***[Standard Terms of Reference (ToR) for Implementation Consultant Services related to FIDIC Yellow Book or similar[[1]](#footnote-1)***

*Notes on this document*

***0. INTRODUCTION***

*This template has been prepared by KfW for the use by Project Executing Agencies (PEA) when preparing the Terms of Reference (ToR) for the selection of a Consultant to provide professional services to the PEA during Project Implementation. This template is applicable to consultancy services related to “FIDIC Conditions of Contract for Plant and Design-Build” (Yellow Book) or similar. Separate Standard Terms of Reference are available or under preparation for other types of FIDIC Conditions of Contract and for consultancy services for pre-feasibility studies, feasibility studies, accompanying measures, etc.*

*These ToR cover a range of services to be provided by the Implementation Consultant, they are subdivided into stages as follows:*

*Stage 1: Preliminary Design[[2]](#footnote-2) and Tender Documents[[3]](#footnote-3)*

*Step 1.1: Inception Phase*

*Step 1.2: Preliminary Design*

*Step 1.3: Preparation of Pre-Qualification (PQ) and Bidding Documents*

*Stage 2: Assistance During Tendering*

*Step 2.1: Prequalification Process*

*Step 2.2: Tender Process*

*Step 2.3: Bid Evaluation Process, Pre-Award Discussions and Award*

*Stage 3: Supervision of Design Works, Construction Works and Supplies*

*Step 3.1: Contract Supervision*

*Step 3.2: Commissioning*

*Stage 4: Services During Contractor’s Defects Notification Period and Closure of Project*

*The scope of services of the Consultant in each stage covers all necessary aspects. For the selection of Contractors for services, works and goods, KfW provides separate types of Standard Tender Documents (SDO). The tasks of the Consultant and the terms used in the following are based on these standard documents. In this context the term Consultant and Engineer may be used interchangeably, the same applies for the term PEA and Employer.*

*Stages, tasks, duties and particular services may be omitted or added depending on the specific context of the assignment. The Consultant’s tasks are defined here only in broad terms and have to be described in the specific ToR as detailed as necessary in conformity with the respective project conditions and under consideration of the requirements outlined in KfW's SDO. The level of assistance by the Consultant to the PEA needs to be described in detail for each respective stage.*

*However essential elements with regard to Environment, Social, Health and Safety (ESHS) aspects shall not be omitted. The template contains maximum ESHS requirements in line with KfW’s Sustainability Guidelines for high risk projects (categorisation A). Depending on lower grades of ESHS categorization (B+, B, C) the ESHS terms may be adapted, if necessary in cooperation with KfW Environmental and Social Safeguards Specialists.*

*Furthermore, the specific Terms of Reference shall cover all explicit and implicit additional requirements to the Consultant that may be derived from the Separate Agreement between KfW and the PEA (e.g. financial management, monitoring and evaluation system) as well as other specific requirements (e.g. visibility of the project, special coordination mechanisms for complex projects, specific support for unexperienced project partners, specific requests from BMZ).*

*In many projects non-technical services required from the consultant might be of at least the same importance than the technical services and shall be reflected in an adequate scope in the overall ToR as well as in the staffing requirements (e.g. management and communication skills of the team leader might be of higher importance than technical skills or a management expertise might be required in addition to a technical expertise as team leaders).*

*The italicised texts in square brackets, as shown within this complete chapter are notes to the PEA providing guidance when preparing ToR for an Implementation Consultant. Such notes shall be deleted from the final ToR document.]*

**TERMS OF REFERENCE**

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# List of Abbreviations

|  |  |
| --- | --- |
| **DNP** | Defects Notification Period |
| **DCMP** | Design Change Management Procedure |
| **ESCOP** | Environmental and Social Code of Practice |
| **ESCP** | Environmental and Social Commitment Plan |
| **ESDD** | Environmental and Social Due Diligence |
| **ESHS** | Environment, Social (incl. issues of sexual exploitation and abuse and gender-based violence), Health and Safety (incl. of security for personnel) |
| **ESIA** | Environmental and Social Impact Assessment |
| **ESMF** | Environmental and Social Management Framework |
| **ESMP** | Environmental and Social Management Plan |
| **FAT** | Factory Acceptance Tests |
| **FIDIC** | fr. Fédération Internationale Des Ingénieurs-Conseils |
| **GTAI** | Germany Trade and Investment GmbH (“GTAI”), the economic development agency of the Federal Republic of Germany, it publishes project and procurement related information on its website ([www.gtai.de](http://www.gtai.de)). |
| **HSE** | Health Safety Environment |
| **ICB** | International Competitive Bidding |
| **IFC** | International Finance Corporation |
| **MPS** | Monthly Progress Summary |
| **OHS** | Occupational Health and Safety |
| **PA-ESMP** | Project Area - Environmental and Social Management Plan |
| **PEA** | Project Executing Agency |
| **PoA** | Power of Attorney |
| **PQ** | Pre-Qualification |
| **SAT** | Site Acceptance Tests |
| **RAP** | Resettlement Action Plan |
| **TOC** | Taking Over Certificate |
| **ToR** | Terms of Reference |
| **WB ESS** | World Bank Environmental and Social Standards |

# List of Definitions

Besides the definitions listed in the General Conditions of the relevant FIDIC Conditions of Contract the definitions listed below apply. Capitalised terms used in the Guidelines have the meaning ascribed to them in this Section.

