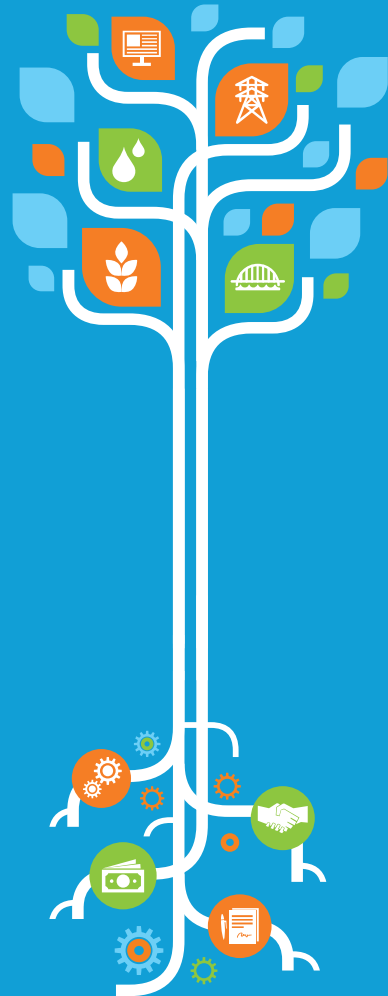


The views expressed in this presentation are the views of the author/s and do not necessarily reflect the views or policies of the Asian Development Bank, or its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this presentation and accepts no responsibility for any consequence of their use. The countries listed in this presentation do not imply any view on ADB's part as to sovereignty or independent status or necessarily conform to ADB's terminology.



Doing Business with ADB and the ADB Procurement System

ADB Virtual Business Opportunities Seminar Dhaka,
Bangladesh
24th Sep 2023

Sharlene SHILLINGFORD-MCKLMON

Sr Procurement Specialist
BANGLADESH

Procurement, Portfolio and Financial
Management Department



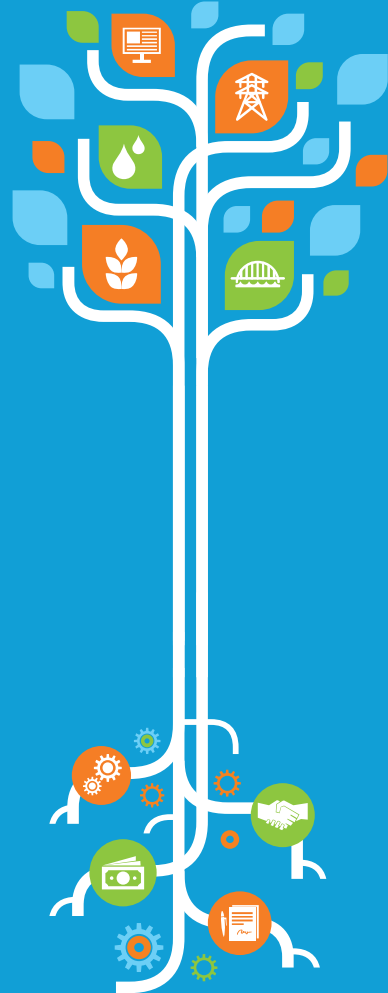
Overview

- ADB operations
- ADB business opportunities
- ADB procurement framework
- ADB Procurement Updates
- Key Issues in Procurement
- Bidding strategies and identifying opportunities





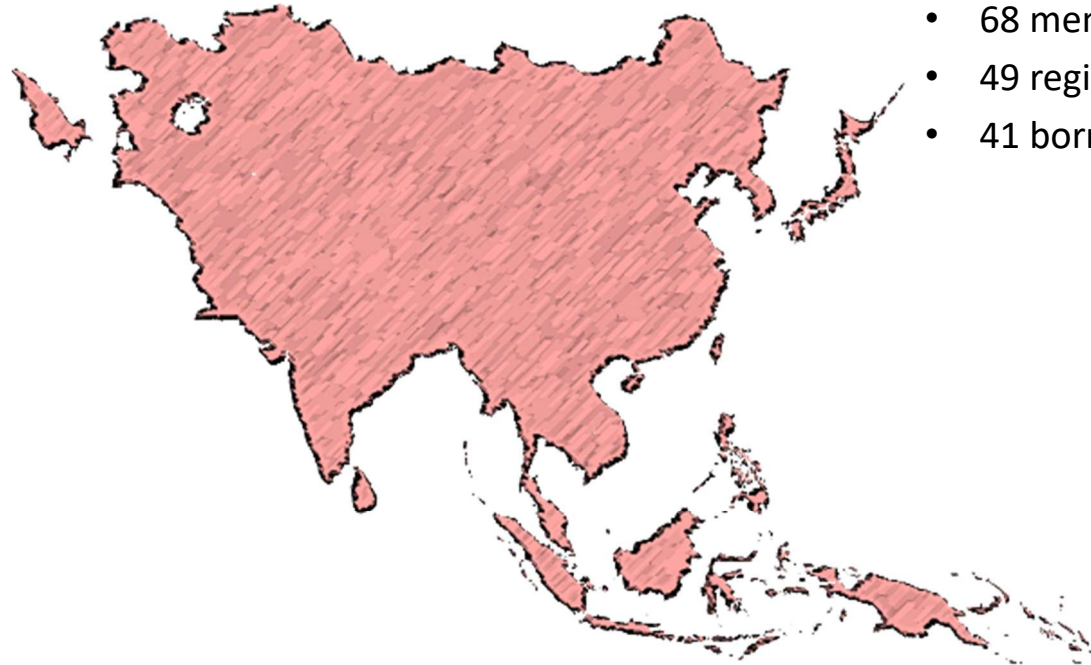
ADB Operations



BUSINESS
OPPORTUNITIES 

ADB

A brief about ADB



- Founded in 1966, HQ in Philippines
- 68 members
- 49 regional & 19 non-regional
- 41 borrowing members

To support its clients, ADB works with:

- Private sector
- NGOs and CSOs
- Foundations
- Academia & think tanks
- Donors & international organizations

Main instruments: loans/grants, technical assistance, equity and guarantees

Delivered through: ADB's own resources (ordinary; concessional; special funds) and cofinancing

Largest borrowers in 2022: India, Philippines, Uzbekistan, PR China, Bangladesh



Strategy 2030: Seven Operational Priorities



Addressing remaining poverty and reducing inequalities



Accelerating progress in gender equality

At least 75% of committed operations by 2030



Tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability

At least 75% of committed operations by 2030, \$80 billion from own resources from 2019–2030



Making cities more livable



Promoting rural development and food security



Strengthening governance and institutional capacity



Fostering regional cooperation and integration

Key Approaches



Expanding private sector operations

1/3 of ADB operations by 2024



Catalyzing and mobilizing financial resources for development

\$1 in private sector operations financing matched by \$2.50 of cofinancing



Strengthening knowledge services

<https://www.adb.org/documents/strategy-2030-prosperous-inclusive-resilient-sustainable-asia-pacific>



Overview of ADB Operations

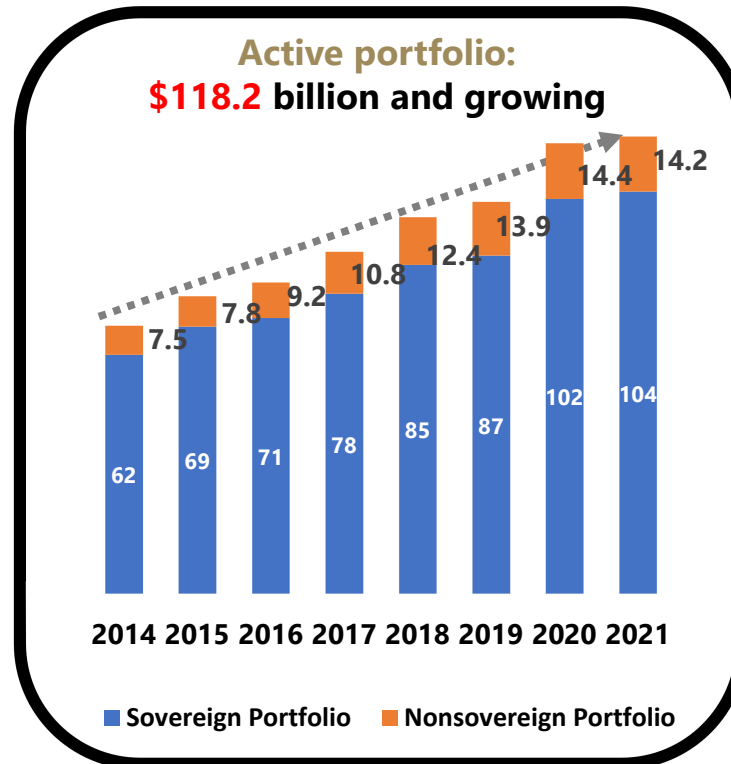


Figure 15: Sovereign Portfolio at a Glance (\$ billion)

