



CALL FOR EXPRESSION OF INTEREST (EOI)

Title of the EOI:

PREQUALIFICATION OF COMPANIES FOR THE ENGINEERING CONSULTING SERVICES FOR SUPERVISION OF ROAD CONSTRUCTION

EOI No.: RAEOA-ZEESMTL/PLU/EOI/2019-002

EOI Launching Date: 23 July 2019

EOI Submission Deadline: 22 August 2019

For Requests for Clarifications please contact:

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DESCRIPTION OF REQUIREMENTS

1. Introduction

The Região Administrativa Especial de Oé-Cusse Ambeno – Zonas Especiais de Economia Social de Mercado de Timor-Leste (RAEOA-ZEESM TL) was created in accordance with Law no. 3/2014, having its mission and legal attributions determined by the Decree-Law n.º 5/2015, dated the 22nd of January.

In accordance with Law n.º 3/2014, Article 39, RAE OA-ZEESM TL is empowered by law to plan, develop, deliver road infrastructure programs in Oé-Cusse. Within the confines of its mandate and after careful planning, RAE OA-ZEESM TL aims to deliver a cost-effective road infrastructure program aimed at improving the overall management of Oé-Cusse's extensively neglected road network system while at the same time aiding the Government in its efforts to deliver its National Road Program.

RAEOA-ZEESM TL road management programs and outcomes are set forward in RAE OA-ZEESM TL strategic regional development (SRD) plan a multiannual strategic plan (2019-2024), with key performance indicators (KPI) delivered through Annual Action Plans (AAP). Road works prioritized by the Region are annual in nature, with multiannual allocations being allowable upon discussion with Regional Authority members and approvals by both the Government and National Parliament, both of which play an important role in ensuring the correct implementation of such programs.

The projects required under National Road Program are multiannual in nature (2-5 years) and have been previously identified and prioritized by Central Government and captured in Timor-Leste's National Strategic Development Plan (SDP) 2011-2030. The approval of multiannual project is often followed by subsequent Government discussions and budget planning exercises and approvals done through the Administrative Council of the Infrastructure Fund (CAFI) and subsequently discussed in Parliamentary Commissions in National Parliament.

The Região Administrativa Especial de Oé-Cusse Ambeno – Zonas Especiais de Economia Social de Mercado de Timor-Leste (RAEOA-ZEESM TL) is seeking through this Expression of Interest

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(EOI) to build a list of service providers engaged in provision of road construction supervision works for National Road Program thus enabling the Region to deliver transparent, cost-effective and social and environmentally sound road improvement programs.

More than traditional supervision services, the service provider will be required to work alongside RAEOA-ZEESM TL focal point and act as resource personnel in drafting communications materials aid in regular updates to Central level Government agencies and guide field visit to construction sites to different Government and Non-Governmental agencies in their monitoring and evaluation visits.

2. Background

Since its establishment in 2014, RAEOA-ZEESM TL has done everything in its powers to deliver the road infrastructure deliverables put forward by the National Government in its Strategic Development Plan 2011-2030 for Oé-Cusse.

The management and delivery of the first three (3) large infrastructure road programs in Oe-Cusse known as Package 1, 2 and 3 were transferred to the Região Administrativa Especial de Oé-Cusse Ambeno – Zonas Especiais de Economia Social de Mercado de Timor-Leste (RAEOA-ZEESM TL) shortly after its establishment in 2014. This was followed by a partial transfer of funds for packages 1, 2 and 3, alongside contracts signed by Central level Government with contractors of these 3 projects. All the contract required proficient contract management, project redesign, supervision and attentive cost-control.

RAEOA-ZEESM TL aided central level Government in contract management of these distinct projects and lead the contract management and its delivery including solving list of extensive social and environmental associated with delivery of Packages 1, 2, 3.

Package 1 included the National road connecting the integrated border post of Sacato all the way to the first large river, River Tono. Package 2 was comprised of urban roads in Oé-Cusse capital, Pante Macassar and the connection to the central motorway junction (nó rodoviário) located in Mercado do Tono. Lastly, Package 3 included a large structure (Noefefan Bridge) bridging Lifau in the outskirts of Pante Macassar, and Lifau's agricultural farmlands.

