InvestInternational

Type or select date

Memorandum of Consultation

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Meeting
Market Consultation

Date
1-5-2023

Dear Sir, Madam,

Herewith we send you the Memorandum of Consultation based on the received questions on behalf of the market consultation held on 6 April 2023.

1. Questions (Q) and Answers (A)
Q1: Will the project references from our consortium partners being weighted even if they are acting as our sub-contractors?
A1: References are submitted on behalf of the consortium. The consortium is allowed to rely on a subcontractor's reference. If that is the case, the sub-contractor must execute that particular part (competence) of the assignment.
Q2: Are our possible partners (sub-contractors) allowed also to join in other consortia?
A2: No
Q3: Do we (as consortium) have to demonstrate that we have experience in all 40 selected countries, or at least in the 12 priority countries?
A3: This depends on how the selection criterion is formulated and how it will be assessed. We are currently working on this. This will become part of the tender guide which will be sent with the publication of the tender.
Q4: If selected in the Framework contract are we obliged to bid on every call?
A4: No
Q5: What type of services can we expect for Lot 2?
A5: The focus for this lot will be more on "advising on organization, management, operation and financing of health care infrastructure". We are currently working on (further)definition of this. This will become part of the Terms of Reference sent with the publication of the tender.
Q6: Components per lot: Based on page 13 of the Market Consultation presentation, we understand that there are two types of services requested: A - Preparatory Studies Services and B - Appraisal and Review Services. We are trying to reconcile these types of services with the diagram on page 11 of the Market Consultation presentation. We observe the following: Type A includes the Technical / Economic / ESIA consultations required by the Beneficiary Government in the preparation of the request to the Engagement Committee and in preparation of the DRIVE Appraisal. Additionally, technical

assistance to the Beneficiary Government in the preparation of the tender documents and procurement of contracting parties. Type B includes 3rd party Appraisal consultation as required by Invest International to assess and review the Drive Appraisal. To clarify, we added a screenshot of page 11 in the next sheet, which refers to what we understand to be Type A and Type B. Please indicate whether our understanding of the scope for Type A and Type B as indicated above is correct.
A6: Your interpretation is correct.
Q7: If a consortium of consultants wins the RFP for Type A consultancy services, are they then excluded from bidding for Type B consultancy services on the same project?
A7: Logically, this situation would constitute a conflict of interest, as a party cannot review its own work and provide an independent opinion. Therefore, only panel members which are not contractually related to preparation studies (component A or acting as consultant to the beneficiary directly) in a lot can act as appraisal and review adviser for a given project as it technically does not have any conflict of interest.
Q8: Is there an obligation for the Beneficiary Government to pay back the grants? If so, in what form is the grant provided (i.e. equity or debt?) and to what extent do these projects have their own revenue generating capacity (for example PPP projects like toll roads).
A8: A grant is not repayable. If a project has its own revenue, a grant component is a function of the possible gap when such revenues are not sufficient to recoup investment and returns. If the revenue of a project (a PPP like a toll road) has a revenue that meets or exceeds the cost + the minimum return to investors and financiers, a grant is therefore not eligible as it is not considered additional. This applies to PPP as well as non-PPP and shall be identified as part of the feasibility study in the financial viability appraisal component.
Q9: Rotating system: During your presentation you mention the use of rotating system within panels. Do we understand correctly that this rotating system encompasses that you are excluded from bidding on an RFP if you have won the previous RFP?
A9: We do not recall specifically the notion of a rotating panel. In any case, any party, the panel members of a particular lot are entitled to bid and win a call off contract under the framework, which is solely dependent on the competitive offer for each call off, so that panel members are not excluded from any RFP (for call off contracts). However, if during the framework period it is observed that a particular panel member is getting too many assignments, this may be a risk for Invest. This is however not a contractual limitation but a commercial and risk-related discussion with parties for ensuring successful cooperation and quality of output.
Q10: Are hourly tariffs set in the framework contract or are specific hourly rates an option (or required) in the RfP per project? If so, do we have to use universal rates, or can we use different rates per party in the consortium? And can hourly rates differ between function levels and between RFP's of different projects?
A10: We are currently reviewing how / if this element will eventually be part of the tender for the framework, based on elements gathered during the consultation and requirement of the EU legislation for procurement to which we are to comply with. In principle we prefer to leave freedom to consultant for commercial strategies. Note that irrespective of rates, call off contracts under the framework will be fixed lumpsum-based, therefore the consultant in theory does not take risk on the level of rates, only of the fixed budget they bid for. For large studies this lump- sum fixed based will probably be per phase of the study/contract.
Q11: Project example: Could you elaborate on and provide a general outline and characteristics of two previous projects that have successfully applied for a grant

