

# **TERMS OF REFERENCE FOR A PROCUREMENT SPECIALIST (INDIVIDUAL CONSULTANT)**

## **1. Background and Introduction**

- 1.1 The Ministry of Works and Transport is calling to engage a qualified and suitably experienced Individual Procurement Consultant (the Consultant) to undertake Procurement Support Services under these Terms of Reference (TOR) in support of the Ministry.
- 1.2 The consultancy services to be undertaken under this TOR involve carrying out and administering the procurement activities required for implementation of the Project, i.e., (TIIP-Phase II: Section 1 – Kranzberg to Otjiwarongo (~ 224 km)) in accordance with the Project's covenant documents to ensure that the procurement process enables the proceeds of the loan to be used economically, efficiently, and solely for the purposes of which they are intended for.
- 1.3 The specific project scope for TIIP Phase II is to upgrade Section 1: Kranzberg to Otjiwarongo

## **2. PROJECT DESCRIPTION**

2.1 The Government of the Republic of Namibia (GRN) with the financial support of the African Development Bank is carrying out the Transport Infrastructure Improvement Project (TIIP). The project commenced in 2017, with the railway upgrade intervention covering the railway line between Walvis Bay and Kranzberg (210km), The Government now plans to upgrade a further about 500 km of railway line from Kranzberg to Tsumeb and Otavi to Grootfontein, through TIIP Phase II.

2.2 The general project scope is divided into in three sections viz; (i) Section 1 – Kranzberg to Otjiwarongo (~ 224 km), (ii) Section 2 – Otjiwarongo to Tsumeb (~ 196 km) and Section 3 – Otavi – Grootfontein (~98 km). The railway line in Namibia on the Trans-Zambezi Corridor (Walvis Bay – Ndola – Lubumbashi Corridor) presently terminates at Grootfontein. .

2.3 The TIIP Phase II is one of priority interventions in the short term forming part of the upgrade of the Walvis Bay – Tsumeb (612 km) Railway line. The Walvis Bay – Kranzberg section (210 km) forms the spine of the railway network in Namibia with the link to the port of Walvis Bay for

both the north-south (both Trans-Cunene and Trans-Zambezi corridors) and the east-west line (Trans-Kalahari corridor) has been upgraded.

2.4 The overall objective is to upgrade the railway line to comply with the SADC standard to 18.5 ton/axle.

For the Kranzberg to Otjiwarongo section, the scope under the project, the following approach/design solution has been adopted:

2.5 The earthworks to be carried out in four Lots each ~ 50 kms in length; Package S1/ES1 – Lot 1 (Km 0 – 50), S1/ES2 - Lot 2 (Km 50 – 100), S1/ES3 - Lot 3 (Km 100 – 150) and S1/ES4 - Lot 4 (Km 150 – 200). The S1/ES\* denotes Earthworks for Section 1 for the respective Lot (1,2,3 and 4).

2.6 The perway works are to be undertaken in two Lots: Package S1/PS1 – Lot 1 (Km 0 – 100) and S1/PS2 - Lot 2 (Km 100 – 200).

2.7 The embankment works and permanent way works will be staggered, with Permanent Way work which is in 2 packages namely S1/PS1 & S1/PS2. The permanent way works will follow once 50% of the embankment packages first 100 kms is completed. The upgrading/improvement of the major railway stations shall also be included in the scope.

2.8 The scope of works includes the construction of 16 No. new bridges (on the new alignment/realignment), this to also be done under separate package.

2.9 The works packaging is intended to have the scope at a scale that would allow wider participation to also provide opportunity for mid-sized contractors. The rails and turnouts shall be procured separately as Goods. The total required under the project is 55,000 tons, for the entire 518 km railway upgrade as identified. The rails are to be supplied under two Lots of 30,000 tons and 25,000 tons. The lead time for this needs to be judiciously decided to avoid impacting the performance of the permanent way works. Similarly, there is recognition on potential interface issues on contractual obligations, vis-à-vis defects in the earthworks.

2.10 To ensure effective and efficient implementation of the Project activities, the following key stakeholder plays a crucial role by providing the overall policy and strategic direction in the implementation of the AfDB funded Projects, that is, the Executing Agency (Ministry of Works and Transport), Ministry of Finance and Public Enterprises, National Planning Commission.