|  |  |
| --- | --- |
| **Appendix** | Appendix to these Guidelines. |
| **Applicant** | Person who submitted an Application in a Pre-Qualification Phase of a Tender Process. |
| **Application** | Set of documents submitted by an Applicant in order to prove eligibility and qualification to perform the Contract. |
| **Award of Contract** | Legally binding signing of the Contract by the PEA and the Contractor or submission of a letter of formal acceptance of an Offer by the PEA, whichever is first. |
| **Bid** | Set of documents submitted by a Bidder in order to participate in a Tender Process for procurement of Non-Consulting Services, Works, Goods and Plant. |
| **Bidder** | Person who submitted an Offer in a Tender Process. |
| **Consulting Services** | Services of an advisory/professional nature, including in particular the provision of expert/strategic advice, management services, coaching, policy development, implementation and communication services as well as advisory and project-related services, e.g. feasibility studies, project management, engineering services, supervision of construction, finance and accounting services, as well as training and organisational development. |
| **E&S Appraisal Standards** | The foundation of the assessment of environmental and social impacts of an investment is its compliance with relevant national law and legal requirements as well as the assessment requirements of KfW Development Bank. The KfW Development Bank assessment standards are the Environmental and Social Standards of the World Bank Group (i.e., for public agencies the Environmental and Social Standards (ESS) as well as relevant Operational Policies of the World Bank and the IFC Performance Standards (PS) for cooperation with the private sector, General and sector-specific Environmental, Health and Safety (EHS) Guidelines as well as the Core Labour Standards of the International Labour Organization (ILO). Within the framework of donor harmonisation (Paris Declaration), KfW Development Bank can also use comparable standards of other development banks. This can be done through assessment of individual cases or in accordance with rules that have been agreed upon as part of the cooperation agreement. If the investment involves funds related to the European Union (EU) or is financed in countries with EU membership prospects, the environmental and social standards of the EU apply, as far as they go beyond the above-mentioned standards and guidelines. |
| **E&S Safeguard Instruments** | Management plans and other tools developed as part of the ESDD in order to adequately address project related E&S risks and impacts by defining mitigation measures and setting out appropriate procedures for their implementation, monitoring and reporting. These can include ESMF, ESCOP, ESMP, RAP, BAP, SEP, GRM, etc. |
| **Funding Agreement** | Agreement between (a) KfW and a borrower (in the case of a loan) or (b) KfW and a recipient (in the case of a grant), setting out the terms and conditions pursuant to which funding is made available by KfW. |
| **Guidelines** | KfW’s Guidelines for the Procurement of Consulting Services, Works, Plant, Goods and Non Consulting Services in Financial Cooperation with Partner Countries. |
| **Invitation to Bid (“ITB”)** | Set of documents inviting prequalified Applicants, interested or preselected Persons, as the case may be, to submit a Bid. |
| **Joint Venture (“JV”)** | Joint Venture (JV) means an association with or without a legal personality distinct from that of its members, of more than one Person where one member has the authority to conduct all business for and on behalf of any and all the members of the JV, and where the members of the JV are jointly and severally liable to the PEA for the performance of the Contract. |
| **Key Expert** | A single individual professional whose skills, qualifications and expertise are critical to the performance of the Contract and whose CV is taken into account during the evaluation. |
| **Mandate** | KfW may be given a Mandate to carry out project funding with financial means of a mandator (e.g. European Union) based on a mandate agreement. |
| **Non-Consulting Services** | Services which are not Consulting Services. Non-Consulting Services are normally bid and contracted on the basis of performance of measurable outputs, and for which performance standards can be clearly identified and consistently applied, e.g. topographical and geotechnical surveys, soil investigations, aerial surveys and remote sensing, drilling, aerial photography, satellite imagery, mapping and similar operations, transport and distribution of Goods. |
| **Offer** | General term for Proposals and Bids. |
| **Partner Country** | Country of the PEA, in which the KfW financed Project/ Programme is implemented. |
| **Person** | Any natural or legal person or an association of two or more of the foregoing. |
| **Prequalification** | First stage of a Two-Stage Selection to identify a number of eligible and qualified Applicants, who will then be invited to submit an Offer. |
| **Procurement Plan** | Document set up by the PEA listing all Tender Processes for Contracts financed by KfW including key procurement related information. |
| **Project Executing Agency (“PEA”)** | Entity in charge of implementing a Project, which directly or indirectly receives funds made available under the Funding Agreement. |
| **Project Implementation Unit (PIU)** | PEA’s team in charge of implementing a Project, consisting of sector specific experts and commercial expert. |
| **Proposal** | Set of documents submitted by Bidders in order to participate in a Tender Process for procurement of Consulting Services. |
| **Public Procurement Regulation** | Law or legal regulation established by the state of the PEA for the public procurement of Consulting Services, Works, Goods, Plant, or Non-Consulting Services in the Partner Country. |
| **Punch List** | List of Deficiencies (after Issuance of Taking Over Certificate). |
| **Request for Application (“RfA”)** | Set of documents inviting potential Applicants to submit their evidence of qualification to perform the Contract. |
| **Request for Proposal (“RfP”)** | Set of documents inviting prequalified Applicants, interested or preselected Persons, as the case may be, to submit a Proposal. |
| **Single-Stage Selection** | Tender Process in which Persons submit their evidence of qualification together with their technical and financial Offer. |
| **Standard Tender Documents (“SDO”)** | Set of Tender Documents issued by KfW for procurement in KfW-financed Projects. |
| **Tender Document(s)** | RfA, ITB and RfP, including Draft Contract as well as any clarification or amendment thereof during the Tender Process. |
| **Tender Procedure** | Type of procedure (e.g. ICB, NCB, LCB, Direct Award) undertaken to approach Persons for the procurement of Consulting Services, Works, Goods, Plant, or Non-Consulting Services. |
| **Tender Process** | Process carried out to procure Consulting Services, Works, Goods, Plant or Non-Consulting Services, starting with the publication of a tender notice/invitation to submit an Offer, as the case may be, and ending with Award of Contract or cancelation of a Tender Process. |
| **Terms of Reference (“ToR”)** | Description of the objectives, Scope of Work, activities, and tasks to be performed, respective responsibilities of the PEA and the Contractor, and expected results and deliverables of a Consulting Services Contract. |
| **Two-Stage Selection** | Tender Process which is divided into two consecutive stages with an upstream Prequalification. |

# 1. PROJECT INFORMATION

## 1.1. Background

All the services of the Consultant described in the following shall be performed in close coordination and cooperation with the Project Executing Agency (PEA) and KfW. While it has been attempted to outline the Consultant's tasks during execution of his services as precisely as possible, the Consultant shall bear in mind that the list of tasks and activities can by no means be considered complete and exhaustive. It is rather the Consultant's responsibility, in cooperation with and with the approval of PEA and KfW, to critically verify the scope of services and adapt the consulting concept wherever deemed necessary according to own professional judgement and the knowledge acquired during preparation of the proposal. In case the Consultant considers it indispensable to amend the scope of his services this shall be reflected in the technical and financial proposal, whereas further additional services may be offered as optional. The Consultant additionally has the role of the FIDIC-Engineer according to the Yellow Book “Conditions of Contract for Plant and Design-Build”.

Other consultants and advisors may provide services to the Consultant during the assignment. It is the duty of the Consultant to coordinate the activities with the operation of others relevant to the Project. It is to be ensured that the proposed standards, system, methods, etc. are compatible as much as possible and to avoid duplication of effort.

*[Mention here:*

* *Information about Employer/ PEA/ PIU including his Environmental & Social (E&S) unit;*
* *Include in or attach to these ToR a Responsibility/Interface-Matrix defining the roles of Employer, Consultant, KfW and if necessary other stakeholders;*
* *Information about available budget lines (loan/ grant) and respective financing institutes;*
* *Information about other consultants’ activities, if any;*
* *Short description of the Project;*
* *Short description of the Project’s Area/ location including maps. The Project boundaries of the intervention area for the envisaged infrastructure measures have to be defined here as exact as possible in order to define clear conditions for all Applicants/ Bidders and avoid misunderstandings in a later stage;*
* *Description of applicable standards.]*

In the context of this document, the term Project Area covers the totality of areas where Project related activities take place (i.e. the execution of permanent Works) and areas which are influenced by Project related activities including surroundings, i.e. including but not limited to access roads, quarries, borrow areas, stockpiling of backfill material, camps or storage areas.

*[Mention here:*

* *Short description of the current situation;*
* *Short description of problems and envisaged solutions.]*

## 1.2. Objectives of the Project

The objective of the Consultant’s assignment is to provide expertise in engineering, design, tendering and construction as well as commissioning supervision to the PEA to ensure an effectual realisation of the Project. Also to be provided is institutional expert support to ensure proper operation of the Project.

*[Mention here:*

* *Overall objective;*
* *Specific Project objectives;*
* *Indicators and measurement of indicators.]*

## 1.3. Status of the Project and Existing Studies, Assessments and Permits

The Project is categorised in line with KfW Development Bank’s Sustainability Guideline as category “*[insert A, B+, B or C]*” according to its associated environmental and social impacts and risks, irrespective of the anticipated mitigation measures.

