

TERMS OF REFERENCE

Contract:			
Project:	Kyrgyz Republic: Skills Development System Transformation Program		
Expertise:	Procurement Specialist		
Source:	National	Category:	Independent Individual Consultant
<p>Objective and Purpose of the Assignment.</p> <p>The Procurement Specialist will manage and support all procurement activities under the TA and for initial stage of the program, ensuring that goods, works, and services are procured efficiently, transparently, and in accordance with ADB's Procurement Policy (2017, amended from time to time) and Procurement Regulations for ADB Borrowers (2017, amended from time to time). The objective is to put in place a robust procurement plan for the program's investments (like civil works for school rehabilitation, equipment for workshops, consulting services including the design firm) and to execute the procurement of priority packages during the TA period (so that implementation can start promptly). The specialist will help build the capacity of the PIU in procurement processes and ensure that all bidding documents and contracts integrate necessary technical specifications and safeguard/gender requirements. By doing so, the program will have a solid foundation of contracts ready or underway at the time of loan/grant effectiveness, minimizing implementation delays and ensuring value for money in program resources.</p> <p>Scope of Work</p> <p>The Procurement Specialist will be responsible for:</p> <ul style="list-style-type: none"> • Procurement Capacity and Risk Assessment: Assess the capacity of the Executing Agency (Ministry of Education) and any implementing agencies in handling procurement. Identify existing procurement staff, their experience with donor-funded procurement, and internal procedures. Also review national procurement regulations vis-à-vis ADB's requirements to identify any gaps or conflict areas. Determine the procurement risk level of the program and suggest measures to mitigate risks (e.g., need for additional training, hiring of a procurement consultant within PIU, use of advance actions, etc.). Document this in a brief assessment to feed into program documents (ADB usually requires a procurement risk assessment for the program). • Procurement Plan Development: In consultation with the team and based on program components, support a preparation of a Procurement Plan for the entire program (covering 2-3 years of implementation at minimum). List all procurement packages for works, goods, and consulting services, their estimated costs, procurement methods, review requirements (prior or post), and scheduling (indicative dates for each stage). For example, packages might include: one or multiple civil works packages to renovate ~30 schools (maybe grouped regionally), packages for supply of workshop equipment and ICT, a package for mobile training labs, consulting packages such as the design firm, possibly an independent verification agency, etc. Ensure the plan aligns with ADB thresholds and the program timeline. Get the plan agreed with ADB and the EA, and update as needed. • Prepare Bidding Documents: Provide a support in drafting and finalizing bidding documents for priority procurements, particularly those planned as advance procurement or to be issued soon after the program approval. This likely includes the Detailed Design Firm selection (if not already done during TA), procurement of civil works for at least the first batch of schools, and procurement of key equipment for pilot schools or core training centers. Use ADB's Standard Bidding Documents (SBDs) or templates relevant to the method (e.g., OCB advertised nationally works template, goods template) and tailor them to program specifics. Incorporate the technical specifications prepared by engineers and ensure inclusion of safeguard provisions (from EMP) and GAP provisions (like core labor standards, no discrimination clauses, perhaps encourage female employment, etc.). Coordinate with the international Structural Engineer and others to 			

ensure technical criteria (contractor qualifications, etc.) are appropriate. Likewise, ensure evaluation criteria are clear (and not overly restrictive to avoid limiting competition). For consulting services (if any to be recruited via QCBS, like an independent M&E firm or others), prepare REOI and RFP documents in line with ADB standard templates.

- **Tendering Process Management:** Support the EA/PIU in executing the procurement processes. This includes issuing invitations or advertisements (assisting in drafting the Specific Procurement Notice in English and Russian), responding to clarification requests from bidders (drafting clarifications or amendments as needed), organizing and documenting pre-bid or pre-proposal meetings and site visits, and guiding the bid/proposal opening. Ensure everything is done per ADB rules (e.g., proper protocol for sealed bids, timely opening, preparing minutes of bid opening). If e-procurement or email submission is allowed (depending on ADB's requirements and EA systems), manage that process carefully to ensure fairness and confidentiality.
- **Bid Evaluation and Contract Award:** Act as resource person for bid evaluation committees. Provide the committee with an evaluation report template and guide them through the evaluation based on criteria in the bidding docs. Often, ADB programs require the Procurement Specialist to draft the Bid Evaluation Report (BER) for the committee's review and signature. Evaluate bids for goods/works on factors of price, technical compliance, etc., and for consulting proposals evaluate according to the RFP criteria (with scoring methodology). Ensure that the evaluation process is unbiased and well-documented (all reasoning for disqualifications or scoring differences should be recorded). Address any ADB queries on the evaluation. Help prepare the contract award recommendation for ADB no-objection and draft the Notification of Award/Acceptance letter. After ADB concurrence, assist the EA in preparing contract agreements for signing, ensuring all key terms from bid and any negotiated terms (for consulting) are captured.
- **Advance Contracting and Retroactive Financing:** If advance contracting or retroactive financing is to be utilized (which might be the case to hire consultants or start urgent works before loan signing), ensure all processes still follow ADB's Procurement Policy and Regulations and clearly mark such procurement in documents. Coordinate with ADB to get necessary clearances for advance actions. Help the EA understand that any advance procurement is at their risk until loan effectivity.
- **Capacity Building:** Train and mentor the MOE's PIU staff on procurement. This may be on-the-job during the above processes and through a few dedicated workshops. Topics to cover: ADB procurement principles, how to prepare bidding documents, how to conduct evaluation, and contract management basics. Provide them with checklists and templates for common tasks (like bid opening checklist, evaluation summary format). The idea is that for subsequent procurements (perhaps during program implementation beyond TA's initial ones), the PIU can take a stronger lead.
- **Contract Management Setup:** While contract management will largely happen during implementation, help set the stage by advising the PIU on contract management best practices. For example, ensure the PIU assigns engineers to supervise works contracts, set up a system for tracking delivery of equipment and warranties, and maintain a contract register (with key dates, payment schedules, etc.). Also, assist in addressing any issues during the initial phase of contract execution for contracts awarded under the TA period – e.g., if the design firm is not mobilizing properly or a contractor requests a variation, provide guidance.
- **Reporting:** Maintain proper documentation of all procurement activities (advertisements, bidding documents, received bids, evaluation reports, correspondence, contracts) for audit/record. Contribute to TA progress reports by summarizing procurement progress (e.g., "Design firm recruited, civil works package 1 bidding launched, etc.") and any challenges faced. Update the Procurement Plan if any changes (e.g., packaging revisions or schedule adjustments)