In its ambitious Strategic Development Plan 2011-2030, Central level Government proposed on top of the delivery of packages 1, 2 and 3 the delivery 2 complementary national roads projects: the Mercado do Tono – Oesilo (Package 4), Pante Macassar – Citrana (Package 5), and a single regional road, Oesilo – Tumin (Package 6) by 2015.

Starting in the motorway junction located in the Mercado do Tono (Tono Market), Package 4 links the outskirts of Pante Macassar to the border post of Oesilo. This 17 km long national mountain motorway, crossing Kinloqui and Abanal rivers, tributaries of the Tono river, require two large span bridges (+100 meter) and will connect and cross several rural and mountain settlements in highly unstable geological areas prone to landslides and ground collapses.

Starting from Tono bridge abutment, Package 5, is a 35 kilometre long National Road linking Pante Macassar – Citrana. This complex road, transverses through diverse geological landscape containing a plethora of physical and social constraints which require the construction of more than 20 bridges, crossing a number of settlements of varying population density levels and will also require considerable maritime engineering efforts in risk prone areas such as Nuni.

While funds have been partially transferred to RAEOA ZEESM TL to execute package 4 and 5, few documents appear to exist and/or have been prepared and transferred to enable transparent tender processes to occur.

In the midst of what appeared to have been insuperable social and environmental impact issues in the delivery of packages 1, 2 and 3, RAEOA-ZEESM TL prioritized providing solutions for such issues encountered in signed contracts (by Central level Government) while working on creating the enabling conditions for initiate the tender processes for packages 4 and 5.

RAEOA-ZEESM TL has engaged with different service providers to deliver a robust Tender dossier and the first steps in the procurement process associated with package 4, 5 and 6.

3. Purpose of the assignment

Considering the technical challenges associated in the construction of Package 4 (Road to Oesilo) and Package 5 (Pante Macassar - Citrana) and of Regional and Rural Roads, RAEOA-ZEESM TL considers of the utmost importance to enlist the engineering services to:

- (i) Administer the construction contracts following the WorldBank standard contracts, drafted in accordance to International Federation of Consulting Engineers (FIDIC) contract conditions;
- (ii) Ensure that the surveys, designs and technical specifications for the roads associated with Package 4 and 5 are prepared to meet appropriate standards for climate resilient road infrastructure and that the road is constructed in accordance with the plans and specifications and otherwise in accordance with sound technical standards;
- (iii) Ensure that all works comply with the approved engineering designs and technical specifications, agreed schedule and budget, terms and conditions of the contracts, standard engineering practice, and countries environmental and social safeguards policy;
- (iv) Provide general guidance and issue instructions to contractors;
- (v) Document and issue engineering decisions in consultation with and following the approval of the Owner;
- (vi) Conduct ongoing cost-control and advise the Owner on work progress, quality control, and implementation issues, if any;
- (vii) Advise the Owner on work progress, quality control, and identify and advise ahead of time risks associated with construction and/or foreseeable implementation issues, if any;
- (viii) Support owner in Project Management;

4. Fraud and Corruption Statement

Considering that the contract types requiring Engineering consultancy are WorldBank standard contracts, following FIDIC standards, the applicants if pre-qualified and subsequently hired to provide such services will be required to allow independent assessments based on the findings by WorldBanks report on "Fraud and Corruption in Engineering Consultancy Contracts".

It is important for applicants to know that RAEOA ZEESM-TL does not allow engineering consultant to bill for non-descript fees and to formally and/or informally request contractors to provide "commitment fees" to enable a faster approval or the provision of clear outlines for why contractor proposals were not approved by the consultant. RAEOA-ZEESM TL will provide, in coming phases with maximum response time in days to be followed by the consultant upon receiving a proposal from the contractor as well as guidance on the information required to be attached if a proposal has not been approved.

On the subject of claims and payments from the owner, please note that having "ceiling amounts" for expenditures does not mean "fix rate". Additionally fixed rates does not relief the consultant from having to submit invoices which will enable RAEOA-ZEESM TL to present all documentation during coming internal and external audits.