*[Mention here:*

* *Current status of implementation;*
* *Existing studies;*
* *Required or already granted permits;*
* *Results of investigations and studies carried out;*
* *Outstanding tasks.]*

# 2. SCOPE OF CONSULTING SERVICES

All project activities and developed documents shall be in compliance with applicable national standards, regulations and guidelines, with the latest version of the KfW- Sustainable Guideline, and with all applicable international standards, in particular with the Fundamental Conventions of ILO Labour Standards, World Bank Environmental and Social Standards, IFC World Bank Group General (and applicable specific) EHS-Guidelines

*[Mention here under “Scope” WHAT are the services to be provided, in the next chapter under “Tasks” it is to mention, HOW the services shall be provided.]*

## 2.1. Objective of the Assignment

*[Mention here:*

* *Objectives of the Assignment of the Consultant, e.g. “ensure that infrastructure or facilities to be constructed are designed in an optimal way”; “ensure that construction works are done while respecting the time line, the planned budget and applicable standards”; “support the PEA achieving project indicators”, etc.]*

## 2.2. Scope Related to Overall Project Management

*[Mention here:*

* *Monitoring and Evaluation System (if required baseline studies);*
* *Kick-off / Midterm Workshops;*
* *Organisation of monthly progress meetings and quarterly management meetings;*
* *Assistance to the PEA regarding reporting towards KfW and regarding internal reporting;*
* *Stakeholder Engagement and Coordination;*
* *Public Relation Activities.]*

## 2.3. Scope Related to Services, Works and Goods

*[Mention here, sub-structured by the four stages and their steps:*

* *Main tasks of the intervention of the Consultant consistent with the titles of the subsequent detailed description* *in the sub-chapters of ”Description of Tasks”;*
  + *Preliminary Design;*
  + *Tender Documents;*
  + *Assistance During Tendering;*
  + *Supervision of Design Works, Construction Works and Supplies;*
  + *Services during Contractor’s Defects Notification Period and Closure of Project;*
* *Include in the tasks if appropriate indicators for adequate monitoring;*
* *Indicate here and in the Conditions of Tender (CoT) for each stage whether time based or lump sum payment is intended and define the payment schedule in the CoT accordingly;*
* *Indicate if appropriate respective type of loan/ grant for each stage.]*

## 2.4. Scope Related to ESHS

*[This Sub-Clause is a mandatory part to the ToR and must not be deleted; it has to be adjusted to the needs of the Project]*

The Consultant shall perform the detailed tasks related to managing Environmental, Social, Health and Safety (ESHS) impacts and risks of the Project as described below.

*[Mention here:*

* *to ensure that the ESHS provisions are consistent with national and KfW requirements and international good practice, and put forward to contractors, subcontractors, and to suppliers, in particular those for major supply items;*
* *to ensure that the measures and actions as set out in the standards and project documents to be prepared are implemented diligently, completely and in a timely manner;*
* *to analyse the ESHS documentation which has been prepared for the Project in the preparatory stages (refer to 8. Relevant Documents);*
* *to undertake an environmental and social impact assessment or an update of existing studies, as applicable.* *This assessment shall include a gap analysis of national legislation against KfW appraisal standards;*
* *to prepare or update all relevant E&S safeguard instruments as detailed below in the relevant sub-chapter of ”Description of Tasks”;*
* *to support the PEA in the implementation of its Environmental and Social Commitment Plan (ESCP).]*

During the tendering phase the Consultant shall assess ESHS impacts and risks of individual project components and shall classify each Contract according to the specific activities and site conditions. The resulting ESHS classification of particular Contracts may therefore differ from the overall categorisation of the Project. For details on ESHS classification of Contracts refer to Annex 1 of the Terms of Reference.

## 2.5. Scope Related to Assistance in Operation

*[Mention here according scope, if required (e.g. Accompanying Measures):*

* *Development of operation manuals, which include ESHS aspects;*
* *Maintenance requirements and associated resources;*
* *Capacity development programs associates with operation and maintenance activities;*
* *…]*

# 3. DESCRIPTION OF TASKS

## 3.1 General Considerations

The tasks of the Consultant will include preparation of *[technical requirements with proposal of conceptual solution, cost estimates and schedule; preparation of Bidding Documents for International Competitive Bidding (ICB) to select Plant and Design-Build contractor(s) (FIDIC Yellow Book) for the works; preparation of reports on the evaluation of Applications/ Bids; assistance at pre-award discussions, as well as supervision of works and commissioning. The Consultant supporting the PEA will be responsible for managing the Project in its role as FIDIC Engineer]*.

The Consultants tasks to be rendered are split into four separate stages and individual steps.

Stage 1: Preliminary Design and Tender Documents

Step 1.1: Inception Phase

Step 1.2: Preliminary Design

Step 1.3 Preparation of Pre-Qualification (PQ) and Bidding Documents

Stage 2: Assistance During Tendering

Step 2.1: Prequalification Process

Step 2.2: Tender Process

Step 2.3: Bid Evaluation Process, Pre-Award Discussions and Award

Stage 3: Supervision of Design Works, Construction Works and Supplies

Step 3.1: Contract Supervision

Step 3.2: Commissioning

Stage 4: Services during Contractor’s Defects Notification Period and Closure of Project

The activities for the different stages*[, the Accompanying Measures]* and Overall Project Management Services shall include but are not limited to such as stated in the following chapters.

## 3.2. Tasks Related to Overall Project Management

*[If suitable add relevant project management standard (DIN 69901, ISO 21500, US PMBOK Guide, …)]*

* Organisation of kick-off workshop including introduction to FC procedures (Disbursement, Procurement, ESDD);
* Establishment of a Monitoring and Evaluation System - might include Baseline Studies, Midterm Review;
* Preparation of an integrated risk assessment covering technical, organisational, human and financial resources as well as quality, environmental, social, health and safety aspects;
* Organisation of monthly progress meetings with the Employer;
* Organisation of quarterly management meetings with the Employer and KfW;
* Execution and/or monitoring of accompanying measures directed towards PEA and/or other Stakeholders (unless separate ToR);
* Training measures (unless separate ToR);
* Financial management *[in particular, additional obligations with regard to:*
  + *managing a disposition fund according to the Separate Agreement on behalf of the Employer (Please add separate ToR for the Authorized Third Party in connection with the "Disposition Fund Procedure" of KfW);*
  + *the simplified direct disbursement and simplified reimbursement procedure (Please add separate ToR for the Consultant in connection with the "Simplified" Disbursement Procedures of KfW);]*
* Establishment of Stakeholder Coordination Mechanisms (e.g. Steering Committee, Inter-sectoral coordination, Grievance Redress Mechanism);
* Assistance to the PEA in order to fulfil their reporting requirements *[Please list particular reporting requirements towards KfW and/or other IFIs, internal reporting, KfW reporting to BMZ, etc.;]*
* Determination and regular updating of given indicators as being agreed between Employer and KfW in the Separate Agreement (SA);
* *[Others if applicable*
  + *Technical Management Support;*
  + *Public Relations/Public Awareness Programme;*
  + *Visibility Measures.]*

ESHS related tasks:

The Consultant shall:

* carry out an updated assessment of potential environmental and social risks and impacts of the Project adequately taking into account their nature, size and location (if applicable). It shall include but is not limited to:
  + assessment of potential building and soil/groundwater contamination;
  + occurrence of asbestos;
  + OHS risk assessment, and impact to community and environment;
* Prepare or update the relevant E&S safeguard instruments:
  + *[Detailed ESIA for Category A projects OR Focussed ESIA for Category B+ projects OR Rapid ESIA for Category B projects;*
  + *Environmental and Social Management Framework (ESMF) (for programs with multiple sub-projects);*
  + *Environmental and Social Management and Monitoring Plan (ESMMP);*
  + *ESCOP (for basic Category B projects that do not require an ESIA);*
  + *Resettlement Plan;*
  + *Land Acquisition and Resettlement Plan (LARAP);*
  + *Biodiversity Management Plan (BMP);*
  + *Cultural Heritage Management Plan (CHMP);*
  + *Indigenous Peoples Plan (IPP).]*
* prepare or update a Stakeholder Engagement Plan (SEP) for relevant stakeholders and map their intentions, importance and their level of influence;
* monitor Employer’s and Contractor’s grievance redress mechanism for workers and potentially affected population;
* supervise and report (see Annex 3) about
  + - compliance with local and applicable international occupational health and safety standards;
    - adherence to environmental and social management plans;
    - ESHS performance.

Key deliverables:

* Monthly Progress Summaries (MPS)
* Quarterly Progress Reports (QPR)
* E&S safeguard instruments (as required)

## 3.3. Main Tasks Related to Services, Works and Goods

**Stage 1: Preliminary Design and Tender Documents**

**Step 1.1: Inception Phase**

Upon commencement of the consultancy services a joint Kick-off Meeting among the PEA/ Employer, the Consultant, *[if possible]* KfW and other stakeholders shall be held.