and circulate updated plans to ADB and EA as needed. Ensure that at program appraisal, the final agreed Procurement Plan is ready for disclosure.

Detailed Tasks and/or Expected Outputs.

The Procurement Specialist will deliver: (i) a Procurement Capacity Assessment and Risk Mitigation Plan (often included in program administration manual or linked documents); (ii) the Program Procurement Plan (detailing package information and schedule, to be agreed with ADB); (iii) Complete Bidding Documents for identified packages (in English and Russian, likely – including all sections, forms, conditions of contract, etc.); (iv) Bid Evaluation Reports for each procurement conducted (in ADB format, with necessary attachments) and recommendations for award; (v) Draft Contracts ready for signing for each procurement (ensuring consistency with bid/proposal and any negotiated points); (vi) Training materials or handouts for procurement training sessions and possibly a short procurement manual for the PIU if needed (outlining steps and ADB requirements); and (vii) regular procurement progress updates (which might be sections in broader reports or standalone memos, especially if issues arise needing management action). By the end of the assignment, the key initial procurement activities should be completed or well underway, and the EA/PIU should have improved capacity to handle the remaining procurement during full program implementation.

Minimum Qualification Requirements.

The specialist should have a bachelor's degree in engineering, business administration, procurement, or related field, and at least 8 years of experience in procurement, including procurement of works and goods on donor-funded projects. Specific experience in ADB's Procurement Policy and Regulations and standard bidding documents is highly desirable (if not ADB, at least familiarity with IFI procurement like World Bank or EBRD). The specialist should understand FIDIC or similar conditions for works contracts and have experience in drafting technical aspects of documents in collaboration with engineers. Strong organizational skills and attention to detail are required to manage multiple procurements simultaneously. Integrity and fairness are essential traits given the role's sensitivity. The specialist should be fluent in Russian and/or Kyrgyz to work with government and prepare local versions of documents, and proficient in English to draft documents that require ADB approval and for correspondence. Certification in procurement (like CIPS or similar) would be an asset but not mandatory if experience is strong. Knowledge of the local construction market and supplier landscape in Kyrgyzstan is a plus, to anticipate how to package and attract good competition.

Reporting Arrangements:

The Procurement Specialist will report to the Team Leader, but will work very closely on a day-to-day basis with the PIU Project Director and any assigned procurement staff of the EA. Coordination with technical team members is constant – e.g., with the Design Engineer for specifications, with Safeguards for including EMP in contracts, with Gender for including GAP requirements, and with the Finance Specialist to ensure budgets in bidding docs align with cost estimates. The specialist will also coordinate directly with ADB's Procurement Specialist or Officer in the Resident Mission for guidance and obtaining necessary no-objections at various steps. The specialist might effectively act as the secretary of bid evaluation committees, so will interface with committee members (which could include ministry officials, engineers, etc.). The duration covers up to 2 years (likely intermittent), with heavier input in year 1 for procurement planning and bidding, and possibly additional input in year 2 if second rounds of procurement or re-bidding are needed, or to help troubleshoot initial contract management issues. The specialist must ensure open and transparent communication – e.g., promptly informing the Team Leader/ADB if any irregularities or complaints occur during procurement. Ultimately, successful procurement outcomes (contracts awarded without procurement noncompliance and within budget) will be a key measure of performance for this role, along with knowledge transfer to the PIU.

Place of Execution:	Duration:	Dates:
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Duty station is in PIU, located at the address: Bishkek, Manas ave. 22A.	24 months, with the possibility of extension. Probation period: 3 months.	Contract Commences _____, subject to ADB approval. Contract Validity _____.
Contract Period:	-----	-----