ul style="list-style-type: none"> • Proposal for the provision of quality assurance; • Description of monitoring system, including a proposal for a set of indicators and the links to the relevant SDGs; • Description of the risks, constraints and opportunities and the means identified for addressing them; • Measures taken for ensuring adherence to the principles of good governance and combating corruption. 	10%
AC 3	Procedure and project organization	15%
AC 3.1	Rationality of the proposed organization/structure, coherence of the distribution of responsibilities, complementarity of the team, coverage of the fields of intervention, backstopping	50%
AC 3.2	Relevance of the proposed organizational set up in relation to key stakeholders, outlining respective roles and relations for the main phase.	25%
AC 3.3	Timetable of activities proposed for the Inception phase Indicative activities proposed for the main phase	25%
AC 4	Financial Proposal NB: Two separate budget offers are needed: one for the Inception Phase and the other for the implementation of the main phase (see chapter 4.3).	25%
AC 4.1	<p>Clarity and coherence of the financial proposal for the Inception phase:</p> <ul style="list-style-type: none"> • The proposal provides a complete cost structure and allocates costs to various activities. The financial proposal is coherent with the technical proposal, clear and with economic and realistic estimation of the costs. 	10%

AC 4.2	<p>Clarity and coherence of the financial proposal for the main phase</p> <ul style="list-style-type: none"> The proposal provides a complete costs structure and allocates costs to the various lines of action. The financial proposal is coherent with the technical proposal, clear and with economic and realistic estimations of the costs. 	10%
AC 4.3	<p>Price formula (Inception phase)</p> <p>Overall amount of service costs for inception phase in CHF (excl. VAT) together with the budget form as per annex 6.3 (type B or local mandate) of the Terms of Reference.</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>	20%
AC 4.4	<p>Price formula (main phase)</p> <p>Overall amount of service costs for main Phase (part 1-3 of SOR budget, SOR offer form, see annex 6.1) in CHF (excl. VAT) (see chapter 4.3):</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>	60%

Each further 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

6 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.

Section	Documents	Max. pages	no.	EC / AC
1	Covering letter with signature(s)	2		-
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 - H	All requisite documents, as set out in the list of eligibility criteria	All listed documents in annex EC		EC
	Technical Proposal			
4	Qualification and experience of nominated team: <ul style="list-style-type: none"> • Institutional capacities of the tenderer; • Qualifications and experience of the Team Leader; • Qualifications and experience of the other Core Team members. Annexes: Any relevant information/support documents listed under AC 1, including CVs (counts as annex) of the Team Leader & key nominated team members	Max. 3 + annexes		AC 1.1 AC 1.2 AC 1.3
5	Understanding of the project and general approach (description of the general approach for Inception phase and the main Phase, as outlined under AC 2): <ul style="list-style-type: none"> • Understanding of the mandate and the context of water resources in the Kyrgyz Republic; • Proposed approach and methodology for conducting the indicated analyses, and consultation during the Inception phase; • Proposed approach and methodology for achieving the goal and project outcomes during the implementation of the main Phase; • Quality assurance, monitoring and risk mitigation measures. 	Max. 10 pages + annexes		AC 2.1 AC 2.2 AC 2.3 AC 2.4
6	Procedure and project organization <ul style="list-style-type: none"> • Description of the proposed project setup, organizational chart and relations to key stakeholders, clearly outlining respective roles and relations. 	Max 3 pages + annexes		AC 3.1 AC 3.2 AC 3.3

	Annexes: Project Setup; Project organizational chart in relation to all stakeholders; Timetable of activities for the Inception phase; Indicative activities for main Phase.		
	Financial offer NB: Two separate budget offers are needed: one for the Inception Phase and the other for the implementation of the main phase (see chapter 4.3).		
7	For Inception phase: the financial offer for the inception phase is to be submitted in accordance with annex 6.3 (type B or local mandate) of the tender document in CHF (excl. VAT).	As template	per AC 4.1 AC 4.3
8	For Implementation of the main phase: the financial offer for the implementation of main Phase is to be submitted in accordance with Annex 6.1 (SOR offer form Excel and pdf-version duly signed) in CHF (excl. VAT) and according to the rules stated in annex 6.2	As template	per AC 4.2 AC 4.4

7 Administrative Aspects

7.1 Official name and address of the contracting authority

Embassy of Switzerland in the Kyrgyz Republic is in charge of the awarding procedure and also acts as direct contracting authority towards the tenderer.