The services of the Consultant shall start with a thorough evaluation of available data, information and planning documents as well as a critical review of approved Feasibility Studies and other available studies (see Chapter 8. Relevant Documents) in order to trace critical issues and clarify key problems and to suggest improvements. The database and the evaluation of the actual current situation compared to the ToR, the Feasibility Studies and the Consultant’s proposal shall provide a reliable basis for an update of the further planning including updates of the implementation schedule, the work plan and staffing schedule based on the schedules included in the Consulting Contract.

Key deliverables:

* MoM Kick-off Meeting
* Inception Report
* *[Inception Workshop – optional*
* *Project Manual / Manual of Procedures]*

**Step 1.2: Preliminary Design**

*[Please note that the terms “Basic Design” and “Preliminary Design” may be used interchangeably, which have to be considered within the context of the services of an Engineer with regard to his role in accordance with FIDIC Conditions of Contract for Plant and Design-Build (Yellow Book).]*

The details of the Preliminary Design Documents and the Scope of Work to be tendered shall be worked out based on the approved Feasibility Studies *[or the Preliminary Design Reports]* and include specific ESHS aspects, as required for qualified execution and fair Tender Process of Services, Works and Goods. The documents shall be composed of a comprehensive Project Planning Report, supportive annexes and all required design, layout and structural drawings presented in an appropriate scale and to an appropriate degree of detail and a cost estimate per component.

The tasks of the Implementation Consultant for this stage shall include:

Tasks:

*[Add, delete or adapt technical tasks according to the specific project’s requirements. Please note that the above-mentioned critical review of the Feasibility Studies is different to any revision of these studies. An additional revision might be a separated task to be defined hereafter and to be taken into account in the implementation schedule. Furthermore, indicate if prior or in addition to the Preliminary Design other design stages with different levels of detail have to be carried out. Indicate international and/or local standards to be applied.]*

1. Execution of required additional investigations (topographical, geotechnical, hydrogeological, etc.);

* *[Define here technical specifications (such as soil tests per km; number of water analyses, etc.);*
* *Indicate provisional sums for the related costs;*
* *Preparation of according Tender Documents, if necessary.]*

1. Preparation of preliminary *[architectural/ structural/ hydraulic/ electro-mechanical/ etc.]* design and calculations for the works and equipment;
2. Preparation of corresponding drawings;

* *[Define here or in the respective reporting requirements the scales and paper size for each kind of drawings such as:*
* *Layout plans;*
* *Longitudinal sections for pipelines.]*

1. Support to the Employer for his preparation of the required documents for obtaining the required permits such as:

* *[Construction permit;*
* *Water rights;*
* *Environmental permits;*
* *Land availability;*
* *Right of way.]*

1. Preparation of a confidential cost estimate per component including a descriptive part presenting the assumptions taken and assessments made for calculating the unit rates;
2. Elaboration of a procurement concept taking into consideration local/ regional/ international construction capacities and interest; proposals for contract packaging, support to PEA in updating PEA’s overall Procurement Plan;
3. Elaboration of a suitable implementation concept;
4. Elaboration of a suitable time schedule;
5. Preparation of a detailed Project Planning Report;

*[Insert additional detailed tasks subject to the specific requirements of the Project, delete if this task is the Scope of Work of another consultancy contract**. Ensure ESDD is integrated into the design tasks and is based on a life cycle approach.]*

ESHS related tasks:

1. Verify the ESHS classification level of the proposed Contracts in accordance with Annex 1: “ESHS Classification of Contracts”;
2. Include relevant aspects from the E&S safeguard instruments in the Detailed Design, the cost schedule and time-schedules;
3. In case of changes in the project design (where the services related to the following sub-tasks b) to d) are to be considered as Additional Services):
   1. undertake an assessment of impacts and risks (to KfW ESHS Standards);
   2. if necessary prepare an addendum to the E&S safeguard instruments including all necessary ESHS-Management plans (for example but not limited to Hazardous Material Management Plans, Waste Management Plans, Remedial or Abatement Design n, etc;
   3. if required, manage the process so that such amendments are authorized by the competent authorities (permitting);
   4. Bring the project time schedule in coherence with the time-schedules for managing environmental, social and health and safety risks and impacts.

*[Mention here:*

*In the general case that* *the E&S safeguard instruments or other studies required have not yet been carried out by the time of tendering the Consulting Services and in case the Consultant is requested by KfW and the PEA to carry out such missing studies, include the following:*

*Preparation of ESMF, ESIA* *(detailed, focussed, rapid), ESCOP and their associated management plans (ESMP, Resettlement Action Plan (RAP), etc.) in accordance with KfW regulations and national requirements. Additional time, staff and costs for this task have to be considered in the implementation schedule, staff requirements, budget, etc.]*

Key deliverables:

* Drawings;
* Design criteria;
* E&S safeguard instruments;
* Procurement concept;
* Confidential cost estimate;
* Project Planning Report *(if applicable)* including cost estimation, time schedule, ...

**Step 1.3: Preparation of Pre-Qualification (PQ) and Bidding Documents**

The PQ and Bidding Documents shall be based on the relevant SDO of KfW, they shall strictly follow their structure, specifications and their wording and with finalisation the necessary No Objections of the Bank shall be obtained.

**Step 1.3.1: Preparation of Pre-Qualification (PQ) Documents**

*[According to KfW Procurement Guidelines it is possible to apply a two-stage or a single-stage bidding process. The tasks described hereafter refer to a two-stage bidding process; in case of a single-stage bidding process, the tasks have to be adapted accordingly* *(post-qualification instead of prequalification and tendering in two stages).]*

The Prequalification Documents shall be compiled and managed in accordance with KfW Procurement Guidelines “Guidelines for the Procurement of Consulting Services, Works, Plant, Goods and Non-Consulting Services in Financial Cooperation with Partner Countries”. *[Add if appropriate: Furthermore the “Toolbox Sustainable Procurement” published by KfW shall be taken into consideration.]*

Tasks:

1. Definition of the qualification criteria, evaluation grid and minimum requirements for technical, financial and ESHS capacity of the Bidders. Criteria should be commensurate with the assignment requirements and shall not be formulated in a manner unnecessarily restricting the competition (The qualification criteria can be a combination of minimum criteria for exclusion if not fulfilled and quantifiable criteria awarding scores for certain expertise),
2. Preparation of PQ documents *[see “Standard Prequalification Document for Procurement of Works”.]*

Key deliverables:

* PQ-Documents
* PQ Evaluation Matrix

**Step 1.3.2: Preparation of Bidding Documents**

The Bidding Documents shall be compiled and managed in accordance with KfW Procurement Guidelines and the respective valid version of KfW’s Standard Bidding Documents (SDO) for Procurement of Plant and Design-Build, based on FIDIC Yellow Book including the standard ESHS requirements. *[Add if appropriate: Furthermore the “Toolbox Sustainable Procurement” published by KfW shall be taken into consideration.]*

Bidding Documents shall be complete including evaluation method and minimum requirements; continued eligibility and qualification criteria; detailed Employer’s Requirements and draft Contract.

The detailed criteria and the scoring system for the evaluation of the Bids (evaluation matrix) shall be provided as a separate file to KfW.

Works and supplies shall be subdivided into appropriate lots as defined in the agreed and approved procurement concept and in line with PEA’s Procurement Plan.

Part 2 – Employer’s Requirements of the Bidding Documents, Section VII shall be structured as shown in Annex 2.

Furthermore, the tendering procedures and contract awards have to follow the national regulations and standards of *[insert the name of the country**]*, contradictions shall be timely identified based on a gap analysis and solutions shall be presented to PEA and KfW.