Albeit obvious, administrative costs are meant to cover the administrative costs of associated with the project and are not meant to cover total costs of doing business in Timor-Leste. If payments done by RAEOA-ZEESM TL are to be used to cover administration expenditures outside of Oé-Cusse, RAEOA-ZEESM TL considers 1-3% of the total invoiced value a legitimate fee for such, however RAEOA-ZEESM TL requires clear "man-month inputs" and "Office day use" (or percentage) clearly accounted for in the invoices.

If the consultant work involves hiring of services either through sub-consultancy arrangement or other contractual arrangements with third party providers to enable the applicant to utilize staff and facilities located off-site (in Dili) to improve the delivery of the project, RAEOA-ZEESM TL considers 3-5% of the total billed a legitimate fee, while so the nature of services and "man-month inputs" and "Office day use" need to be clearly stated in relationship to the work delivered and how it improves the delivery of the project in Oe-Cusse.

On the issue of reimbursements for operation expenses, RAEOA-ZEESM TL will only accept the inclusion of reimbursement items in accordance to what RAEOA-ZEESM TL set forward at items to be billed through reimbursement, and will not accept during coming phases financial proposals employing the use of vague terminology in the reimbursable items such as "actually and reasonably incurred".

If reimbursable are to be accepted in coming pre-qualification phases they will all invariably require the provision of supporting documents (invoices, etc.) and will be based on actual and demonstrable costs.

As applicant know, if pre-qualified, applicant will be asked to submit technical proposals which invariably include a work plan and proposed team members.

Based on internal reviews and documentation shared by Central level Government, RAEOA ZEESM TL has found CVs containing intentional inaccuracies conceived to meet evaluation criteria. RAEOA-ZEESM TL consider this a form of fraud, and will ensure that CVs are not inflated, have been duly authorized and that if substitutions are requested RAEOA-ZEESM TL will only allow submissions of candidates with equivalent or superior CVs to the one being replaced.

QUALIFICATIONS

Consultants are in the business of providing experience and expertise, hence it is natural that applicants need to demonstrate both experience and expertise during the Pre-qualification which starts with this Expression Of Interest (EOI).

The Applicant Company should include in their submission an undertaking for each of the following:

No.	Requirements for Qualification	Nature of the Requirement
1	Legally constituted company in Timor-Leste and/or Joint Venture Agreement (in the case of Joint Ventures) with a legally established company in Timor-Leste	Compulsory
2	The Company/Firm/JV should not have undergone bankruptcy/ insolvency in the last five years	Compulsory



3	The Company/Firm/JV should not have been blacklisted by any Government/Public Sector Organization;	Compulsory
4	The Company/Firm/JV should not have abandoned projects/contract works in-complete;	Compulsory
5	The Company/Firm should have a Quality Assurance Programme in place and be preferably ISO 9001 certified	Compulsory

If applications are submitted through Joint Venture all the members of a Joint Venture including the Lead Member should include in their submission an undertaking for items 1-5.

If the legally constituted company in Timor-Leste is a subsidiary of a larger company and has been operating in Timor-Leste for less than 3 years, the daughter company should have:

No.	Requirements for Qualification	Nature of the Requirement
6	At least one (1) engineering service contract held in Timor-Leste in the last two (2) years;	Compulsory
7	Road supervision Manual (following best practices and ISO 9001)	Compulsory

Moreover it should provide proof of its association with the parent company and provide alongside item 6 and 7, items 8-10.

No.	Requirements for Qualification	Nature of the Requirement
8	At least four (4) relevant supervision contracts held by the parent company in tropical and/or post-conflict areas	Compulsory
9	Proven experience in supervising road works where the language of contract is English and overall project communications are done in English;	Compulsory
10	ISO 9001 certificate(s)	Compulsory

The above eligibility criteria together with the technical evaluation criteria in combination with the weighted financial proposal (which shall be indicated in the upcoming tender) shall be the basis of the proposal evaluation.