2.11 At Sectoral Level, the Department of Transport under MWT is responsible for providing overall sectoral guidance.

2.12 At Project level, the Project Implementing Unit (PIU) is in charge of the day-to-day Project implementation through the Directorate of Railway Infrastructure Management.

### 3. Objective of the Assignment

The overall objective is to provide the Ministry of Works and Transport with support and guidance in conducting the procurement activities required for implementation of the Project (Section 1 – Kranzberg to Otjiwarongo (~ 224 km)) in accordance with the Financing Agreement, the African Development Bank Procurement Policy Framework with associated Manual, templates, Guidance Notes, among others;

#### *3.1 The specific objectives of the assignment are to:*

- i) carry out and manage the procurement activities required for implementation of the Project;
- (ii) set up a system for efficient and effective processing and monitoring of procurement transactions under the project; and
- (iii) build the procurement capacity of the project implementation team in order to ensure long-term sustainability of the project outcomes.

### 4. Scope of Services

The Procurement Consultant will be accountable for ensuring that all procurements under the project are conducted in accordance with the African Development Bank Procurement Policy Framework (<https://www.afdb.org/en/projects-and-operations/procurement/new-procurement-policy>)

The Consultant shall, inter alia, in consultation with Project Co-ordinator undertake the following:

- a) Review all available project and other related documents to facilitate the establishment of procurement procedures for the management and implementation of the project;
- b) Review and propose an efficient and effective methods of processing of procurement transactions under the project; consistent with the “Procurement Policy for Bank Group Funded Operations”, dated October 2015;
- c) Assist to setup an efficient procurement management tracking system for the PIT that would monitor the implementation of procurement activities;
- d) Using the African Development Bank Standard procurement documents, prepare or review Bidding Documents and Request for Proposals (RFP), clarifications/amendments to procurement documentation, minutes of the Evaluation Committees and negotiation meetings, Evaluation Reports.

- e) The Procurement Specialist shall assist with the preparation and update the Project's Annual Procurement Plan and Budget detailing contract packages (including estimated cost) for goods, consultancy services and non-consulting services, the procurement/selection methods and processing times until completion of each procurement activity;
- f) Monitor procurement implementation and update the Procurement Plan on at least a semi-annually basis or whenever it becomes necessary to do so;
- g) In consultation with the relevant technical staff of the PIT, coordinate the preparation of (ToRs), technical specifications using standard documentation agreed with the Bank and GRN, and also participate in evaluation of bids, expressions of interest for preparation of shortlists, pre-qualification of suppliers, etc., where necessary.
- h) Provide guidance and assist the Project Coordinator on how to initiate the procurement processes, including those for Open Competitive Bidding (International & National) procedures, ensuring compliance with provisions in the approved Procurement Plan.
- i) Participate in bid/proposal opening sessions, bid and proposal evaluations to ensure that the appropriate Procedures and Guidelines are followed to arrive at the recommendations for award of contracts;
- j) In case of procurement actions requiring prior review, assist to coordinate the dispatch of procurement document to the African Development Bank, monitor response times on issuing "no objections" at different levels of the procurement process and follow-up accordingly;
- k) Monitor and ensure timely responses to procurement questions raised by the African Development Bank. For services, follow-up with the short listed consultants, to ensure their participation in the selection exercise;
- l) Oversee procurement clarification meetings (if any) and develop clarifications/amendments to procurement documentations (if needed);
- m) Ensure the confidentiality of Evaluation processes up to the award of contracts;
- n) Advise the Procurement Management Unit how to prepare the Bid Evaluation Committee Reports, the requests for "no objection"; and participating in contract negotiation process, where necessary;
- o) Assist in the drafting of the of Contracts Award Notifications;