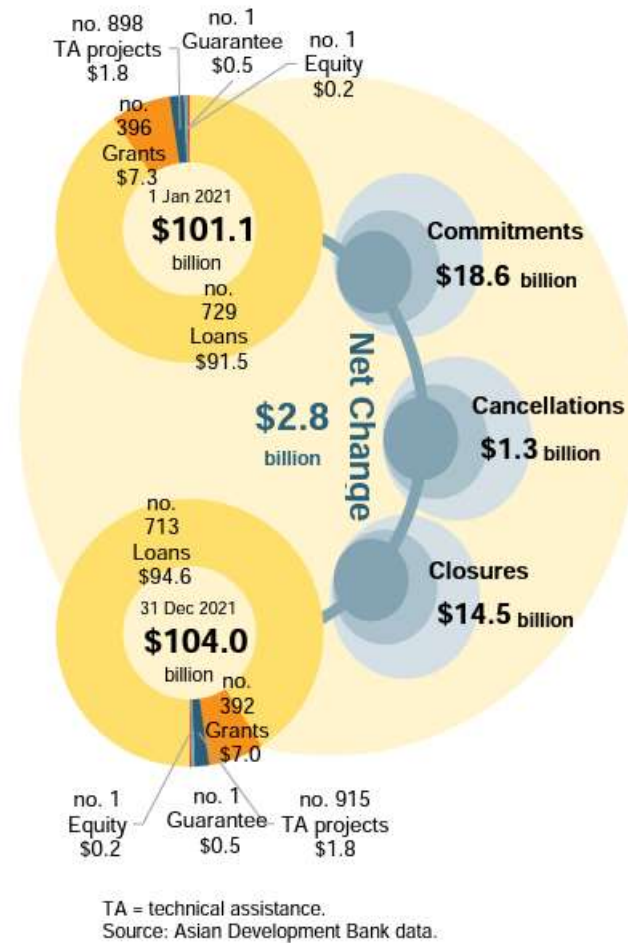
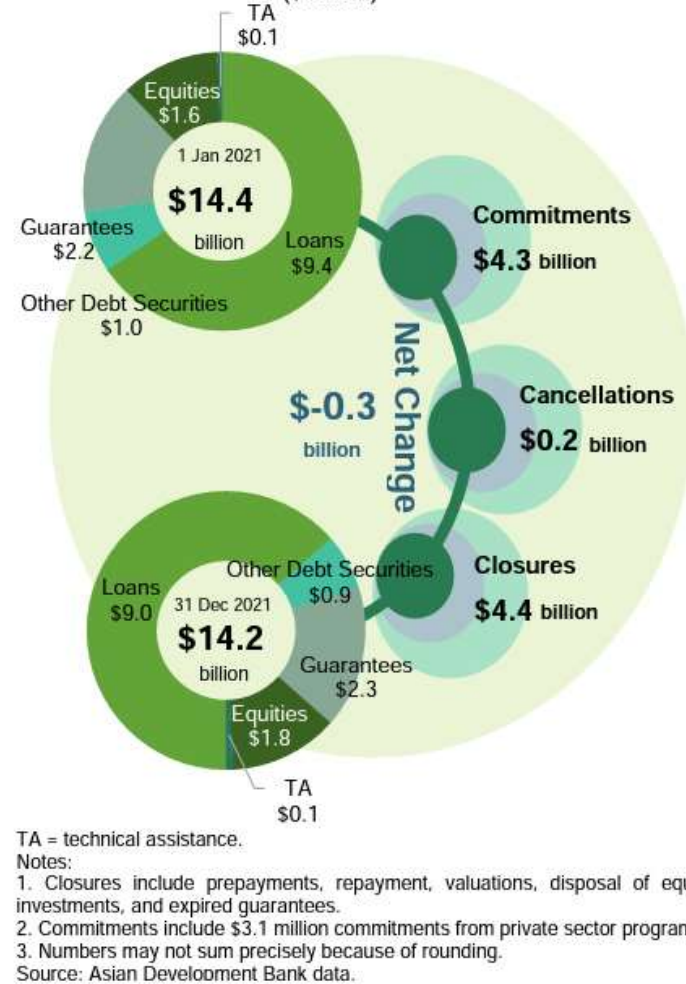
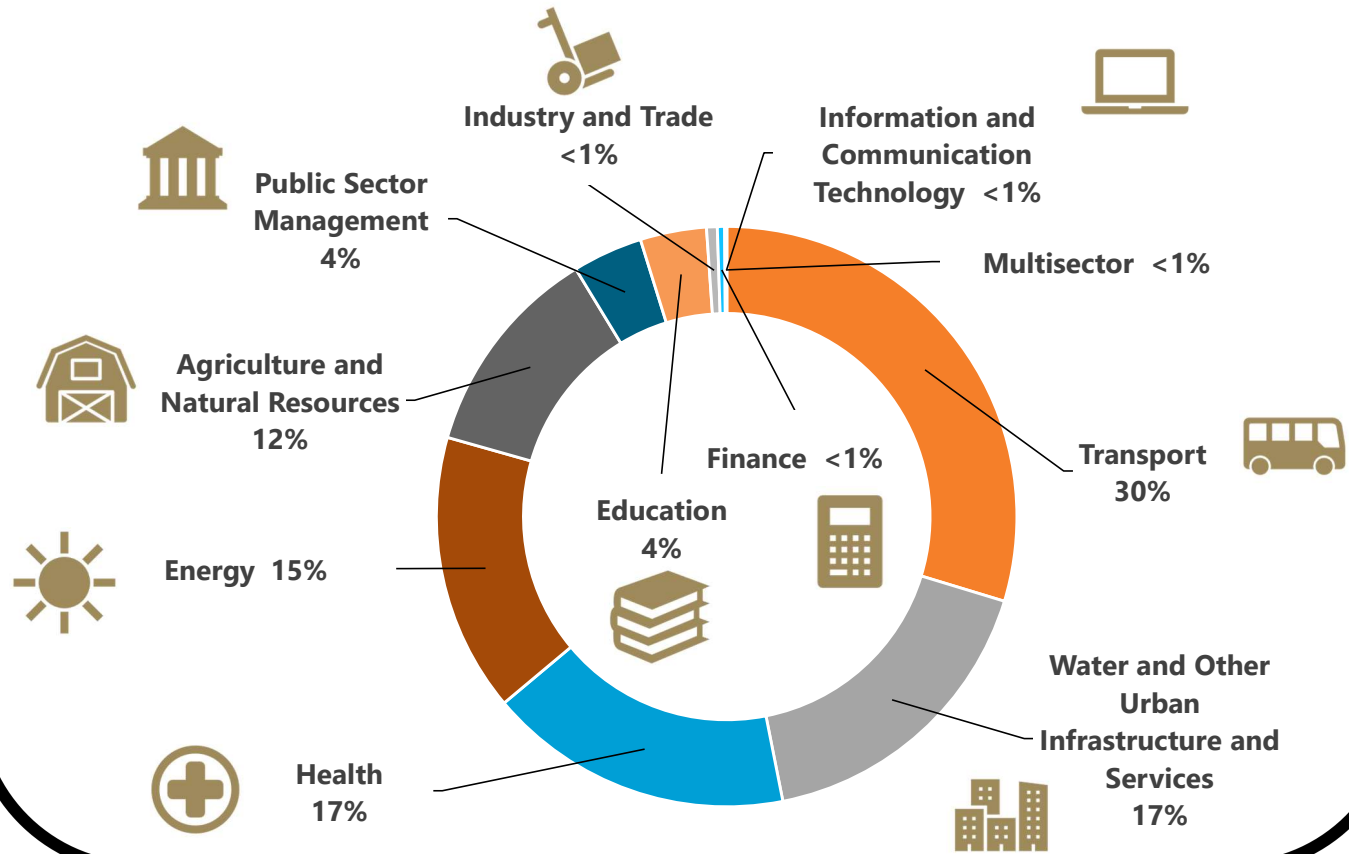


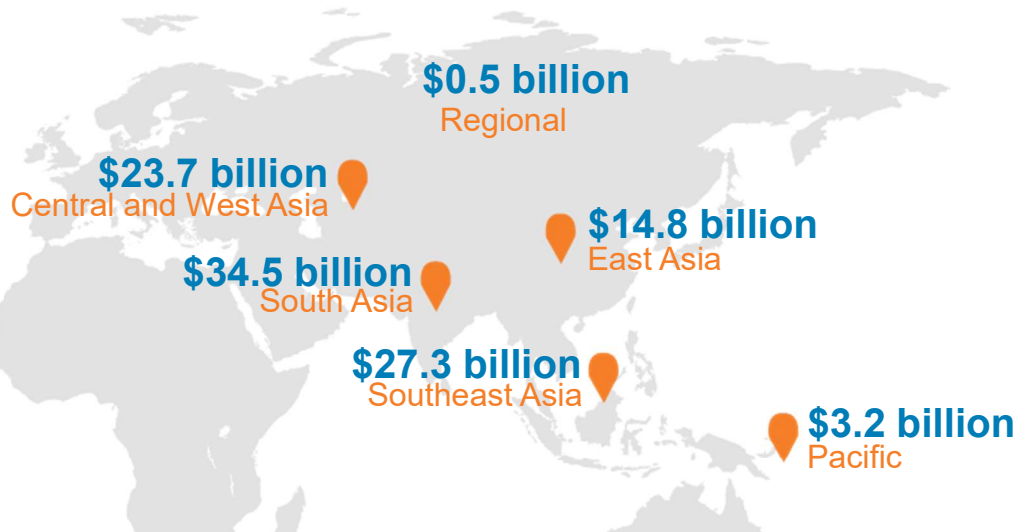
Figure 71: Nonsovereign Portfolio at a Glance (\$ billion)



What do we work on?
(Share of procurement by sector, 2022)