with Invest International? This would increase our understanding of the expected scope of our services.
You can find these 2 projects on the TenderNed platform: 1) A01.001.2022 Strengthening the Capacity of 14 Regional Referral Hospitals in Uganda and 2) Semarang Urban Flood Resilience.
Q12: Slide 20 - Evaluation of the Applications: a. Completeness and depth of expertise of the Contractor. 4 expertise are scored a. which criteria do you intend to use for such scoring? b. Robustness, balance, experience with private sector clients and resources of the firm / consortium è which criteria do you intend to use for such scoring?
A12: a. The criteria shown in the market consultation were mentioned for the purpose of discussion. We are investing the outcome of the discussion from the market consultation as one of the elements for formulating the evaluation of the framework, however the applicable scoring and evaluation will be specified in the tender documentation. b. See point a.
Q13: Will every panelist (consortium) in Lot 1 be a candidate for Appraisal and Review services (component B) for a specific assignment, or only the ones that also/already applied for the study assignment itself under component A? How do you plan to select framework contract holding consortia (panelist) for submitting a proposal for a specific study assignment and/or review assignment?
A13: A firm that is carrying out work in relation to preparation studies for a project (under the framework or directly with the Beneficiary, as case maybe) cannot be the same party acting as appraisal and review consultant, as this would constitute a conflict of interest (one party cannot independently review its own work). So, if a call off contract were issued to component B services, only the panel members who are not involved in the studies already, in any form, can be eligible to perform such call off contract.
Q14: Do you intend to assign all (max) five consortia a roughly equal amount of work?
A14: Call off contracts under the framework are subject to competition within the lot. Allocation of work is therefore dependent on results of competitive award of call off contracts, not pre-established.
Q15: Do you evaluate the portfolios for the different services based on the indicative scope of works descriptions only?
A15: The tender guide to be published will list and detail the evaluation method for selecting panel members.
Q16: Can you give a list of the countries where you expect the first assignments take place in the first contract year? And can you do the same for the themes of the first expected assignments?
A16: It was discussed in the market consultation that IIPP would do its best to provide an overview of potential pipeline, if such information is available and subject to the level of development of leads. This can however only be shared with the companies which will be part of the framework, therefore after the tender is completed, and not at this stage.
Q17: Which countries of the shared countries list do you not expect any assignments for Lot 1?
A17: We cannot pre-judge where assignments may happen within the country list, as this is also dependent on partner countries applying for funding. We have however clarified that combi-countries as defined in the policy note of the Ministry (BHOS policy nota 2022) are also considered priority for Invest which mandates

