



Government of the Republic of Niger
MILLENNIUM CHALLENGE ACCOUNT – NIGER
MCA-Niger

SPECIFIC PROCUREMENT NOTICE

REQUEST FOR QUALIFICATIONS FOR CONSULTANCY SERVICES

Recruitment of Bid Challenge System Independent Review Panel Members

Country: *Niger*

City/Locality: *Niamey*

PP Ref. Number: *ADM/IC/2018/14*

Contract Name: *“Recruitment of Bid Challenge System Independent Review Panel Members”*

Project Name: *Program Management and Administration*

Funding Agency: *Millennium Challenge Corporation*

Buyer: *Millennium Challenge Account – Niger (MCA-Niger)*

1. This REQUEST FOR QUALIFICATIONS follows the General Procurement Notice which was published on UN Development Bank ("UNDB") on October 11, 2018, on the MCA-Niger website www.mcaniger.ne on 21 September 2018, in the local press the Sahel Daily on September 26, 2018.
2. The Millennium Challenge Corporation (“MCC”) and the Government of Niger (the “Government” or “GoN”) have entered into a Millennium Challenge Compact for Millennium Challenge Account assistance (the “Compact”) in the approximate amount of US \$437 million (“MCC Funding”) to help facilitate poverty reduction through economic growth in Niger. The Niger Compact entered into force on January 26, 2018 and the Government, acting through the Millennium Challenge Account – Niger (MCA-Niger), intends to apply a portion of the MCC Funding to eligible payments under a contract for Independent Reviewer of Appeals.
As part of implementation of the Compact, MCA-Niger has adopted a Bid Challenge System (BCS), which establishes procedures (“the Challenge Procedures”) to be used by MCA- Niger to review and resolve complaints resulting from procurement actions and decisions (Bid Challenges). The Challenge Procedures shall be incorporated in all bidding documents distributed to potential Bidders and Consultants.

3. MCA-Niger hereby invites **Individual Consultants** to submit their qualifications and interest in providing the required services (see Annex 1 – Terms of Reference).

4. Objectives of the Assignment

The BCS requires MCA- Niger to establish Master List of independent reviewers of appeals (Independent Review Panel) for a Challenger or Interested Party who is dissatisfied with the decision of the BCS Level 1 Authority. The Master List shall consist of a minimum of six (6) competent and qualified persons, which shall be impartial, independent and have no interest (through financial, family, business or beneficial ownership or otherwise, directly or indirectly) in the outcome of the procurement, nor be involved or connected with the procurement process.

Interested Individual Consultants should submit, at the address indicated below (see Section 10), an application consisting of the following:

Curriculum Vitae (CV) detailing the consultant’s professional qualifications, areas of expertise, and experience in carrying out similar Assignments;

Professional References (at least three (3) referees) with valid contact details, such as Email address and contact numbers.

All documents submitted shall be in English. Any application which is not submitted in English, or is not accompanied by a certified translation, will be rejected.

Electronic submission of applications (including CV) is acceptable if the documents are sent in a format that cannot be altered (pdf format is preferred).

This assignment is open to eligible Individual Consultants as defined in the MCC Program Procurement Guidelines (current edition). Each applicant will undergo eligibility verification during the evaluation process, and throughout the life of the contract, in accordance with MCC Guidance on Excluded Parties Verification Procedure.

The Criteria and sub-criteria for selection of the Individual consultants shall be as detailed below:

Evaluation Criteria	Points
Qualifications and competence for the assignment	
a) General qualifications	20
b) Adequacy for the assignment	70
c) Experience in region and language	10
Total Technical Score	100

After applying these criteria and subcriteria, each application will be given a technical score. An application shall be rejected at this stage if it does not respond to important aspects of the Terms of Reference or if it fails to achieve the minimum technical score of seventy-five (75) points.

The first six Individual Consultants having the highest technical scores will be invited to submit financial proposals (e.g. fees and reimbursable expenses) and to negotiate

framework agreements. Should negotiations fail with the selected Individual Consultant, negotiations will be initiated with the other Consultants that submitted responsive application, in the descending order of their technical scores.

Applications are due at the following address on or before **December 17, 2018 by 4:00 pm Niger time**. Applications received after this time and date shall not be considered.

Applications may be submitted electronically or physically at the address below.

Address:

**Millennium Challenge Account Niger (MCA-Niger)
Attention: Agent de Passation des Marchés MCA-Niger
Boulevard Mali Béro en face du Lycée Bosso - 2nd Floor.**

Email: mcanigerpa@cardno.com; copy to: procurement@mcaniger.ne;

5. MCA-Niger is not bound to accept any of the application submitted by the invited Individual Consultants and may cancel the selection process at any time without providing any justification to the Consultants.

Yours sincerely,

Monsieur Mamane Annou
Directeur Général de MCA-Niger
Boulevard Mali Béro, BP 738,
Niamey-Niger
Email : mamaneannou@mcaniger.ne

Annex 1

Terms of Reference for Individual Consultancy Services

Bid Challenge System Appeal Panel Members

I. BACKGROUND

The Millennium Challenge Corporation (“MCC”) and the Government of Niger (the “Government” or “GoN”) have entered into a Millennium Challenge Compact for Millennium Challenge Account assistance (the “Compact”) in the approximate amount of US \$437 million (“MCC Funding”) to help facilitate poverty reduction through economic growth in Niger. The Niger Compact entered into force on January 26, 2018 and the Government, acting through the Millennium Challenge Account – Niger (MCA-Niger), intends to apply a portion of the MCC Funding to eligible payments under a contract for Independent Reviewer of Appeals.