Federal Department of Foreign Affairs FDFA
Swiss Agency for Development and Cooperation SDC
Embassy of Switzerland in the Kyrgyz Republic
21 Erkindik boulevard
720040 Bishkek
The Kyrgyz Republic

7.2 Deadline and address for submitting bids

The complete bid is to be submitted by **07.03.2023 (date of the postmark)** at the latest to one of the addresses indicated below.

PLEASE DO NOT OPEN – BID

Andreas Gerrits
Federal Department of Foreign Affairs FDFA
Swiss Agency for Development and Cooperation SDC
Asia Division / Section Central and North Asia
Freiburgstrasse 130
3003 Bern
Switzerland

OR

Embassy of Switzerland in the Kyrgyz Republic

PLEASE DO NOT OPEN – BID
Bakyt Makhmutov
Federal Department of Foreign Affairs FDFA
Swiss Agency for Development and Cooperation SDC
Embassy of Switzerland in the Kyrgyz Republic
21 Erkindik boulevard
720040 Bishkek
Kyrgyzstan

Please submit 1 copy of your offer.

The bid can be submitted in the following languages: English.

OR

The bids (format pdf) must be submitted to bishkek.bid@eda.admin.ch by **07.03.2023, 23:00 (Swiss time)** at the latest. Bids received late cannot be taken into consideration. They will be returned to the tenderer.

The email must mention 'WUP KG' in the reference line. 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 09.03.2023.

In all cases the tenderer must retain proof of the timely submission of the bid.

7.3 Expression of interest in submitting an offer and receiving documents

Interested tenderers can express their interest by email until 01.02.2023 and will receive the annexes to these terms of reference.

7.4 Answering questions

No individual information is given to the tenderers. Any questions must be submitted by 08.02.2023 to bishkek.bid@eda.admin.ch. Questions submitted late cannot be answered. The document with all questions received and their answers will be sent to all tenderers by 15.02.2023.

7.5 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.

7.6 In accordance with GATT / WTO agreement or treaty (as applicable)

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

7.7 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.

7.8 Bidding consortia

Bidding consortia are not permitted.

7.9 Subcontractors

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.

7.10 Multiple tenders by single tenderers and subcontractors

Single tenderers are allowed to participate exclusively in one bid.

Subcontractors are allowed to participate in different bids.

7.11 Validity of bids

180 days after the deadline for receipt of bids.

7.12 Languages of invitation document

The invitation document are available in: English.

7.13 Language of the procedure

The present procurement procedure is conducted in english. This means that all statements on the part of the awarding authority are made at least in this language.

7.14 General Terms and Conditions of Business (GTC)

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

For inception phase: General Terms and Conditions for FDFA Mandates Type A and B – Version May 2021 or General Conditions of the FDFA for local 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.

7.15 Conclusion of contract

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

8 Further information

8.1 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.

8.2 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.

8.3 Property rights

All industrial property rights which arise in the course of the performance of the mandate shall pass to the contracting authority.

9 Annexes

No.	Annexes
EC	List of eligibility criteria
1a	For main phase: General Conditions of Business (GCB) for Project Implementation Mandates – Version May 2021
1b	For inception phase: General Terms and Conditions for FDFA Mandate Type A and B – Version May 2021 OR 1c)
1c	For inception phase: General Terms and Conditions of the FDFA for local mandates – Version May 2021
2	Code of Conduct for Contractual Partners of the FDFA
3	Project implementation contract template
4	'Tenderer Information' form
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	For main phase: Service-oriented remuneration (SOR): What will be charged where? What are the rules?
6.3	For inception phase: Financial Offer Form Type B OR Financial Offer Form Local Mandate
7	Information regarding partner risk assessment
8	PSEAH Information Sheet
9	SDC Checklist for Project Document (ProDoc)
10	SDC Guidance for Logical Frameworks (LogFrame)