Active sovereign portfolio by region

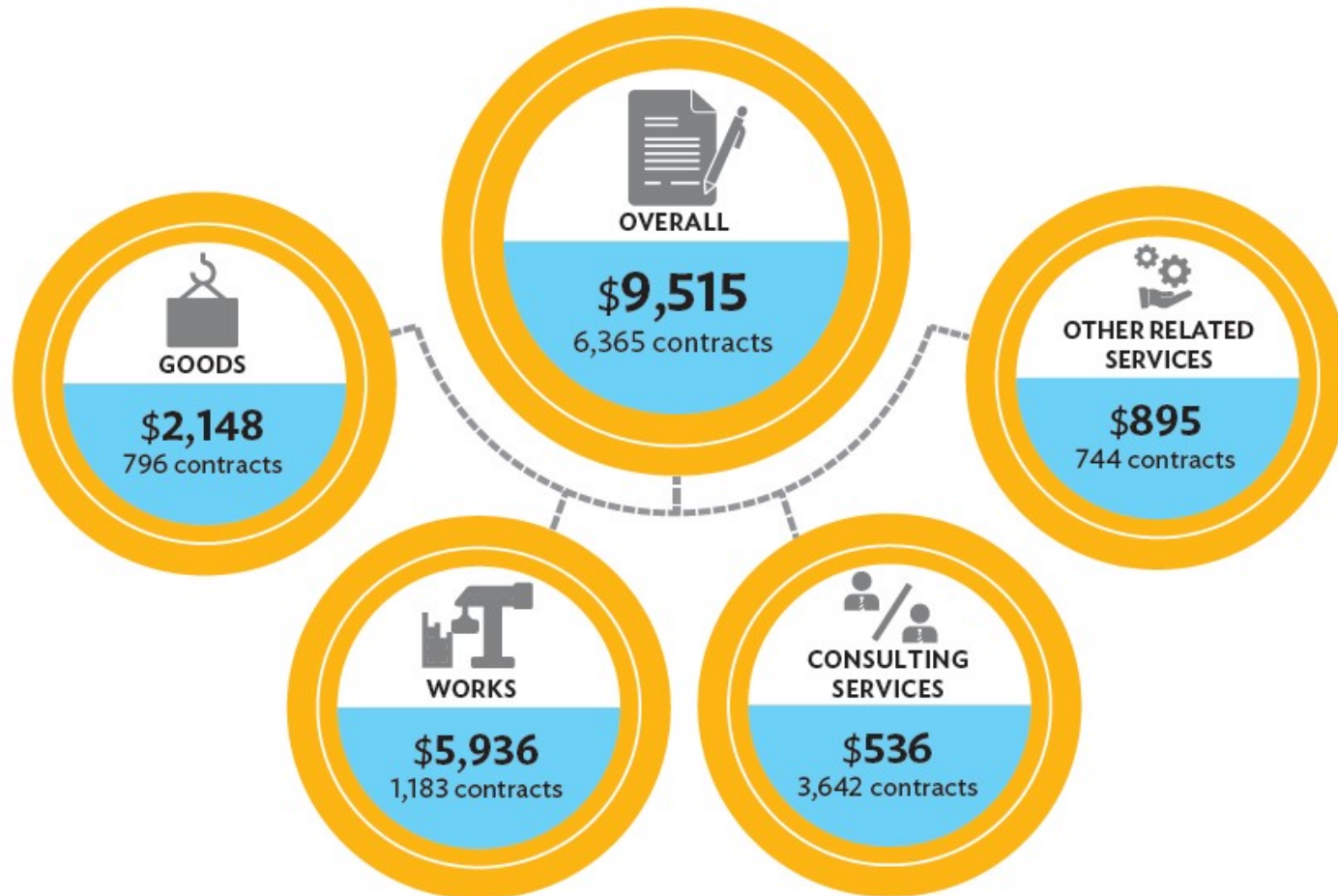




ADB Business Opportunities



Overall Procurement in 2022



Source: Asian Development Bank, PPFID.



When is the Private Sector engaged?



Top Members for Goods

Procurement Ranking – Goods						
	2017	2018	2019	2020	2021	2022
1	PRC	PRC	IND	IND	PRC	IND
2	IND	BAN	PRC	PRC	BAN	PRC
3	SWE	IND	USA	INO	PHI	HKG
4	INO	SWE	BAN	TUR	IND	BAN
5	BAN	VIE	VIE	HKG	DEN	SIN



Top Members for Works

Procurement Ranking – Works						
	2017	2018	2019	2020	2021	2022
1	PRC	PRC	PRC	IND	IND	PRC
2	IND	IND	IND	PRC	PRC	KOR
3	KOR	BAN	BAN	PHI	VIE	IND
4	BAN	GER	INO	BAN	PAK	SPA
5	VIE	PAK	PAK	PAK	INO	PAK



Top Members for Consulting Services

Procurement Ranking – Consulting Services						
	2017	2018	2019	2020	2021	2022
1	AUS	KOR	IND	USA	IND	IND
2	KOR	IND	AUS	KOR	INO	AUS
3	IND	FRA	USA	IND	JPN	BAN
4	USA	UKG	GER	INO	FRA	KOR
5	PHI	AUS	FRA	AUS	AUS	UKG



Focus on Bangladesh

Bangladesh: Share of Procurement Contracts for Loan, Grant, and Technical Assistance Projects

Item	Goods, Works, and Related Services	
	Amount (\$ million)	% of Total
2021	1,576.72	10.35
2022	619.81	3.83
Cumulative (as of 31 Dec 2022)	13,046.31	5.28

Item	Consulting Services	
	Amount (\$ million)	% of Total
2021	8.48	1.20
2022	35.49	6.63
Cumulative (as of 31 Dec 2022)	355.59	2.30

Item	Total Procurement	
	Amount (\$ million)	% of Total
2021	1,585.19	9.95
2022	655.30	3.92
Cumulative (as of 31 Dec 2022)	13,401.91	5.11

Focus on Bangladesh

Top 5 Contractors/Suppliers from Bangladesh Involved in Goods, Works, and Related Services Contracts under ADB Loan and Grant Projects, 1 January 2018–31 December 2022

Contractor/Supplier	Sector	Contract Amount (\$ million)
United Nations Children's Fund (UNICEF)	HLT	747.27
Max Infrastructure Ltd.	TRA	237.30
Toma Construction	ANR, TRA, WUS	202.98
Abdul Monem Ltd.	TRA	148.53
Gandharbpur Water Treatment SNC	WUS	131.33
Others		3,555.06
Total		5,022.47

ANR = agriculture, natural resources, and rural development; HLT = health; TRA = transport; WUS = water and other urban infrastructure and services.



Focus on Bangladesh

Top 5 Consultants from Bangladesh Involved in Consulting Services Contracts under ADB Loan, Grant, and Technical Assistance Projects, 1 January 2018–31 December 2022

Consultant	Sector	Contract Amount (\$ million)
E. Gen Consultants Ltd.	ANR, EDU, ENE, FIN, WUS	19.63
Development Design Consultants Ltd.	ANR, TRA	11.86
Mott MacDonald (Bangladesh)	WUS	10.98
Hifab International AB	WUS	5.37
Kunhwa Engineering and Consulting Co. Ltd. (Bangladesh)	TRA	4.31
Individual Consultants		26.65
Others		27.96
Total		106.76

ANR = agriculture, natural resources, and rural development; EDU = education; ENE = energy; FIN = finance; TRA = transport; WUS = water and other urban infrastructure and services.



Focus on Bangladesh

Bangladesh: Projects Cofinanced, 1 January 2018–31 December 2022

Cofinancing	No. of Projects	Amount (\$ million)
Sovereign ^a	29	4,250.22
Loans	10	3,876.47
Grants	10	357.83
Technical Assistance	13	15.92
Nonsovereign	6	4,748.59

^aA project with more than one source of cofinancing is counted once.



ADB Operational Procurement Stats

Operational Procurement Statistics Dashboard (ProcDash)

Asian Development Bank Public sector governance

Welcome to ADB's Operational Procurement Statistics Dashboard (ProcDash)

The Operational Procurement Statistics Dashboard (ProcDash) presents the value of all goods, works and consulting services contracts awarded for projects under the Asian Development Bank operations. It has four sections, namely, overview, operational procurement by nationality, operational procurement by origin of goods and services, and operational procurement by threshold. For purposes of this dashboard, **value of operational procurement is reported in terms of the amount financed by ADB**.

The overview section presented below shows data on operational procurement statistics by region, nature, sector and by borrowing country. Data can be further filtered by contract year and modality. To determine the allocated procurement for policy-based support and results-based lending, click these two items in the modality filter.

For other details about ProcDash, refer to [ProcDash FAQ](#).

ProcDash can also be used to supplement the operational procurement statistics under the Operational Data section of the ADB [Annual Report](#) and the figures from the member Fact Sheets. More information on operational procurement contracts is available on the [Tenders](#) page of ADB's website (choose 'Contracts Awarded' from the 'Type' selection).

The ProcDash currently shows data as of 31 March 2021. This will be updated every quarter.

Overview By Nationality of contractor By Origin of goods and services By Threshold

Total operational procurement based on contract year, US\$ million

\$2,062.6

Operational Procurement by Region, US\$ million



<https://data.adb.org/dashboard/operational-procurement-statistics>



ADB



Consulting Services



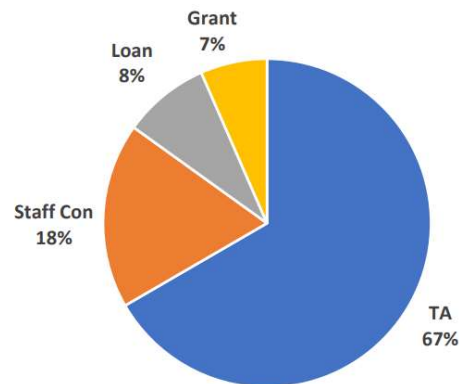
ADB

2022
Consultant
Recruitment,
by consultant
type, fund
source – pie
chart by value



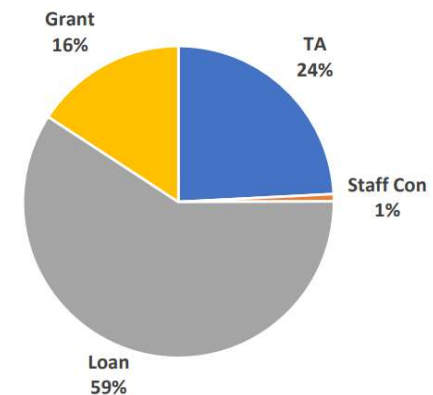
Individuals

Type	Total Value (\$)	Count
Technical Assistance	104,679,582	2,617
Staff Consulting	28,658,747	927
Loan	13,402,827	348
Grant	10,317,555	194
Total	156,610,322	4,195



Consulting Firms

Type	Total Value (\$)	Count
Technical Assistance	99,255,867	231
Staff Consulting	3,068,199	27
Loan	243,134,562	188
Grant	64,822,659	64
Total	411,338,368	506