DOCUMENTS REQUIRED TO BE SUBMITTED (IF ANY)

1. EOI Application Form
2. Legal requirements
 - 2.1 Valid business registration certificates/permits/licenses;
 - 2.2 Certificate of Incorporation;
 - 2.3 Tax registration certificate.
3. Other supporting documents:
 - 3.1 Copy of least one (1) engineering service contract delivered in Timor-Leste in the last two (2) years;
 - 3.2 Copy of the applicants Road supervision Manual (following best practices and ISO 9001);
4. If the company is a subsidiary of a larger company

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- 4.1 Proof of its association with the parent company;
- 4.2 Copies of least four (4) relevant supervision contracts held by the parent company in tropical and/or post-conflict areas;
- 4.3 Proven experience in supervising road works where the language of contract is English and overall project communications are done in English;
- 4.4 Copies of ISO 9001 certificate(s)

ABOUT RAEOA-ZEESM TL

The RAEOA (Região Administrativa Especial de Oé-Cusse Ambeno) is the Special Administrative Region of Oé-Cusse Ambeno which is the regional authority of the Timor-Leste Government.

ZEESM TL (Zonas Especiais de Economia Social de Mercado de Timor-Leste) refers to the Special Zones for Social Market Economy of Timor-Leste which is a national development programme used to implement innovative governmental policy.

Its office is located at Oebau, Pante Macassar, Oé-Cusse Ambeno in Timor-Leste.

To read more about RAEOA-ZEESM TL, please go to: <https://www.zeesm.tl/en/about-zeesm-raeoa/>

EOI INSTRUCTIONS

Vendor Registration

For Vendors interested in Registration:

Vendors who are interested in doing business with RAEOA-ZEESM TL must fill-up and submit the **EOI Application Form** annexed to this document and submit all required documentation.

For Registered Vendors:

Vendors already registered with RAEOA-ZEESM TL must ensure that the information and documentation (e.g. financial statements; government certificates, licenses and permits; office address; contact details- name, telephone number, email address; etc.) provided in connection with their registration are up to date. Please verify and ensure that your company is registered under its full legal name.

Important: Any false information or incomplete vendor registration may result in the rejection of the application or cancellation of an already existing registration.

Eligibility (basic requirements)

Other than those requirements specified above, in order to be eligible for RAEOA-ZEESM TL vendor registration and be qualified for the tendering stage (ITB/RFP) using the attached **EOI Application Form**, you must declare that:

- a. Your company (as well as any parent, subsidiary or affiliate companies) is not listed in, or associated with a company or individual listed in:
 - i. United Nations Security Council Sanctions List
https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list
 - ii. World Bank Debarred Firms and Individuals
<http://pubdocs.worldbank.org/en/387181466627871302/World-Bank-Notes-on-Debarred-Firms-and-Individuals.pdf>

- b. Your company (as well as any parent, subsidiary or affiliate companies) is not currently removed or suspended by any government agency of Timor-Leste, United Nations, and the World Bank.
- c. Your company (as well as any parent, subsidiary or affiliate companies) is not under formal investigation, nor have been sanctioned within the preceding three (3) years for engaging or having engaged in proscribed practices, including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice;
- d. Your company undertakes not to engage in proscribed practices (including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice), with the RAEOA-ZEESM TL, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the RAEOA-ZEESM TL.
- e. Your company has not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against your company that could impair your company's operations in the foreseeable future;
- f. Your company has no conflict of interest.
- g. Your company employs and trains staff which meets the minimum required qualifications or have the skills and knowledge to perform their duties in relation to the requirements of this EOI.
- h. Your company accepts RAEOA-ZEESM TL's standard payment term of "within 30 business days upon receipt of query-free original invoice and supporting documents".
- i. When required, your company shall provide a Performance Guarantee in the form of an irrevocable first demand bank guarantee issued/certified by a local bank in Timor-Leste.

Submission of EOI

Vendors interested in participating in the planned solicitation process should submit their expression of interest (EOI) to the Procurement and Logistics Unit (PLU) by:

EOI Submission Deadline:

Date: 22 August 2019 / Time: 2359H (Timor-Leste time)

to Email Address: bids1.plu.raeoazeesmtl@gmail.com

Interested Vendors are instructed to indicate the following in the email subject:

EOI reference no.: RAEOA-ZEESMTL/PLU/EOI/2019-002

Please ensure that your email (including attachments) does not exceed 20mb. You may submit attachments in batches.

Important: Please note that submission of EOI does not guarantee an applicant to be considered for the planned solicitation process. Applications shall undergo assessment and evaluation based on the set qualifications criteria.



Dr. Mari Alkatiri

President of the Authority

Região Administrativa Especial de Oé-Cusse Ambeno
e Zonas Especiais de Economia Social de Mercado de Timor-Leste