falls under the purview of the policy objectives of the Ministry of Foreign Trade and Development Cooperation.
Q18: Please explain what you mean with and in what context you expect preparations of Theory of Change frameworks (Type of Services)?
A18: Theory of Change is sometimes referred to as Logical Framework. This is a critical tool for donors and government to understand and map the impact of a project, which then connects to the Monitoring and Evaluation requirements of institutions, including Invest International. There are multiple methodologies used by IFIs in this field. ToC is an input element for FS studies to explain how a project meets the underlying objectives of the Authorities. Note that the mandate of Invest focuses on impact related to SDG 8 and SDG 13.
Q19: Geographic location is mentioned as application evaluation criteria, which criteria do you intend to use for such scoring?
A19: Evaluation criteria are currently being finalized, also considering the requirements of EU procurement legislation which our tender must comply with.
Q20: IIPP will be the contracting agency and payments will be made by IIPP and not via the local beneficiary. Who approves the various products before payment? Could you confirm/explain the role of the beneficiary in this?
A20: This topic can be further discussed with future panel members. To simplify, note that Invest works in close relationship with beneficiary countries which ultimately express their needs. In terms of output and approvals, we would always aim at achieving maximum consensus, in particular to secure buy-in from beneficiaries, therefore striving to obtain their approval in order to maintain a constructive environment in a project. However, in terms of risk for contracted consultants, if in exceptional cases a beneficiary is delaying or challenging output, Invest, being the contracting party and providing funding, still retains discretion on approval of payment if we judge that work has been properly delivered according to contractual obligations.
Q21: How does Invest Int. see that this Framework agreement is also open to small and mid-size niche companies?
A21: We acknowledge this point as important for Invest and have taken note of the comments and suggestions during the consultation and questions. To increase opportunities, particular for smaller specialized / boutique firms, we are considering the possibility of tendering an additional framework targeted at smaller size call off contracts, working in complement/parallel with the initially planned framework, which is being finalized and discussed by Invests Management Team. Future publications will be made accordingly.
Q22: Could Invest International provide the evaluation criteria or elaborate further on what type of criteria are considered besides ‘completeness and depth of expertise’?
A22: The criteria shown at the market consultation were used as example or illustration of criteria or element of evaluation and differentiation and were only indicative. The actual evaluation framework is being finalised based on feedback collected in the consultation, follow-up questions, compliance with EU procurement guidelines and IIPP’s management requirements and will be published in the tender guide.
Q23: For lot 1, is it a requirement that each consortium should cover the full range within Public Infrastructure of: water, transport, energy, utilities, agri food, etc.? Could a consortium also focus on one of the priority sectors (e.g. Water and

Infra)? And, if would the scoring of a specialised consortium be impacted if not the full range within Public Infrastructure is being covered?
A23: We aim at covering as many sectors as possible as the choice is to have a relatively smaller panel for each member to have more interest in bidding on account of higher probability to contract work. Therefore, the counterpart is that consortia applying shall be able to demonstrate a broad spectrum of experience to ensure the best panel can be secured to cover all future requirements for call off contracts. A consortium is free to focus on one sector, however we cannot assess how such offer would compare to all received applications when we will establish a rank for selection, therefore cannot confirm nor certify how the score of such consortium will be impacting in the relative ranking of all applications received.
Q24: How will Invest International deal with initiatives by consultants, like project ideas/concepts/proposals, which the consultant would like to check for D2B and DRIVE when the framework agreements are in place?
A24: it is up to Invest to decide how they want to deal with this and give substance to it. This has not yet been discussed.
Q25: Should the consortia consist of only Netherlands originated parties, or Netherlands based parties?
A25: IIPP does not have any mandatory requirements in terms of country of origin, in application of EU procurement guidelines.
Q26: Request to be consistent in terminology: a. Throughout the presentation terminology of 'Consultants' and 'Contractors' appear to be mixed up; please stick to the use of 'Consultants' since the framework is regarding "Consulting Services for Public Infrastructure"; and reserve 'Contractors' for construction contractors and for construction works. This for clarity and to avoid confusion; b. other terms being used (next to Consultant and Contractor) are Panel member, Party, Firm, Consultant. It would be beneficial to reduce to consultant only.
A26: a. This is noted. We will however follow the terminology prescribed by EU procurement guidelines. Note that the tender guide will include a list of definitions which will prevent any difference in interpretation of terms, as it is customary in tenders (and in resulting contracts). Note that the term ‘contractor’ relates to a contractual party to a procuring authority (in this case IIPP B.V.), while this term is not the legal term describing a construction company. In the context of the market consultation, the contractors are consultants or consulting firms (since we contract consulting services and not works), therefore we do not see this as confusing. b. Same as a.