Types of Consultants



Consulting Firms



Individual Consultants



Staff Consultants

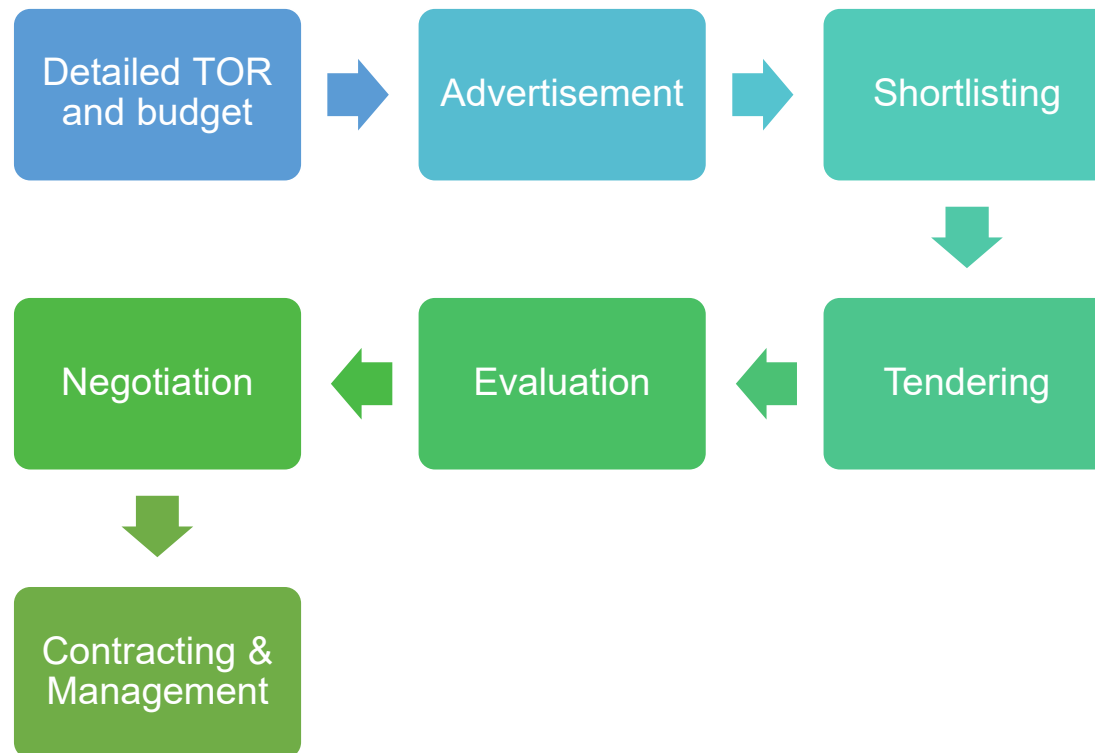
Technical Assistance, Loans and Grants

ADB staffing budget

Recruitment may be national or international

- International may be for any ADB member country (global if eligibility restriction waived)
- A firm is considered national if it is legally incorporated in that DMC
- An individual is national if a citizen of the DMC or, if a national from another member country, he/she legally resides and works in that DMC.

Recruitment Process



Procurement Methods to Recruit Firms



New selection method for firms (pilot)

- Informational video, procedures, and reference guide available here: <https://www.adb.org/news/videos/working-adb-time-money>

**CUT RECRUITMENT TIMES
FOR CONSULTING FIRMS
BY HALF OR MORE!**

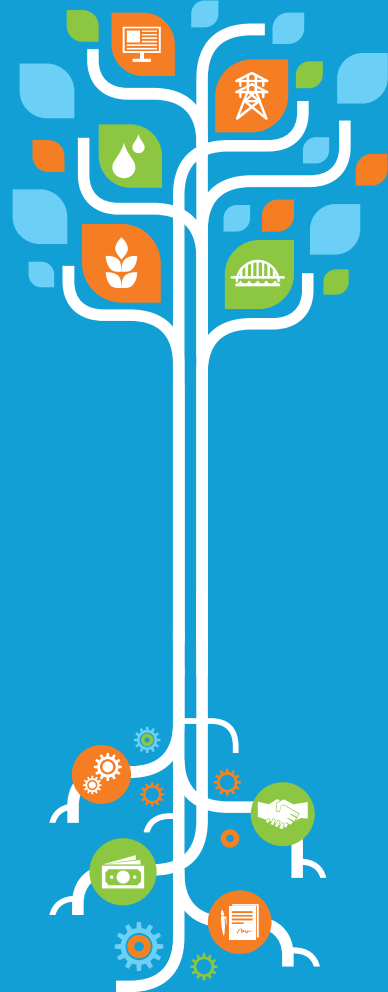
*Check out ADB's new
consultant selection method.*

SCOQ\$
Time is Money

SIMPLIFIED CONSULTANTS' QUALIFICATIONS SELECTION



ADB Procurement Framework



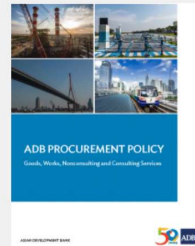
BUSINESS
OPPORTUNITIES

A small icon representing a network or cluster of people, with three stylized human figures connected by lines.

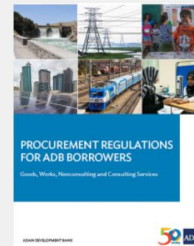
ADB's procurement frameworks

For projects with concept papers approved **on or after 1 July 2017**

ADB's new procurement framework comprises a Procurement Policy and Procurement Regulations for ADB Borrowers. It modernizes project procurement processes through a principles-based approach, to meet the diverse needs of clients as ADB scales up its operations in line with Strategy 2030.



ADB Procurement Policy



Procurement Regulations for ADB Borrowers

For projects with concept papers approved **before 1 July 2017**

ADB's Procurement Guidelines and Guidelines on the Use of Consultants defined the policies and procedures for selecting, contracting, and monitoring suppliers of goods, works, and services for ADB-financed projects.









Procurement Guidelines



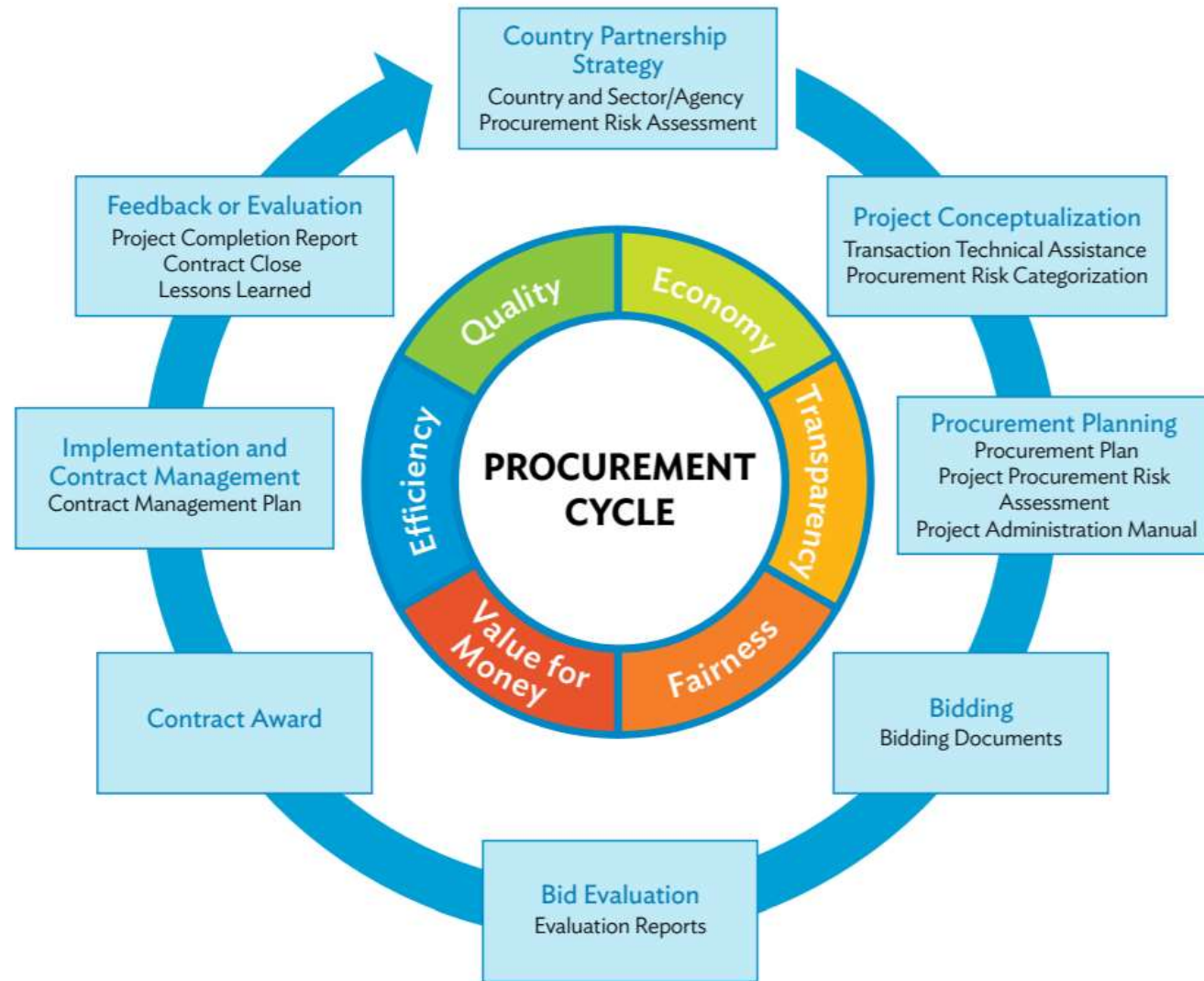
Guidelines on the Use of Consultants



ADB's procurement principles

Principles		Outcomes
	Fairness	Equal opportunity; equitable distribution; and credible mechanisms for addressing procurement-related complaints.
	Economy	Using price, quality, and any nonprice attributes to deliver viable projects.
	Efficiency	Ensures procurement processes are proportional to value and risks.
	Transparency	Deliver relevant procurement information publicly in a consistent and timely manner; appropriate reporting; and confidentiality.
	Quality	Structured arrangements delivering appropriate outputs in an effective manner to achieve project outcomes and objectives.
	Value for Money	Obtain optimal benefits through effective, efficient, and economic use of resources.