As part of implementation of the Compact, MCA-Niger has adopted a Bid Challenge System (BCS), which establishes procedures (“the Challenge Procedures”) to be used by MCA- Niger to review and resolve complaints resulting from procurement actions and decisions (Bid Challenges). The Challenge Procedures shall be incorporated in all bidding documents distributed to potential Bidders and Consultants.

The BCS is based on the following principles:

- 1) MCA-Niger must provide clear explanations of why Bidders are disqualified or not selected.
- 2) A procedurally simple and expeditious process is essential to address concerns about the application of procurement rules and procedures to specific procurement actions.
- 3) While a challenge remains outstanding, the related procurement proceedings should be suspended to prevent, in normal circumstances, the signing of a contract.
- 4) A challenge should be initially reviewed, and a decision issued by the awarding authority with the opportunity for an appeal to a knowledgeable and impartial third party.

II. OBJECTIVES OF THE ASSIGNMENT

The BCS requires MCA-Niger to establish a Master List of independent panel members of appeals (Independent Panel Member) for a Challenger or Interested Party who is dissatisfied with the decision of the BCS Level 1 Authority. The Master List shall consist of a minimum of six (6) competent and qualified persons, which shall be impartial, independent and have no interest (through financial, family, business or beneficial ownership or otherwise, directly or indirectly) in the outcome of the procurement, nor be involved or connected with the procurement process.

III. SCOPE OF WORK

The Independent Panel Member (IPM) is the BCS Level 2 Authority and shall be required to review and decide on any challenge submitted by a Challenger or Interested Party who is dissatisfied with the decision of the BCS Level 1 Authority and seeks review of that decision by filing an Appeal to the Level 2 Authority.

No later than the five (5) working days after an Appeal is filed, the BSC Secretariat will randomly select two (2) individuals from the Master List of independent panel members of appeals to review and decide on the Appeal. The Secretariat will also select two (2) alternate members.

Each Appeal will be decided by the IPM selected in accordance with Rule 4 of the BCS. The IPM's review of the Appeals shall take place in Niamey, Niger. The IPM will have the authority to decide procedural and organizational matters in consultation with the MCA-Niger Procurement Director and such other technical experts, as the IPM deems appropriate.

The IPM will issue its decision no later than ten (10) working days after receiving the Appeal from the BCS Secretariat. Moreover, with sufficient reason the IRP may extend this period for an additional five (5) working days. The IPM's decision must be in writing, delivered to the BCS Secretariat and must state: (a) the date of the decision; (b) the reasons upon which the decision is based; and (c) the remedy awarded to the successful party, if any.

IV. QUALIFICATIONS REQUIREMENT

The minimum qualifications requirement of each candidate for the Master List of independent panel members of appeals, are the following:

- 1) Bachelor's degree that is relevant to procurement; A Postgraduate degree such as master's or Juris Doctor is preferred;
- 2) In-depth knowledge of, and experience with, procurement rules, principles and processes under one or more of the following: (i) law of Niger, or (ii) rules of multilateral development banks or organizations (e.g., World Bank, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, or Inter-American Development Bank), or (iii) rules of foreign official development agencies (e.g., MCC, USAID, JICA, AusAID);
- 3) Has been trained in MCC procurement principles, practices and procedures, preferred;
- 4) Demonstrated ability to be ethical, impartial and independent.

V. REPORTS AND DELIVERABLES

- 1) Before commencing review and deliberations on the Appeal, the independent panel members shall sign a Declaration of Impartiality and confidentiality, to preclude conflict of interest.
- 2) The IPM shall render a written decision within ten (10) working days of receipt of the Appeal from the BCS Secretariat. With sufficient reason, this period may be extended for five (5) additional working days.

VI. LOCATION AND PERIOD OF EXECUTION

- 1) The IPM shall convene in Niamey, Niger.
- 2) The period of execution shall be for a maximum of fifteen (15) working days as/when required.
- 3) A framework agreement shall be negotiated with six (6) qualified independent panel members. Payment shall be made only for the period the IPMs are convened to deliberate and decide on Appeals received by the BCS Secretariat to a BCS Level 1 decision.

VII. PROJECT COORDINATION

Contractually, the IPM will report to the MCA-Niger Legal Adviser; however, they shall be independent in their decision-making process, which must adhere to the MCA-Niger BCS and the MCC Program Procurement Guidelines, at present in force.

VIII. DOCUMENTS, SERVICES AND FACILITIES TO BE PROVIDED BY MCA-NIGER

- 1) Appeals documents and name of the Challenger and/or Interested Party (as applicable), in accordance with the BCS.
- 2) A copy of the:
 - a. MCA-Niger Bid Challenge System
 - b. MCC Program Procurement Guidelines
 - c. Other documents required for carrying out the assignment.
- 3) Training of the IPM in MCC procurement principles, practices and procedures, after completion of the selection process.
- 4) Venue where the IPM will meet, including stationery, a computer and printing services.
- 5) Required transportation and accommodation for members who must travel to Niamey to carry out the assignment.