ESHS related tasks:

1. Tailor KfW’s Standard ESHS Works Requirements to the specific contract requirements; Include costs for staff, measures and works related to the implementation of required ESHS measures in the overall cost estimation and in the Bill of Quantities. As appropriate, this may include ESHS supervisors and managers, ESHS liaison officers in charge of relations with external stakeholders and project affected people, equipment related to ESHS tasks (e.g. for transport, computers, communication);
2. Verify the ESHS risk level of the particular Contracts in accordance with Annex 1: “ESHS Classifications of Contracts”;
3. Adjust the specific requirements for ESHS including assessment of Contractor’s ESMP and sub-plans *[as for example but not limited to Hazardous Material Management Plans, Waste Management Plans, Remedial or Abatement Design etc.]* in the Bidding Documents accordingly.

Key deliverables:

* Bidding Documents
* Bid Evaluation matrix
* KfW checklist

**Stage 2: Assistance During Tendering**

**Step 2.1: Prequalification Process**

*[In case of two-stage bidding process Prequalification of Bidders will be carried out as a first stage. Subject to the decision on the procurement concept this stage might partially or completely overlap with Stage 1.]*

Tasks:

1. Preparation of advertisement for invitations to prequalify; ensure that the procurement notices are advertised on the website Germany Trade and Invest (www.gtai.de) *[in case of International Competitive Bidding]* and in at least one newspaper of national circulation in the Employer’s Country or in the official gazette, or on a widely used website or electronic portal with free national and international access (such as www.dgmarket.com);
2. Ensure that the notification shall be given with *[indicate number of days, usually 30]* days’ notice to enable prospective Applicants to obtain Prequalification Documents and prepare and submit their applications;
3. Assistance to the Employer in promptly responding to requests for clarifications from Applicants;
4. Assistance to the Employer in evaluating the applications according to the pre-defined criteria and proposing a short list of qualified Applicants;
5. Assistance to the Employer in preparing an Evaluation Report in accordance with the relevant reporting requirements of KfW. Ensure that the report is transparent and sufficiently informative instead of merely stating “complied”, “yes” or “no” and complies with KfW’s format requirements (including e.g. KfW’s Bidders Information table [Excel-upload sheet]);
6. Assist the Employer in informing the unsuccessful Applicants.

Key deliverables:

* PQ-Evaluation Report
* Publication of PQ results

**Step 2.2: Tender Process**

With regard to Tendering and Contracting of services, works and goods, the Consultant shall assist the Employer in finalising the final Bidding Documents ready for publishing, and in organising the whole tendering process for design, construction and supply including the preparation of pre-bid meetings if necessary.

Tasks:

*[Add, delete or adapt technical tasks according to the specific project’s requirements]*

1. Preparation of advertisement or invitations for qualified Bidders to prepare a bid;

* Ensure that the procurement notices are advertised on the website Germany Trade and Invest [(www.gtai.de)](http://(www.gtai.de)) *[in case of International Competitive Bidding]* and in at least one newspaper of national circulation in the Employer’s Country or in the official gazette, or on a widely used website or electronic portal with free national and international access (such as [www.dgmarket.com)](http://www.dgmarket.com/);
* Ensure that the notification is given in sufficient time *[45 to 60 days]* to enable prospective Bidders to prepare and submit their Bids;

1. Assist the Employer in preparing and implementing the pre-bid meeting(s);
2. Ensure that ESHS specific issues are emphasized and inform that upon contract award, the successful Bidder must comply with the agreed Code of Conduct and all E&S safeguard instruments developed;
3. Assist the Employer in promptly responding in coordination with the Employer and KfW to requests for clarifications from Bidders.

**Step 2.3: Bid Evaluation Process, Pre-Award Discussions and Award**

Support the Employer in awarding Procurement and Construction Contracts through the evaluation of Bids and pre-award discussions with regards to technical, financial and ESHS aspects:

Tasks:

*[Add, delete or adapt technical tasks according to the specific project’s requirements]*

1. Assist in Bid opening procedures and advice during bid evaluations according to the KfW’s Procurement Guidelines;
2. Assist the Employer in evaluating the bids according to the pre-defined criteria, determining whether the bidder is substantially responsive (i.e. without deviation, reservation or omission) to KfW´s requirements;
3. Assist the Employer in proposing the most advantageous Bidder;
4. Assistance to the Employer in preparing an Evaluation Report in accordance with the relevant reporting requirements of KfW. Ensure that the report is transparent and sufficiently informative instead of merely stating “complied”, “yes” or “no” and complies with KfW’s format requirements (including e.g. KfW’s Bidders Information table [Excel-upload sheet]);
5. Assist the Employer in preparing the agenda for pre-award discussions and assistance to the Employer during pre-award discussions and preparation of minutes of meeting;
6. Assist *[Add. please clarify what “assist” in this context means]* the Employer in preparing contract documents including all annexes;
7. Assist the Employer in informing the unsuccessful Bidders.

ESHS related tasks:

1. Determine whether the Bidder is substantially responsive (i.e. without deviation, reservation or omission) to KfW´s ESHS requirements as specified in the valid version of KfW´s SDO (including all related standards) and all applicable national standards for the Procurement of Plant and Design-Build and has provided suitable references. This includes the assessment of the Bidder’s proposed ESHS Methodology, Management Strategies and Implementation Plans, the suitability of the Code of Conduct as well as the availability of suitably qualified ESHS experts among their key personnel and their references, required to manage the key ESHS risks of the Project;
2. Check that all relevant ESHS aspects are duly covered in the Contract. Further, contractually ensure that the Contractor shall not commence any Works unless the Consultant is satisfied that appropriate measures are in place to address ESHS risks and impacts.

Key deliverables:

* Evaluation Report
* Publication of Bidding results
* Contract Documents

**Stage 3: Supervision of Design Works, Construction Works and Supplies**

**Step 3.1: Contract Supervision**

The Project Supervision includes general supervision and Site Supervision of Works, the preparation of initial operation activities, continuous project management and monitoring as well as periodic reporting and participation in the preliminary acceptance. General supervision and site supervision of Works shall be performed on a continuous basis.

Project Supervision also shall be performed and managed in accordance with KfW’s Remote Management, Monitoring, & Verification (RMMV) Guidebook for International Financial Cooperation.

For the sake of calculating his resources (personnel, offices, transport, etc.) needed to carry out the required services, the Consultant shall make the following assumptions:

* Up to *[indicate number]* construction sites and *[indicate number]* supply contracts in parallel;
* Working time *[indicate working days/week and working hours/ day]*;
* Due to the complexity of the project *[different components, lots and several/ distributed sites)* the consultant is encouraged to describe in its technical proposal (Concept & Methodology) his site supervision concept during construction and commissioning. The site supervision concept shall take into account workforce, on site presence, expertise and logistic needed to assure site supervision according to the project needs.

Tasks:

*[Add, delete or adapt technical tasks according to the specific project’s requirements]*

1. Coordination and liaison with the Employer, Contractor(s) and other relevant institutions including:

* Organisation of *[weekly/ bi-weekly/ monthly]* site-meetings with the Contractor(s), the Employer’s representatives and other key-stakeholders concerned;
* Preparation and circulation of minutes of meetings.

1. Take over the role of the Engineer and carry out all tasks of the Engineer *[indicate what prevails in case of deviations of the below detailed list of tasks from FIDIC]* in accordance with the FIDIC Yellow Book including among others:

* Contract and claim management, assessment of Contractors Claims related to Conditions of Contract;
* Control of the validity of the Contractor’s documents such as insurance policies, bank guarantees, transport documents, etc.;
* Review and, in consultation with the PEA, approve the contractor(s) design of the works; including review and acceptance of the factory documentation of the supplied equipment and signing of the construction book (mandatory);
* Quality and quantity control for all works and supplies via day-to-day inspection of the Contractor’s work;
* Provide guidance to the Contractor to conform to the specifications;
* Ensure that the Contractor is only using permanent and temporary construction material in compliance with the Employer’s Requirements;
* Time and expenditure control;
* Review and approval of the Contractor’s invoices and issuance of the corresponding "Payment Certificates" to the Employer;
* Reporting on project progress and risks in accordance with the KfW Reporting Requirements (annexed);
* Assistance to the Employer in dealing with any variation orders to the Works Contract;
* Ensuring visibility according to donors’ requirements;
* Review of the Contractor’s reports, as-built drawings, operation manuals, maintenance plans, etc.;
* Supervise the Contractor’s testing and commissioning of the constructed works and Contractor’s supply;
* Preparation of a snag list and assistance to the Employer in the preparation of provisional acceptance;
* Participation in the reception of works.