How we procure

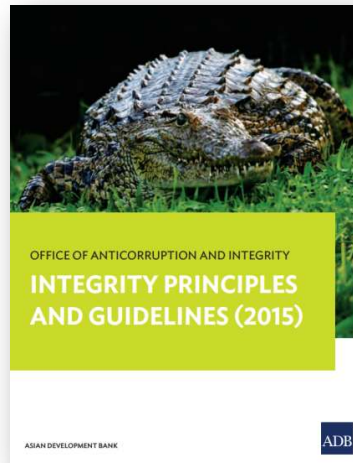
Roles and Responsibilities

- **The Borrower (Executing Agency (EA)) is responsible to procure most goods, works, and services**
- ADB also procures some services and goods itself to support its borrowers through technical assistance grants (TA) and staff consulting
- ADB reviews the procurement activities of EAs to ensure compliance with ADB's Procurement Policy and Procurement Regulations for Borrowers
- Open competitive bidding is the preferred option
- Technical and financial bid elements

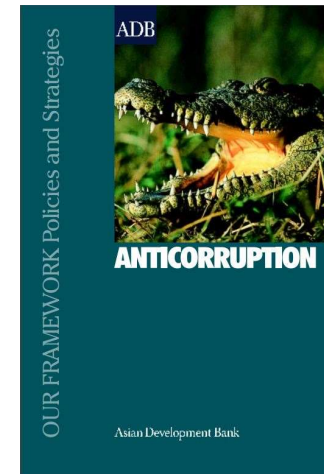


ADB's Anticorruption Policy & Guidelines

Applies to executing and implementing agencies, contractors, consultants, suppliers, ADB staff, and anyone connected to an ADB-financed, -administered, or –supported activity.



Highest Ethical Standards



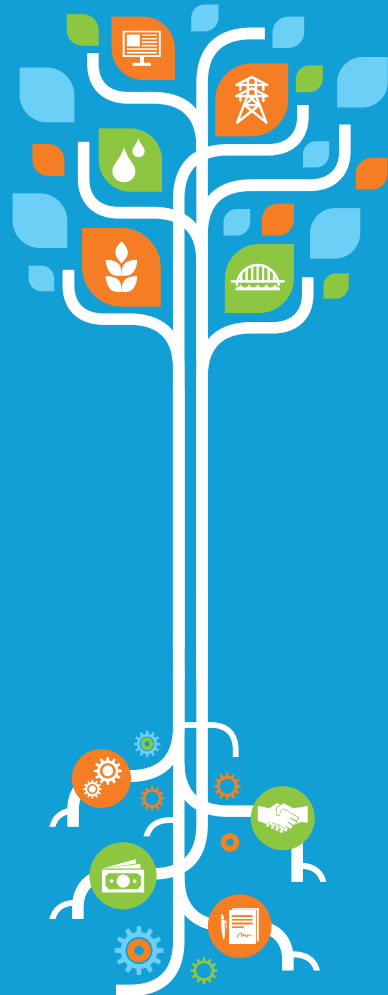
Zero Tolerance





UPDATES

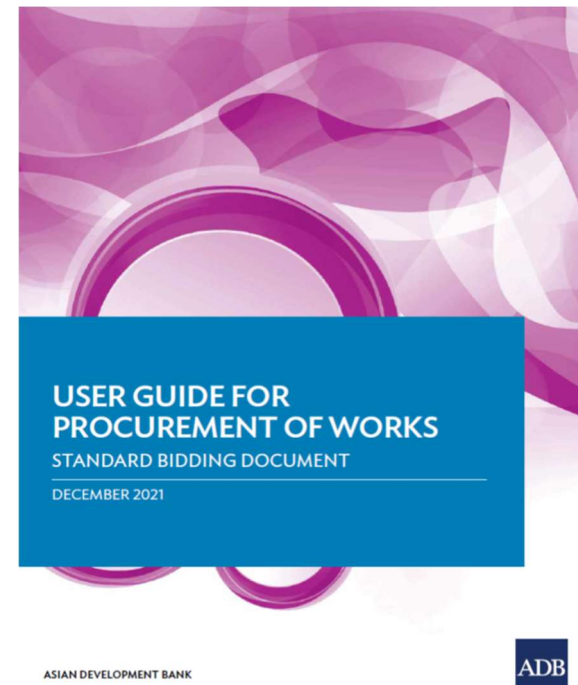
ADB Procurement Framework



User Guide – Works Dec 2021

- [User Guide for Procurement of Works | Asian Development Bank \(adb.org\)](https://adb.org)

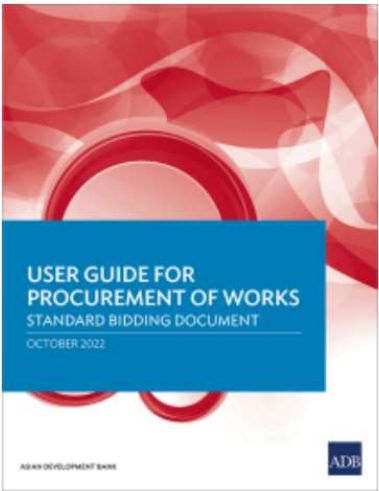
Not for New Procurement – only as a reference for ongoing packages.



← ↻ 🔒 https://www.adb.org/documents/procurement-large-works-guide-fidic-red-book 🔍 📄 📁 ⚙️ ☆ 🏠


ADB Business Center





You are here: Home > Business Center > Documents and Forms



User Guide for Procurement of Works - FIDIC Red Book (2017)

Business Document | October 2022



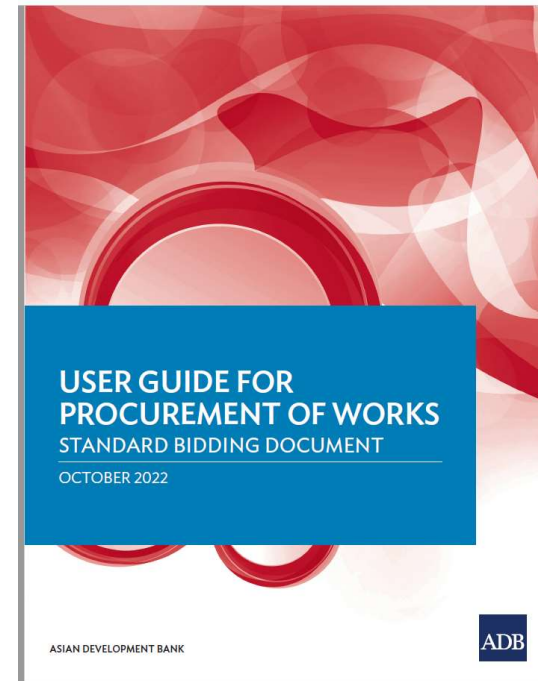
   

This document guides borrowers on how to prepare a bidding document for a unit price type of work contracts and evaluate bids and award contracts.

This publication provides guidance for borrowers on how to prepare a bidding document for an admeasurement (unit price) type of works contract using FIDIC Red Book (2017) general terms and conditions. It also covers how to evaluate bids and award contracts, based on the Asian Development Bank's Standard Bidding Document for the Procurement of Works for cases "with" and "without" prequalification.

Link Access

- [User Guide for Procurement of Works - FIDIC Red Book \(2017\) | Asian Development Bank \(adb.org\)](#)



Refer to SBD

For projects with concept notes approved **on or after 1 July 2017**:

- [Standard Bidding Documents and User's Guide to Procurement of Works - using FIDIC Red Book \(2017\)](#)
- [Standard Bidding Documents and User's Guide to Procurement of Works - using MDB Edition June 2010](#)
- [Standard Bidding Documents and User's Guide to Procurement of Works – Small Contracts](#)
- [Standard Bidding Documents and User's Guide to Procurement of Plant \(Design, Supply, and Installation\)](#)
- [Standard Bidding Documents and User's Guide to Procurement of Information Technology Products and Services](#)
- [Standard Bidding Documents and User's Guide to Design-Build-Operate Contracts for Water and Wastewater Greenfield Infrastructure Projects](#)

ADB Business Center

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Contract Management

Business Guide | December 2021

Bahasa Indonesia [Bahasa Indonesia](#) [اردو](#) [Tiếng Việt](#) [简体中文](#)

 Download



Contract management encompasses three stages: preparation and planning activities prior to contract award, contract administration during contract implementation, and contract closure.