- p) Attend key project steering committee and relevant technical meetings and liaise with the Project Engineer's designated Project Manager;
- q) Assist with the preparation of monthly, semi-annual and annual procurement reports (or other periods as may be required) as inputs into the Project Quarterly Report and/or any report to be submitted to the Bank and other relevant agencies in accordance with the Financing Agreement.
- r) Assist with the set-up of a central procurement filing system (both electronically and manually), and ensure all related documents are included in the respective files, to ensure ease of retrieval of information and the ease of following the trail of procurement by independent external auditors or authorized agents;
- s) Ensure adequate hand-holding and capacity development/transfer, by supporting and guiding the end-users in the preparation of good quality ToRs, technical specifications, standard bidding documents, management of bidding process, evaluation of bids / proposals, preparation of evaluation report, updating of procurement plan of the project, management of contracts signed under the project including maintenance of Contracts Register using acceptable template of the African Development Bank.
- t) Provide advice, mentoring, coaching and providing on-the-job training for relevant procurement staffs in the PIT, and advise them to plan and execute all stages of the procurement cycle in accordance with the Bank Procurement Procedures;
- u) Provide procurement advisory services as and when needed;
- v) Participate in procurement audits and reviews of the Project (as applicable);
- w) Together with the Project procurement team, develop and implement a robust procurement monitoring system and follow up mechanisms to ensure that procurement activities are carried out as planned; identify any deviations and take appropriate actions and submit regular periodic procurement reports to the Project Manager;
- x) Advise on appropriate quality assurance procedures to the procurement function of the Project;
- y) Carry out any other relevant duties that may from time to time be assigned by the Project Co-ordinator.

## **5. Reporting, Communication and Time Schedules**

- a) The Consultant shall report directly to the Project Coordinator and will prepare monthly, Quarterly, and Annual procurement reports (or for any period as necessary) as inputs into the Project Reports, and in addition, prepare other procurement reports, as and when needed;
- b) Emphasis will be placed on highly effective, regular and detailed communication with the PIU relevant component managers at MWT, Walvis Bay Corridor Group, TransNamib Holdings Limited.
- c) S/he is expected to report and analyze all problems experienced and lessons learned with procurement, more specifically on the Project, so that remedial and capacity-building actions can be promptly taken; and
- d) S/he shall make inputs into reports prepared by the counterpart staff as needed.

## **6. Deliverables**

The Procurement Specialist Consultant will be expected to provide the following deliverables, among others:

- i. Updated Procurement Plans
- ii. Updated Contracts Register
- iii. Budgets estimates and selection criteria for consulting services
- iv. Various solicitation documents
- v. Clarifications/amendments to various procurement and solicitation documents;
- vi. Minutes of contract negotiations
- vii. Draft and Final contracts
- viii. Capacity building plans and training reports
- ix. Notifications of contracts awarded
- x. Procurement Monitoring Reports
- xi. Other reports and documents on procurement related activities as required.

## **7. Qualifications, Experience and Competencies**

For an individual to be eligible for the service should meet following requirements:

- a) Minimum – A university degree in Procurement, Engineering, Law, or related field
- b) Knowledgeable and familiar with African Development Bank /other multilateral development banks (MDB's) procurement policy, rules, procedures and guidelines

- c) Demonstrate specific experience in conducting procurement support services activities particularly in line with international development organisations procurement frameworks.
- d) Good command of English language in presentation, interpersonal and communication skills;

Demonstrated computer skills, knowledge of Microsoft Office Suite especially, Word, Excel and PowerPoint

## **8. Facilities and Services to be provided by the Client**

The *Consultant* will be provided with:

- i. internet access
- ii. Project Vehicle - the vehicle shall be used exclusively for project site visit. The running costs and servicing of the vehicle will be on the account of the Client.
- iii. Any other disbursement not covered under Annex III Financial Proposal, must be notified to the Client's Representative for agreement.

## **9. Duration and Location for the Assignment**

The duration for the assignment is 36 months, with possibility of renewal for another 12 months. Renewal of the contracts shall be subject to satisfactory performance of the Consultant and availability of funds. The position will be based at MWT Head Quarters, Windhoek. The Procurement Consultant should be prepared to travel outside the duty station and to project areas *when required*.

The *Consultant* shall be under the immediate supervision of and will report to the Project Coordinator at the Ministry of Works and Transport. S/he shall work closely with the Project Coordinator, engineers and engineering consultants

## **10. Payment**

The **Consultant** shall be provided with the remuneration and benefits as per the contract signed with the Ministry. The contract will mention a lump sum amount of remuneration per month as may be agreed between the parties.

The **Consultant** shall be entitled to three (3) working days of leave per month which includes 1 day as sick leave and 2 days as home leave, except the public holidays. Such leave must be taken upon a prior approval of the Executing Agency. However, such

leave must be taken before the end of the mission and cannot, under any circumstances, be converted into compensation.

The **Consultant** shall be responsible for all taxes and duties including income tax applicable as per the Government of Namibia rules and regulations.

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The Consultant shall be reimbursed at the actual cost of reimbursable that are agreed to and approved by the Client.

## **11. Language of Assignment**

The language of the assignment shall be English Language.