1. Examine whether the arrangements applicable to the disbursement procedure agreed between the Employer and KfW, which are to be submitted to the Consultant, are fulfilled. *[If Separate Agreement (SA) has been signed at the time of publishing the RfP the relevant sections of the disbursement annex of the SA should be added.]*

**Step 3.2: Commissioning**

The objective of this step is to assist the Employer in ensuring that the new equipment is put into operation in accordance with best practice. The Consultant will ensure that all systems and components of the works are designed, installed, tested, and operated according to the works contracts and the Employers requirements.

Tasks:

1. Preparing lists of necessary tests *[factory acceptance tests (FAT), type tests, routine tests, site acceptance tests (SAT)]*;
2. Review contractor(s) test and commissioning programs and make recommendations to the PEA;
3. Supervise the Contractor’s testing and commissioning of the constructed Works and Contractor’s Supply;
4. Participation in the reception of works and approval of FAT and SAT;
5. Preparation of a snag list and assistance to the Employer in the preparation of provisional acceptance.

**ESHS related tasks during Step 3.1 and 3.2:**

1. Inform the Contractor that relevant sub-works shall not commence prior to the Consultant´s approval and satisfaction of appropriate measures in place to address ESHS risks and impacts;
2. Approve after due revision Contractor’s Environmental and Social Management Plan (PA-ESMP) and, during the execution of the works, instruct the Contractor to update the PA-ESMP if it becomes necessary. The revised version shall highlight the new elements incorporated in the document;
3. Supervise the Contractor’s implementation of the PA-ESMP and report on compliance of the Contractor with the PA-ESMP and ESHS Works Requirements; This includes health and safety performance and conformance with labour and working condition standards in case of severe ESHS violations (and in particular OHS risks to life), the Consultant shall suspend (sub-)works until the Contractor has rectified the situation. Besides KfW’s E&S standards and particular ESHS provisions from the ESMP, for his OHS planning and supervision activities on site, the Consultant shall use the ILO Code of Practice: “Safety and Health in Construction” as a guideline for international good practice;
4. Document Contractor’s non-conformances. Review and approve the Contractor’s proposals for remedial action(s) and their timeframe for implementation. Follow-up on correction/remediation;
5. Follow up on the results of any inspections or audits by labour, health and safety or environmental regulatory authorities;
6. Check if the Contractor provides instructions and trainings to workers, Subcontractors and Suppliers (in particular those for major supply items) to assure that they understand their respective ESHS requirements and that the Contractor complies with the Code of Conduct;
7. Advise the Contractor on the ESHS risks and impacts of any design change proposals and the implications for compliance with E&S safeguard instruments, consent/permits and other relevant project requirements;
8. Review the Contractor’s progress reports, and check if detected nonconformities are documented and analysed and are addressed by corrective actions; Documentation shall include a digital photograph with captions to provide a visual illustration, explicitly indicating the location, date of inspection and the non-conformity in question;
9. Follow-up on the resolution of any complaints or grievances in relation to ESHS;
10. Inform the Employer on any ESHS related situation that might arise which could jeopardize the successful completion of the Project. Reflect such situations in the periodic reporting;
11. Supervise that non-conformities are addressed through measures adapted to the severity of the situation and which include but are not limited to the suspension of (sub-)works and/or of payments in accordance with the Contract;
12. Check supply chain regarding any shortcomings against ESHS standards;
13. *[if not already covered by the ESIA: Develop and implement a Design Change Management Procedure (DCMP).]*

Key deliverables:

* Progress Reports
* Final Report

**Stage 4: Services During Contractor’s Defects Notification Period and Closure of Project**

The assistance during the Contractor’s Defects Notification Period (DNP) and Closure of Project, after the issuance of the Taking Over Certificate, shall address all post-construction activities up to the final acceptance of works through the Performance Certificate. The Consultant shall carry out *[regular or insert if appropriate specific intervals]* inspections during the DNP in order to ensure the execution of all remedial works by the Contractor. Prior to Project Completion the Consultant shall check that also all EHSH related tasks of the Contractor are completed and the areas of activities have been reinstated by the Contractor. On expiry of the DNP the Consultant shall assist the Employer in issuing a Certificate confirming that the constructions/installations were completed successfully in accordance with the specified performance level (Performance Certificate).

The Consultant will also ensure that all activities related to operation and maintenance within the scope of work of the Contractors have been conducted in a timely manner and are effectively in place (preparation of manuals, provision of equipment, capacity development, etc.).

During Closure of the Project the Consultant shall prepare *[if appropriate Project Completion Report(s) and]* the Final Project Report.

Key deliverables:

* Progress Reports, if applicable;
* Completion Report(s) for respective works contracts *[optional]*;
* Final Project Report.

# 4. REPORTING AND DELIVERABLES

The Consultant will submit the below mentioned reports in the English language *[indicate if specific reports or parts of them such as the executive summary have to be prepared also in another language]*. All reports have to be prepared in DIN A4 format. Plans and drawings shall be prepared in DIN A3 format. All documents (reports and drawings) have to be provided in digital format *[e.g. Word, Excel, AutoCAD format]* and additionally converted into PDF-format. Time for comments and approval shall be up to *[two, four]* weeks after submission. Final reports shall be submitted 2 weeks after receiving comments on the draft.

*[Add/ insert into the table all types of required reports, delivery dates and number of copies (soft- or hardcopy) to be submitted to KfW by the Employer or directly by the Consultant.* *Requirements here may supersede particular stipulations given by annexed KfW Reporting Requirements]*

| **Report** | **Delivery** | | **No. of copies (soft/ hard)** | |
| --- | --- | --- | --- | --- |
|  | | | Employer | KfW |
| MoM Kick-Off Meeting | <1 | week after the meeting |  |  |
| Inception Report – Draft | 1 | Submission Date |  |  |
| Project Manual/ Manual of Procedures | 1 | month after commencement |  |  |
|  |  |  |  |  |
| Project Planning Report (draft) | 2 | months after commencement |  |  |
| Reports related to ESHS | … | ..... |  |  |
|  |  |  |  |  |
| MoM Management Meetings | <1 | week after the meeting |  |  |
|  |  |  |  |  |
| *Monthly Progress Summary* | *-* | *Every month after commencement within 5 working days from the end of the respective month* |  |  |
| Progress Reports | <1 | month after the reporting period (*monthly/*quarterly*/ (bi-) annually*) |  |  |
| FAT and SAT Reports | 2 | Weeks after completion of the tests |  |  |
|  |  |  |  |  |
| Completion Report(s) *[optional]* | <1 | month after closure of the works/ procurement contract(s) |  |  |
| Final Project Report - Draft | 1 | month after closure of all works and after Contractor’s Defect Notification Period |  |  |

In general, the reporting requirements are an essential part of proper and transparent contract and project monitoring and as such are to be elaborated and quality-assured in a way that both senior and executive levels of the contracting parties are conveniently provided with concise, reliable, sound and relevant data and analysis. A qualified presentation with maps, tables, graphs and photographs is preferred over long-winded narrative elaborations.

Detailed requirements (structure, contents, etc.) for the above-mentioned reports are attached to these ToR, see Annex 3 *[latest revision to be attached as separate file]*.

# 5. IMPLEMENTATION SCHEDULE

lt is anticipated that the duration of the assignment will be in total approx. [xx] months (~[yy] months for stage 1 plus ~[zz] months for stage 2, ....).