This guidance note provides operational-level guidance for borrowers, through their executing agencies, on how contract management should be applied in projects during the procurement

Related

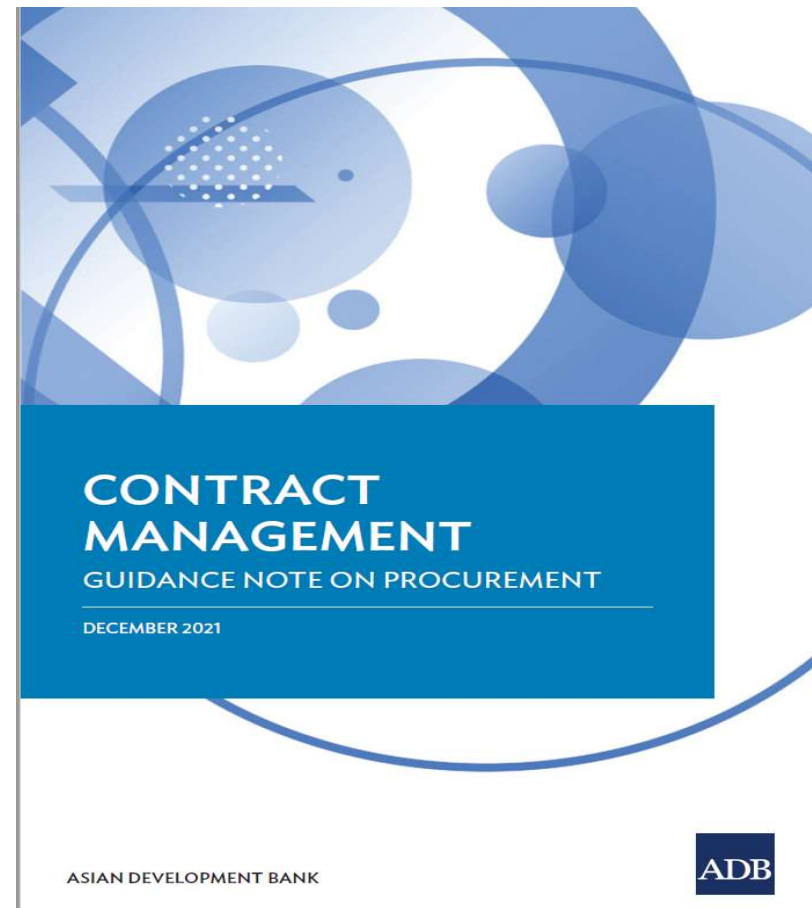
[Value for Money](#)

[Quality](#)

[Abnormally Low Bids](#)

Contract Management Guidance Note

- [Contract Management | Asian Development Bank \(adb.org\)](https://www.adb.org/publications/contract-management-guidance-note-on-procurement)



User Guide For Plant Design, Supply and Installation



The screenshot shows a web browser window with the URL <https://www.adb.org/documents/procurement-plant-guide>. The page features a header with the ADB Business Center logo and a navigation breadcrumb: "You are here: Home > Business Center > Documents and Forms". The main content area displays the title "User Guide for Procurement of Plant Design, Supply, and Installation" and the date "Business Document | December 2021". Below the title are social media sharing icons for Twitter, Facebook, LinkedIn, and Print. A summary paragraph states: "This document guides borrowers on how to prepare a bidding document for a single-responsibility contract covering design, supply, and installation of plant, and how to evaluate bids and award contracts for both single-stage and two-stage bidding procedures." A partial description of the user guide is also visible at the bottom.

ADB Business Center

You are here: Home > Business Center > Documents and Forms

User Guide for Procurement of Plant Design, Supply, and Installation

Business Document | December 2021

[Twitter](#) [Facebook](#) [LinkedIn](#) [Print](#)

This document guides borrowers on how to prepare a bidding document for a single-responsibility contract covering design, supply, and installation of plant, and how to evaluate bids and award contracts for both single-stage and two-stage bidding procedures.

This User's Guide is intended to provide guidance to borrowers on how to prepare a bidding document for a single-responsibility contract covering design, supply, and installation of plant, and how to evaluate bids and award

Where to Find Plant User Guide and Bidding Document


Citable URI

<http://dx.doi.org/10.22617/TIM210535-2>

Downloads

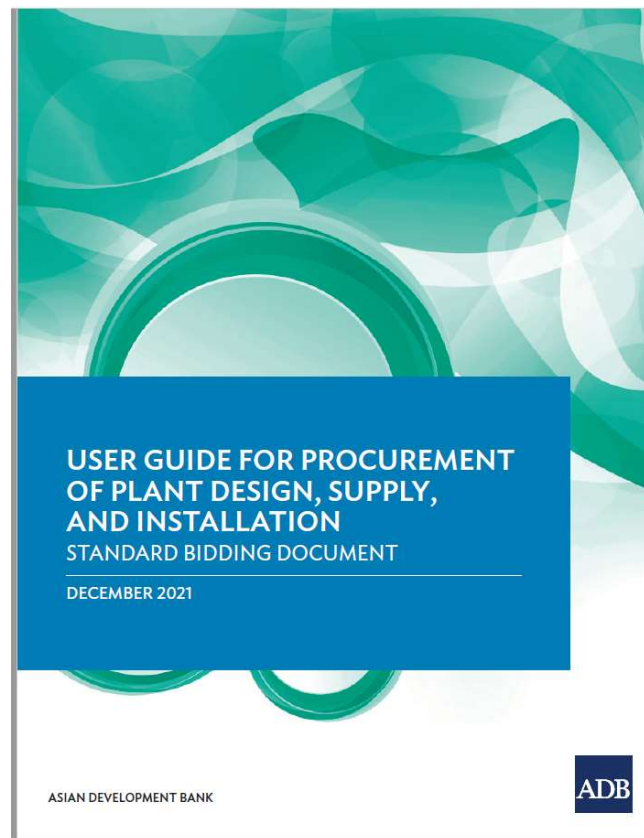
 User Guide file

 Single-Stage Bidding Procedure (for projects with concept notes approved on or after 1 July 2017)

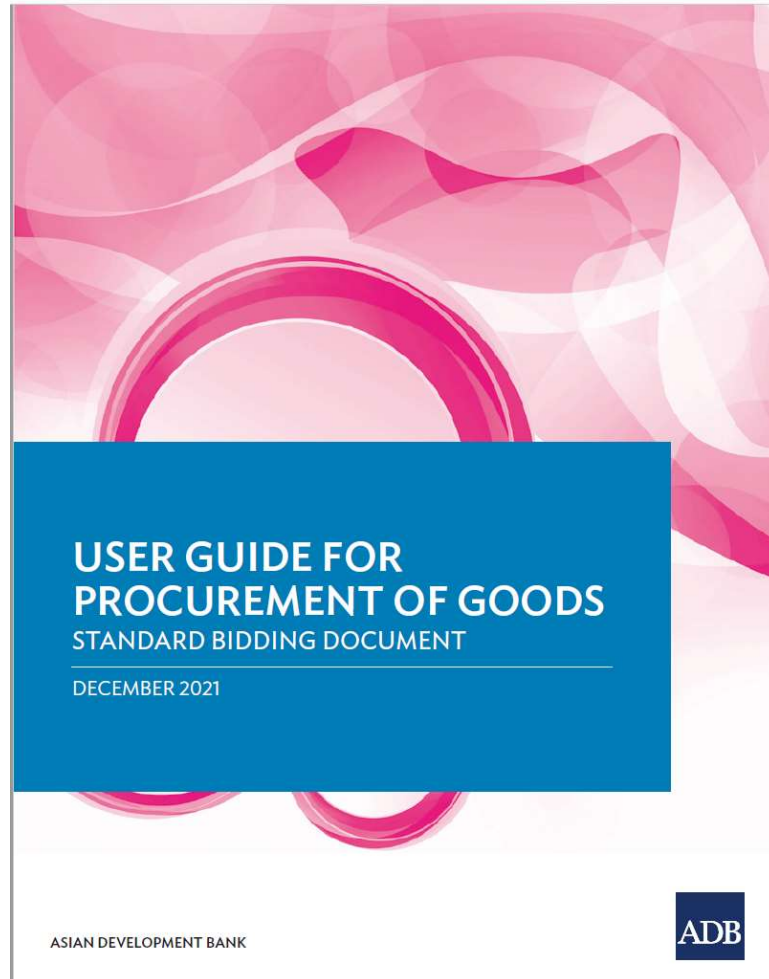
 Single-Stage: Two-Envelope Bidding Procedure (for projects with concept notes approved on or after 1 July 2017)

 Two-Stage Bidding Procedure (for projects with concept notes approved on or after 1 July 2017)

User Guide Plant Design, Supply and Installation December 2021



User Guide Goods – December 2021



[User Guide for Procurement of Goods |
Asian Development Bank \(adb.org\)](#)

Use Latest Version of RFP

- Standard RFP harmonized with MDBs.
- **ADB has only one SRFP**
 - for all selection methods
 - applicable for selections:
 - under the 2013 Consulting Guidelines
 - under the 2017 Procurement Policy/Regulations
 - **always use the latest version of the SRFP available at**
<https://www.adb.org/documents/recruitment-firms-individual-consultants-executing-agencies>
- User's Guide to the SRFP
 - also available
<https://www.adb.org/documents/selection-consulting-services>

Updated January
2023

Standard Request for Proposals

Selection of Consultants

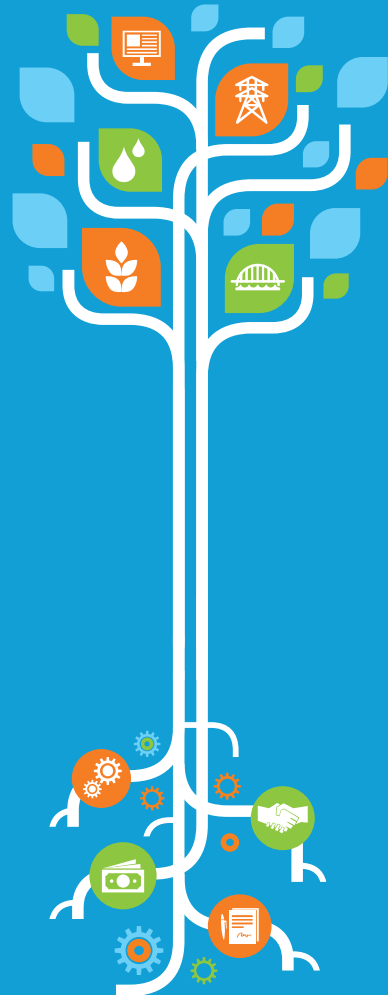


Asian Development Bank

January 2023

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Part IV – Key Issues Impacting Procurement Observed in Bangladesh



Key Issues

1. Integrity-সততা
2. Consulting - পরামর্শ সেবা
3. Clarifications-ব্যাখ্যা
4. Ghost contracting - ভূতের চুক্তি
5. Taxation-ট্যাক্সেশন
6. Blacklisting and removal from the sanctions list- কালো তালিকাভুক্ত করা এবং নিষেধাজ্ঞা অপসারণ
7. Qualification of past experience-অতীত অভিজ্ঞতার যোগ্যতা
8. Health and Safety- স্বাস্থ্য এবং নিরাপত্তা
9. FIDIC - move to FIDIC Red 2017-FIDIC থেকে FIDIC Red 2017
10. Adjudication and dispute resolution-বিচার এবং বিরোধ নিষ্পত্তি
11. Abnormally Low Bids - অস্বাভাবিক কম ক্রয় প্রস্তাব



ADB

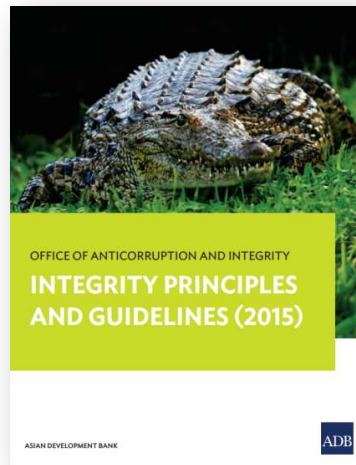
Focus on Bangladesh

Integrity সততা

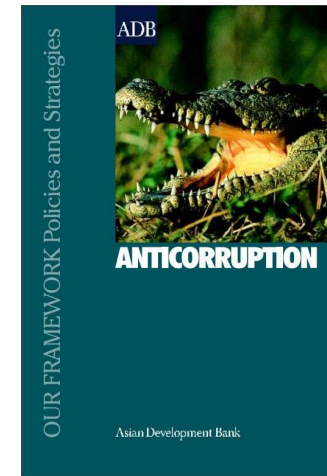


ADB's Anticorruption Policy & Guidelines

Applies to executing and implementing agencies, contractors, consultants, suppliers, ADB staff, and anyone connected to an ADB-financed, -administered, or –supported activity.



Highest Ethical Standards



Zero Tolerance



Conflict of Interest

❖ ITB 4 –

- (a) they have controlling shareholders in common; or
- (b) they receive or have received any direct or indirect subsidy from any of them; or
- (c) they have the same legal representative for purposes of this bid; or
- (d) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to material information about or improperly influence the bid of another Bidder, or influence the decisions of the Employer regarding this bidding process; or
- (e) a Bidder participates in more than one bid in this bidding process, either individually or as a partner in a Joint Venture, except for alternative offers permitted under ITB 13 of the Bidding Document. This will result in the disqualification of all Bids in which it is involved. However, subject to any finding of a conflict of interest in terms of ITB 4.3(a)-(d) above, this does not limit the participation of a Bidder as a Subcontractor in another Bid or of a firm as a Subcontractor in more than one Bid; or
- (f) a Bidder, Joint Venture partner, associates, parent company, or any affiliated entity, participated as a Consultant in the preparation of the design or technical specifications of the works that are the subject of the Bid; or
- (g) a Bidder was affiliated with a firm or entity that has been hired (or is proposed to be hired) by the Employer or Borrower as Engineer for the contract; or
- (h) a Bidder would be providing goods, works, or nonconsulting services resulting from or directly related to consulting services for the preparation or implementation of the project specified in the BDS ITB 2.1 that it provided or were provided by any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm; or
- (i) A Bidder that has a **financial or familial relationship with Employer's personnel** including personnel of project implementing/executing agency, or of a recipient of a part of the loan who: (i) are directly or indirectly involved in the preparation of the bidding documents or specifications of the contract, and/or the bid evaluation process of such contract; or (ii) **would be involved in the implementation or supervision of such contract unless** the conflict stemming from such relationship has been resolved in a manner acceptable to ADB throughout the procurement process and execution of the contract

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Consulting

পরামর্শ সেবা



A few Reminders

- ❖ Read the full RFP
- ❖ Do not assume. **Ask questions**
- ❖ Seek clarification through the CMS system
- ❖ Check that your quantities, rates and totals are in order
- ❖ Double check them!
- ❖ Submit your financial proposal in the built-in FIN attachment;
- ❖ Do not submit the financial proposal in your TECH attachment;
- ❖ Prepare a draft in CMS. Do not wait for the last minute;
- ❖ **SUBMIT! Hit that Submit button. We see submissions in draft after closing.**
- ❖ **CMS submission deadline – Manila time. NOT 11:59pm Bangladesh time.**

9. Click **Update**.

Dashboard | Consultants | Projects | Selections | Negotiated | **8** | Networks | Contracts | PER/PAQ

Profile | TOR | Cost Estimate | Budget | RFP | **CSRN** | Proposals | Contract | CRAM | Workflow

Selection 176254: TA-9723 REG: Support for Human and Community Development in Southeast Asia (52335-001)
Status: **Initiating Single-Stage Request for Proposals**

✓ **TIP** Click Publish to upload your advertisement to csrn.adb.org on the specified Publication Date (Manila time). It will also be included in the w
Republish. If you want to end your CSRN and view the submitted proposal(s), click Finalize. Please note that "Finalizing" a CSRN opens th

Consulting Services Recruitment Notice

CSRN Waived Yes No
Publication Date **08-Aug-2022**
Duration of Advertisement **22 Days**
Proposal Submission Deadline **30-Aug-2022**
04:00pm Manila local time

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Clarifications ব্যাখ্যা



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Qualification of Past Experience অতীত অভিজ্ঞতার যোগ্যতা



Right to Seek Clarification

27. Clarification of Bids

27.1 To assist in the examination, evaluation, and comparison of the Technical and Price Bids, the Employer may, at its discretion, ask any Bidder for a clarification of its Bid. Any clarification submitted by a Bidder that is not in response to a request by the Employer shall not be considered. The Employer's request for clarification and the response shall be in writing. No change in the substance of the Technical Bid or prices in the Price Bid shall be sought, offered, or permitted, except to confirm the correction of arithmetic errors discovered by the Employer in the evaluation of the Price Bids, in accordance with ITB 34.

27.2 If a Bidder does not provide clarifications of its Bid by the date and time set in the Employer's request for clarification, its Bid may be rejected.

Pointers

- ❖ General clarification
- ❖ Certificate of past experience
- ❖ Third party has no obligation to respond to EAs/ new employers
- ❖ Copy Bidders
- ❖ No automatic disqualification of bidders
- ❖ No presumption of guilt
- ❖ Violation of ADB policies

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Ghost Contracting

ভূতের চুক্তি



Possible approaches

address this risk within FIDIC and linked to the following 4 sub-clauses:

- ❖ SC 4.3 Contractor's representative
- ❖ 6.10 Records of the Contractor's Personnel and Equipment (monthly submission of contractor's personnel and equipment);
- ❖ 6.12 Key Personnel
- ❖ 8.3 Program -

Possible Approaches to Ghost Contracting

❖ 8.3 Program -

- ❖
 - That the contractor's representative be a member of the Lead firm.
 - That key personnel (1/2 or 1/3) be from the Lead partner's firm
 - That main /key positions be from the lead firm
 - That contractors Representative on site should be from the lead firm
 - That other lead positions be from the lead firm – Structural engineer; pavement engineer; material engineer etc.
 - Under 8.3 Program, (time schedule, contract schedule, program and supporting report) key staff be from the lead firm.
- ❖
 - ❖ These can also be placed in the specifications and particular conditions of contract and also in the contract management plan for monitoring.
 - ❖ In addition, the Engineer can also object to the program if such requested considerations are included.

Ghost Contracting

How 6.12 Key Personnel FIDIC Red 2017, may be used to help

❖ 6.12 Key Personnel

❖ If no **Key Personnel are stated in the Specification** this Sub-Clause shall not apply.

❖

❖ **The Contractor shall appoint the natural persons named in the Tender to the positions of Key Personnel.** If not so named, or if an appointed person fails to act in the relevant position of Key Personnel, the Contractor shall submit to the Engineer for consent the name and particulars of another person the Contractor proposes to appoint to such position. If consent is withheld or subsequently revoked, the Contractor shall similarly submit the name and particulars of a suitable replacement for such position.

❖ If the Engineer does not respond within 14 days after receiving any such submission, by giving a Notice stating his/her objection to the appointment of such person (or replacement) with reasons, the Engineer shall be deemed to have given his/her consent.

❖ The Contractor shall not, without the Engineer's prior consent, revoke the appointment of any of the Key Personnel or appoint a replacement (unless the person is unable to act as a result of death, illness, disability or resignation, in which case the appointment shall be deemed to have been revoked with immediate effect and the appointment of a replacement shall be treated as a temporary appointment until the Engineer gives his/her consent to this replacement, or another replacement is appointed, under this Sub-Clause).

❖ **All Key Personnel shall be based at the Site (or, where Works are being executed off the Site, at the location of the Works) for the whole time that the Works are being executed.** If any of the Key Personnel is to be temporarily absent during execution of the Works, a suitable replacement shall be temporarily appointed, subject to the Engineer's prior consent.

❖ All Key Personnel shall be fluent in the language for communications defined in Sub-Clause 1.4 [Law and Language].



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Taxation ট্যাক্সেশন



Consideration of Taxes

❖ ITB 14.7

14.7 All duties, taxes, and other levies payable by the Contractor under the Contract, or for any other cause, as of the date 28 days prior to the deadline for submission of bids, shall be included in the rates and prices and the total Bid Price submitted by the Bidder.

Change alert

– No Taxation on Importation of Equipment

❖ SCC 14.1 The Contract Price-

Special Provisions

[Alternative 1]

“Notwithstanding the provisions of sub-paragraph (b), Contractor's Equipment, including essential spare parts, imported by the Contractor for the sole purpose of executing the Contract shall be exempted from the payment of import duties and taxes upon importation.”

[Alternative 2]

“Notwithstanding the provisions of sub-paragraph (b), Contractor's Equipment, including essential spare parts, imported by the Contractor for the sole purpose of executing the Contract shall be temporarily exempt from the payment of import duties and taxes upon initial importation, provided the Contractor shall post with the customs authorities at the port of entry an approved export bond or bank guarantee, valid until the Time of Completion plus 6 months, in an amount equal to the full import duties and taxes that would be payable on the assessed imported value of such Contractor's Equipment and spare parts, and callable in the event the Contractor's Equipment is not exported from the Country on completion of the Contract. A copy of the bond or bank guarantee endorsed by the customs

The ADB logo consists of the letters 'ADB' in a white, serif font, centered within a dark blue square.