*[Add here or as an Annex to these ToR*

* *A provisional time table showing main activities and milestones of the Project; state on the overall implementation period and if applicable on periods of the different stages; take into consideration, especially for the design and tendering stage, the necessary time for approvals by the PEA and no objections by KfW in line with the corresponding conditions of tender (usually 2 to 4 weeks) and also for translation requirements (1-2 additional weeks depending on the kind of report); Take into account that the commencement of some stages/ phases is subject to the approval of the previous ones; Time for Stage 2 “Assistance during tendering” depends among others on the type of bidding procedure (one-stage, two-stage) and requires minimum 4-6 months**;*
* *Also take into consideration the tasks associated with ESDD, the preparation of E&S safeguard instruments and their validation by the national authorities as part of the issuance of any permits. Certain activities such as public consultation or resettlement may involve set time frames, administrative reviews, feedback loops.]*

# 6. LOGISTICS

*[Mention here*

* *How the Consultant has to organize his intervention;*
* *Explain which facilities [offices, vehicles, etc.] are provided by the Employer or by the Contractor;*
* *Which facilities and equipment the Consultant is supposed to procure by himself. State clearly if and which equipment procured by the Consultant as reimbursable items shall be handed over to the Employer after the end of the Consultant’s assignment.]*

# 7. STAFFING

The Consultant must demonstrate that he has suitably qualified and experienced experts among its key personnel, who have the appropriate level of academic and professional qualifications and expertise gained in similar projects and countries, and with similar hazards & risks to recognize and to deliver with respect to the management requirements, both, the technical requirements and the Environment, Social, Health and Safety (ESHS) aspects.

The Consultant shall include in his team amongst others at least the staff with qualified expertise/ experts as indicated in the table below. The estimate of person-months *[is/ is not]* binding for the Consultant, Bidders are free to allocate specific person-months for each position according to their individual staffing schedule and estimate.

*[Insert into the table what is necessary to fulfil the technical aspects of the assignment:*

* *Number of staffs;*
* *Qualification (management /technical/ regional expertise, etc**., procurement expertise and IFI tender expertise is mandatory,* *expertise with national* *and KfW procurement guidelines might be optional) needed;*
* *Define for which positions international experience is compulsory;*
* *Distinguish clearly between Key-Experts and Non-Key-Experts;*
* *Number of Key-Experts should be subject to the complexity of the project (usually not more than 5).*

Besides the key experts *[and if appropriate the expert pool]*, the Consultant shall provide up to *[insert number]* back stoppers for supervision, monitoring and quality assurance of the Consultant’s services from the home office. *[Indicate if the cost for the back stoppers (incl. equipment, logistics and transport) can be separately budgeted or whether this has to be included in the rates of the other experts].*

| Position | Task/ Responsibility | Qualification Requirement / Expertise | National/ International | Person- months |
| --- | --- | --- | --- | --- |
| Key-Experts |  |  |  |  |
| Project Manager |  |  |  |  |
| Procurement Manager |  |  |  |  |
| Non-Key-Experts |  |  |  |  |
|  |  |  |  |  |
| Back stopper(s) |  |  |  |  |
| Junior Experts |  |  |  |  |

*[Evaluation criteria for the Key-Experts should be indicated in detail in the Special Conditions to Tender. Consider international and local experts, and also junior-experts.]*

The Consultant is encouraged to include junior staff in his team subject to available guidance within a team headed by senior professional staff.

ESHS Expertise:

The Consultant shall include in his team amongst others at least *[insert number according to size and complexity of the project]* ESHS expert(s) with *[please define]* years of professional experience in the field of environmental, social and/or health and safety issues. In case sufficient ESHS expertise and experience can be provided, a key expert of the Consultant team (e.g. the resident engineer, site supervisor, architect) can be nominated for such tasks.

*[Depending on the type of project (particularly in case of projects with significant environmental and social impacts during construction* *or projects where national capacity on ESHS topics is low), experts for tasks related to ESHS shall be mandatory.*

* *For Level 1 contracts = low ESHS requirements, the construction or site manager or, if present, the OHS professional may undertake the environmental and social aspects depending and upon evidence on expertise;*
* *For Level 2 contracts = medium ESHS requirements, it may be decided on a case by case basis, whether one or more separate OHS and environmental and/or social coordinators should be mandated;*
* *For Level 3 contracts = high ESHS requirements, at the minimum one [or more depending on the size, type and risk of the contract] separate environmental and/or social coordinators shall be mandated].*

*[Note:*

*Depending on the type of project and commensurate with the impacts, for projects with significant (medium or high) environmental and social impacts during construction, additional environmental/ social/ health and safety experts shall be mandated separately from the Consultant. These additional experts may be recruited by a separate tender. They should have proven ability and at least [x years] of relevant professional experience in managing environmental issues/ stakeholder engagement and community relations in accordance with the project requirements and have seasoned experience in implementing the environmental and social standards of the World Bank and the Performance Standards of KfW;*

*If needed, KfW´s* *sustainability department may be contacted to provide further advice.]*

# 8. RELEVANT DOCUMENTS

*[List here all relevant documents such as available studies, pertinent excerpts of the separate agreement, project manual/ manual of procedures, standard formats for reporting, ESMF, ESIA, ESMP, etc. and explain to the bidder how they can get the documents (sent as annexes, available on web pages, consultation of documents at the Employer’s office, etc.)]*

# 9. ANNEXES

Annex 1 ESHS Classification of Contracts

Annex 2 Structure for Works / Employer’s Requirements of Bidding Documents

Annex 3 KfW Reporting Requirements

Annex 4 Presentations of Staff Characteristics

**Documents available on KfW’s website www.kfw.de**

Guidelines for the Procurement of Consulting Services, Works, Plant, Goods and Non-Consulting Services in Financial Cooperation with Partner Countries:

<https://www.kfw-entwicklungsbank.de/PDF/Download-Center/PDF-Dokumente-Richtlinien/FZ-Vergaberichtlinien-V-2021-EN.pdf>

Standard Consulting Contract Model

<https://www.kfw-entwicklungsbank.de/Download-Center/PDF-Dokumente-Richtlinien/Mustervertrag-E.pdf>

# Annex 1: ESHS Classification of Contracts

*Projects financed by KfW are categorized in Environmental and Social (E&S) risk categories A, B+, B or C depending on how severe their E&S risks and impacts are. This categorisation takes place at an early stage and applies to the overall Project. However, Projects typically comprise several components and specific individual Contracts are awarded to Consultants, Contractors, firms or suppliers. The categorisation of these individual Contracts which may have different Environmental Social and Health and Safety (ESHS) risks and impacts compared to the overall Project (e.g. a separate supply Contract for computers, or a separate Small Works Contract for the rehabilitation of a guard house may have low risks and impacts, whereas the overall Project may be a large hydro power project categorised as high-risk A).*

*Therefore, when designing the Requirements for the Bidders or the ESHS Specifications for each particular Contract of a Project, the potential ESHS risks and impacts of this individual Contract need to be taken into account. This is particularly relevant for the occupational health and safety aspects (OHS) on the construction site and, if relevant, in worker camps during Contract implementation.*

*Depending on the potential ESHS risks and impacts and the estimated Contract size, ESHS Requirements for Bidders might be classified as low, medium or high and thus the Requirements need to be adjusted accordingly.*

*In the context of this section the ESHS classification levels are defined as follows:*

*Level* ** *low*** *= relevant to Contracts with low ESHS risks and impacts*

*Typically for Contracts with minor ESHS construction related risks and impacts. During the implementation of the Works only limited ESHS measures are required, e. g minor Works and small scale rehabilitation measures; few workers; minimal transport requirements; no worker camps required; no hazardous wastes; no working at heights or confined spaces; no heavy construction machinery; no external environmental risks like flooding.*

*Level* *******medium*** *= relevant to Contracts with medium ESHS risks and impacts in addition to* ****

*Typically for Contracts with moderate ESHS impacts and risks. During the implementation of the Works standard ESHS measures are required, e. g. approximately less than 100 workers; transport of hazardous material; general OHS risks (welding, hazardous material); working at one to two storey buildings.*

*Level* *******high*** *= relevant to contracts with high ESHS risks and impacts in addition to* ****

*Typically for Contracts with significant or long term ESHS risks and impacts. During the implementation of the Works extensive ESHS measures are required, e. g. approximately more than 100 workers; worker camp(s) required; significant risks at complex work sites(s); increased heavy load traffic.*

# Annex 2: Structure for Works / Employer’s Requirements of the Bidding Documents

The Bidding Documents shall be built up in a modular way, being a kind of “building set” easily adaptable to any requirement by adding/deleting according chapters of specification parts and data sheet parts.

* Repetitions of similar text passages shall be avoided, common requirements shall be superordinated and concentrated;
* Structuring of Technical Specifications and related Data Sheets shall be product-oriented with regard to today’s supply chains; specifications for particular equipment shall not be described in multiple different chapters but grouped together. The structuring shall allow the Contractor easily to extract parts thereof and give according orders to subcontractors;
* No transcriptions of standards shall be done but only be referenced to such standards;
* Designations shall be used in conformity with according definitions in the relevant standard;
* Test requirements shall be listed and also referenced to according standard(s).

The Scope of Work shall define what to provide, the GTR, PTR and specifications shall define how to provide and the Data Sheets shall define the technical properties to be provided.

For the Bidding Documents the following structure as a strict recommendation shall be considered:

1. Project description and Scope of Work (SoW)

*[SoW shall give a project description and shall define in a quantitative manner all the services, works and goods to be provided and performed by the Contractor, if applicable sub-structured by different Lots]*

1. Project procedures (PP)

*[PP shall show project details as Project Organization and Administration, Reporting, Meetings, Project Documentation, Review/Approval Procedure, Quality Assurance and Time Programme]*

1. General Technical Requirements (GTR)

*[GTR shall contain inalterable and general requirements applicable to all and any kind of Technical Specifications and Technical Data Sheets (e.g. standards, system of measurements, corrosion protection, packing and storing, basics of tests and inspection, …)]*

1. Particular Technical Requirements (PTR)

*[PTR shall contain all project specific and country specific requirements applicable to all and any kind of technical specifications and technical data sheets (e.g. language, national standards, general data [environmental, electrical, insulation coordination, distances and clearances, operating voltages, fire ratings, climatic and environmental conditions, colours, marking and labels, document submittal schedule, site infrastructure, …)]*

1. Technical Specifications (TS)

*[TS shall contain all basic requirements related to the particular equipment and works without mentioning any particular and variable technical data (functionality and basic requirements of: civil works, transformers, auxiliary supply, …). The TS shall be clearly sub-structured per major equipment and works]*

1. Data Sheets (DS) and Bill of Quantity (BoQ)

*[DS shall contain all particular technical data defining the particular technical data of a specification (e.g. minimum failing load, creepage distance, …), BoQ itemises* [*materials*](https://en.wikipedia.org/wiki/Building_material)*, parts, and labour (and their costs). The DS and the BoQ shall be clearly sub-structured per major equipment and works]*

1. Tender Drawings

*[Tender Drawings shall contain all necessary drawings (e.g. basic plant layout, single line diagram, …)]*

1. Environmental and Social Requirements (if not included in GTR and PTR)

*[probably split again into general and particular requirements, furthermore detailed ESHS requirements might be added here as stipulated by KfW]*

# Annex 3: KfW – Reporting Requirements

Please refer to the document “*[KfW Reporting Requirements (2023-04).pdf]*” attached to this Invitation to Tender.

*[Attach the latest revision of KfW – Reporting Requirements and do not modify it. Any particular deviating and/or additional requirements add under chapter 4.]*

# Annex 4: Presentation of Staff Characteristics

The following data have to be indicated for the key experts proposed for the different positions. They have to be backed unambiguously by details in the CV. In case of contradictions found during evaluation, details of the CV prevail. Tables may be adjusted according to the proposal and to the number of proposed key staff.

*[Attach tables containing the requirements for the particular positions of the staff of the Consultant, sample tables hereunder]*

**Project Director**

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Min. requirement** |  |
| Professional education / University degree | *Master or Dipl. Ing. Degree (FH/TH/TU) in Engineering* |  |
| Professional experience as an engineer and/or project manager | *10 years* |  |
| International experience, experience with IFI-funded projects | *No. of projects with > 6 months input (min. 3)* |  |
| Regional experience | *No. of projects in the region with > 6 months input (min. 1)* |  |
| Experience in managing similar projects with similar tasks | *No. of projects with > 6 months input (min. 4)* |  |
| Experience with ESDD and E&S safeguard instruments | *No. of projects where E&S international standards were applicable >4* |  |
| Employment status with firm (no associate or freelancer will be accepted) | *> 5 years* |  |
| Needs PoA to fully represent the Consultant throughout the project within the scope of his role | *PoA*  *(disqualification of the candidate if not presented)* |  |
| Experience of working in a team with the offered staff for positions PD/PM/SM | *No. of projects with > 6 months input (min. 3)* |  |
| Leadership experience (team leader, project manager) in firm | *> 3 years* |  |
| Effective English verbal and writing skills | *Degree of skill: fluent/very good* |  |

**Key Staff (international and local)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Min. requirement** |  | |
| University degree | *Min. Bachelor degree* |  | |
| Professional experience | *8 years* |  | |
| International experience, experience with IFI-funded projects | *No. of projects with > 6 months input (min. 1)* |  | |
| Regional experience | *No. of projects in the region with > 6 months input (min. 3)* |  | |
| Experience in the implementation of similar projects with similar tasks | *No of projects with*  *> 6 months input (min. 3)* |  | |
| Experience with ESDD and E&S safeguard instruments | *No. of projects where E&S international standards were applicable >3* |  |
| Employment status with firm (associate or freelancer will be accepted) | *> 3 years*  *(associate or freelancer will get less points as of an employee)* |  |
| Ability to work in multi-disciplinary teams | *Must have* |  | |
| Effective English verbal and writing skills | *Must have* |  | |

**Support team (international and local)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Min. requirement** |  | |
| University degree | *Bachelor degree* |  | |
| Professional experience | *5 years* |  | |
| Regional experience | *No. of projects in the region* |  | |
| Experience in performing similar projects with similar tasks | *No. of projects with*  *> 6 months input (min. 2)* |  | |
| Employment status with firm (associate or freelancer will be accepted) | *> 2 years*  *(associate or freelancer will get less points as of an employee)* |  |
| Ability to work multi-disciplinary teams | *Must have* |  | |
| Effective English verbal and writing skills | *Must have* |  | |

**Back stopper (international)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Min. requirement** |  | |
| University degree | *Min. Bachelor degree* |  | |
| Professional experience | *8 years* |  | |
| International experience, experience with IFI-funded projects | *No. of projects with > 6 months input (min. 1)* |  | |
| Regional experience | *No. of projects in the region with > 6 months input (min. 1)* |  | |
| Experience in the implementation of similar projects with similar tasks | *No of projects with*  *> 6 months input (min. 3)* |  | |
| Employment status with firm (no associates or freelancer will be accepted) | *> 3 years* |  |
| Ability to work in multi-disciplinary teams | *Must have* |  | |
| Effective English verbal and writing skills | *Must have* |  | |

1. *Based on Bill of Quantity (BoQ)* [↑](#footnote-ref-1)
2. *Acc. to FIDIC „Design“* [↑](#footnote-ref-2)
3. *Acc. to FIDIC: Tender Dossiers* [↑](#footnote-ref-3)