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ADB Debarments



ADB Debarments

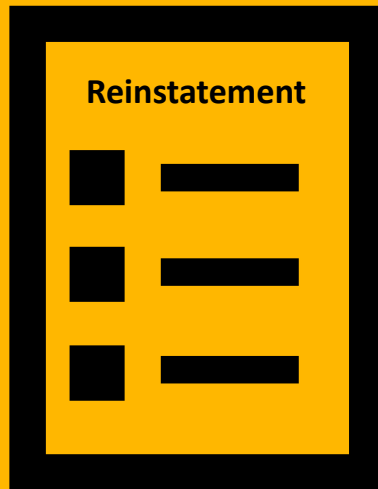


ADB debarments are set for a **minimum** debarment period, except for indefinite debarments.

A debarred entity can **apply for reinstatement after the minimum debarment period**, unless there is a provision for early reinstatement.

Unless a debarred entity has requested for and has been granted reinstatement, it **remains debarred even after the minimum debarment period**.





Reinstatement is not automatic



OAI assesses the merits of reinstating a debarred entity.



OAI informs the entity of the decision on the reinstatement request.

Sanctions Violation

Entities who participate in ADB-related activities while debarred, whether before or after the minimum debarment ends, may be found to have committed a **sanctions violation**.

A sanctions violation is an integrity violation and may result in the extension of debarment.



Office of Anticorruption and Integrity



www.adb.org/integrity



@anticorruptionandintegrity



anticorruption@adb.org
integrity@adb.org



@adb_oai



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ADB Anticorruption and Integrity



+63-2-8636 2152



Report integrity violations :

<https://www.adb.org/integrity/report-violations>



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Health and Safety
স্বাস্থ্য এবং নিরাপত্তা



Environmental Health and Safety

- ❖ Enhanced
- ❖ Number of clauses
- ❖ Detail required
- ❖ Past performance

Mandatory EHSMP

1.7.1 Environmental, Health and Safety Management Plan (EHSMP) ²

Any bid not accompanied by the EHSMP may be rejected by the Employer as nonresponsive. If a Bidder submits a EHSMP that is not commensurate with the risks and impacts of the proposed works and activities in the bidding document, the Employer shall issue a request for clarification to request for further information from the Bidder. The Bidder must submit the requested information within _____ days of receiving such a request. Failure to provide a satisfactory response to the request for further information within the prescribed period of receiving such a request may cause the rejection of the Bid.

Form CON – 2: EHS Performance Declaration

Each Bidder must fill out this form in accordance with Criterion 2.2.4 of Section 3 (Evaluation and Qualification Criteria).

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name:

Joint Venture Partner: _____

In case of a Specialist Subcontractors, each Specialist Subcontractor must fill out this form and provide the Specialist Subcontractor's name:

Specialist Subcontractor: _____

**Environmental and Health and Safety Performance Declaration
in accordance with Section 3 (Evaluation and Qualification Criteria)**


- No suspension or termination of contract:** An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental or Health and Safety performance since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5.
- Declaration of suspension or termination of contract:** The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental or Health and Safety performance since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5. Details are described below:
- Declaration of request for replacement of Key Environment, Health and Safety Personnel:** The following contract(s) has/have experienced a request by the Employer to replace Environmental, Health and Safety Personnel for reasons related to Environmental or Health and Safety performance since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5. Details are described below:
- Declaration of past fatality resulted from EHS issues on site:** The following contract(s) has/have experienced a fatality resulted from EHS issues on site since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5. Details are described below:

Year	Suspended or terminated portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country]	[insert amount]



Year	Suspended or terminated portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)
[insert year]	[insert amount and percentage]	<p>Contract Identification: [indicate complete contract name/ number, and any other identification]</p> <p>Name of Employer: [insert full name]</p> <p>Address of Employer: [insert street/city/country]</p> <p>Reason(s) for suspension or termination: [indicate main reason(s) <i>e.g.</i> discharge over environmental limit, workers did not have required health and safety permits to undertake high risk work, work carried out was not adhered to approved construction methodology and quality control plan]</p>	[insert amount]
[insert year]	[insert amount and percentage]	<p>Contract Identification: [indicate complete contract name/ number, and any other identification]</p> <p>Name of Employer: [insert full name]</p> <p>Address of Employer: [insert street/city/country]</p> <p>Reason(s) for suspension or termination: [indicate main reason(s)]</p>	[insert amount]





		[list all applicable contracts]	
Performance Security called by an employer(s) for reasons related to EHS performance			
Year	Contract Identification		Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)
[insert year]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Reason(s) for suspension or termination: [indicate main reason(s) e.g. discharge over environmental limit, workers did not have required health and safety permits to undertake high risk work, work carried out was not adhered to approved construction methodology and quality control plan]		[insert amount]
Key EHS personnel replacement requested by the Employer for reasons related to EHS performance			
Year	Contract Identification and Reasons		Personnel replacement action and results
[insert year]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Reason(s) for requesting for replacement: [indicate main reason(s)]		[insert description]
Fatality due to EHS issues on Site			
Year	Contract Identification		Follow-on actions taken by the contractor
[insert year]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Description of fatality event: Causation:		[insert description]

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Abnormally Low Bids

অস্বাভাবিক কম ক্রয় প্রস্তাব



Abnormally Low Bids

- ❖ All ALBs will be analyzed to determine feasibility of rates provided
- ❖ EAs have a right to examine bid price under detailed review of BOQ.
- ❖ Clarification is sought in writing
- ❖ Bidder to respond in writing submitting full explanations
- ❖ No generalization
- ❖ Bid prices determined not “justified” will be rejected.

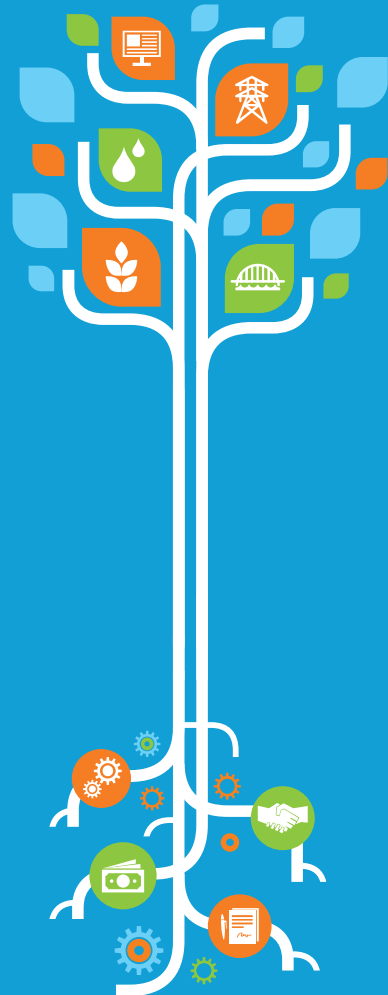
For Bidder -Risk of Rejection

38. Abnormally Low bids

- 38.1 An abnormally low bid is one where the bid price, in combination with other elements of the bid, appears to be so low that it raises concerns as to the capability of the Bidder to perform the contract for the offered bid price.
- 38.2 When the offered bid price appears to be abnormally low, the Employer shall undertake a three-step review process as follows:
- (a) identify abnormally low costs and unit rates by comparing them with the engineer's estimates, other substantially responsive bids, or recently awarded similar contracts;
 - (b) clarify and analyze the bidder's resource inputs and pricing, including overheads, contingencies and profit margins; and
 - (c) decide whether to accept or reject the bid.
- 38.3 With regard to ITB 38.2 (b) above, the Employer will seek a written explanation from the bidder of the reasons for the offered bid price, including a detailed analysis of costs and unit prices, by reference to the scope, proposed methodology, schedule, and allocation of risks and responsibilities. This may also include information regarding the economy of the manufacturing process; the services to be provided, or the construction method to be used; the technical solutions to be adopted; and any exceptionally favorable conditions available to the bidder for the works, equipment or services proposed.
- 38.4 After examining the explanation given and the detailed price analyses presented by the bidder, the Employer may:
- (a) accept the bid, if the evidence provided satisfactorily accounts for the low bid price and costs, in which case the bid is not considered abnormally low;
 - (b) accept the bid, but require that the amount of the performance security be increased at the expense of the bidder to a level sufficient to protect the Employer against financial loss. The amount of the performance security shall generally be not more than 20% of the contract price; or
 - (c) reject the bid if the evidence provided does not satisfactorily account for the low bid price, and make a similar determination for the next ranked bid, if required.



Bidding Strategies



Tips for winning ADB-financed assignments

- Collect relevant business intelligence – network!
- Focus on performance and reputation for successful work
- Express interest
- Understand the country, project, and client requirements
- Position yourself to your competitive advantage
- Study the bidding documents and understand the selection method and evaluation criteria
- Engage partnership with firms likely to be shortlisted
- Prepare a responsive and strong technical proposal
- Seek clarifications in writing
- Be ready for possible bid extensions or amendments



What NOT to do

- **Failure to disclose conflict of interest** (e.g., employees from EA included in a proposal)
- Firm or JV partners not from an ADB member country
- Submitting proposal late
- Failure to respond to client requirements
- **Conditional bids**
- Incomplete/noncompliant bids, e.g., missing bid security, letter of bid not signed, JV agreement missing, bid envelopes not properly marked, etc.
- Integrity violations in the bidding process

When in doubt, always seek written clarification

Debriefing and Complaints

Debriefing:

- Unsuccessful bidders may request debriefing from the procuring entity (the EA or ADB). If they are not satisfied with the explanation given, they may submit a complaint.
- Debriefings are an excellent learning opportunity for future bids!

Complaints:

- Bidders may file complaint directly with ADB and may copy ADB on correspondence with EAs.
- Complaints to ADB should be submitted through online form: <https://www.adb.org/forms/complaints>

How to report fraud:

- www.adb.org/site/integrity/how-to-report-fraud

