

INSTRUCTIONS GUIDE FOR THE SELECTION OF SHORT LIST OF CONSULTING FIRMS IN THE CONTEXT OF PROCUREMENTS FINANCED WITH CABEI'S RESOURCES

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R I S K M A N A G E M E N T

Public Once Approved

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I. INTRODUCTION

The Central American Bank for Economic Integration (CABEI) is an international multilateral development financial institution whose resources are invested, among others, in the non-financial public sector of the member countries, which in general, use CABEI's Procurement Policy and its implementing Norms for the selection of consulting firms.

As part of the application of CABEI's Procurement Policy for the selection of consulting firms, a short list of consulting firms is required, which is subsequently requested to present proposals. This short list will be made up of consulting firms that expressed their interest in participating in the process and have the relevant experience and the managerial and organizational capacity necessary to carry out the consultancy.

It is important to mention that the Request for Expression of Interest (REOI) should not be considered as a request for proposals; however, the result of this should be considered binding to the subsequent competition in which the proposals are requested.

II. OBJECTIVE

The purpose of this guide is to establish the guidelines to be followed for the preparation of the short list of consulting firms that will participate in the competitions to execute consultancies financed with funds from CABEI's operations where its Procurement Regulations are applied.

III. SCOPE

This document must be used by borrowers/beneficiaries or other executing agencies for the proper procurement management where the selection methods established in CABEI's Procurement Policy Application Norms are applied in public sector operations that are financed by the Bank.

IV. ABBREVIATIONS AND TERMS

- CABEI: Central American Bank of Economic Integration.
- REOI: Request of Expression of Interest.
- ToR: Terms of Reference.

V. RELATED DOCUMENTATION

- Policy for procurement of Goods, Works, Services and Consultancies with CABEI Resources.
- Regulations for the Application of the Procedures for Procurement of Goods, Works, Non-Consulting Services and Consulting Services financed with CABEI Resources.

VI. DEVELOPMENT

1. Request for Expression of Interest

- 1.1. Considering that the REOI is not a request for proposals, the information requested should not be complex or difficult for consulting firms to submit. Therefore, the development of methodologies, presentation of the technical approach, or the presentation of resumes of key personnel assigned to a specific consultancy should not be required.
- 1.2. In processes subject to prior review, the REOI notice, and Terms of Reference (ToR) will require the Bank's prior non-objection. In Annex 1, the model of REOI is found with the purpose of providing the implementing units with a support framework that serves to conduct the short list selection.
- 1.3. The consulting firms that make up the short list must be homogeneous and must have demonstrated that their main activity, years of creation, general and specific experience are substantially related to the objectives of the consultancy and that they have the technical and administrative capacity to execute it.
- 1.4. Additionally, the consulting firms included in the short list must have stated that they have no conflict of interest, are not declared a prohibited counterparty or be part of another ineligibility list of CABEI, nor be declared disqualified or sanctioned in organizations recognized by CABEI and have not been found guilty by a final judgment of crimes/sanctions related to Prohibited Practices by the competent authority (Annex 4: EI-2, Affidavit).
- 1.5. The evaluation to be performed, the criteria and their weightings must be made available to all consulting firms as part of the Terms of Reference (ToR) for transparency purposes. The information to be requested in the ToR is indicated in Annex 2.

2. Publication and deadline for submitting the Expression of Interest

- 2.1. In compliance with the provisions of Article 20 of the Regulations for the Procurement of Goods, Works, Services and Consultancy Services with CABEI Resources, the notice of expression of interest must be advertised in at least one (1) of the following alternatives:
 - a. One (1) publication on the website of the Public Procurement Regulatory Office in the country of the Borrower/Beneficiary.
 - b. One (1) publication in the digital version of a newspaper of wide national circulation.
 - c. At least two (2) publications as follows: One (1) time in two (2) of the newspapers (written press) of national circulation in the country of the Borrower/Beneficiary or two (2) non-consecutive times in the same newspaper.

- d. Other printed or electronic media indicated by CABEI.

In the case of an international process, it shall additionally:

- a. Advertise it on the United Nations Development Business (UNDB Online) website.
 - b. Send a copy of the notice to the embassies or consulates of CABEI's partner countries that are represented in the Borrower/Beneficiary's country, if any.
- 2.2. Companies must be granted a minimum period of fourteen (14) calendar days (counted from the next business day after publication) to respond to the request for expression of interest.

3. Conformation of the Short List

- 3.1. The short list must be formed according to the experience, managerial and organizational capacity necessary to carry out the consultancy that was established in the Terms of Reference (ToR). Likewise, it will be composed of at least five (5) and a maximum of eight (8) consulting firms. Short Lists containing a smaller number may be accepted when qualified firms that expressed interest in the work are not sufficient.
- 3.2. When the process is subject to prior review, the proposed short list should be submitted to the Bank for non-objection, accompanied by a report containing relevant information about the process carried out for the formation of such list.
- 3.3. If the process is not subject to prior review by the Bank, this report must also be prepared for possible ex-post review by the Bank. The model report form can be found in Annex 3.
- 3.4. Having received CABEI's non-objection to the Short List of consulting firms, these may be invited to submit proposals to carry out the consultancy.

4. Validity of the Short List

- 4.1. The short list must be specifically referred to a competition and the respective invitations must be issued within a period not exceeding twelve (12) months after the publication of the notice of request for expressions of interest.

VII. ANNEXES

1. ANNEX 1 – REQUEST OF EXPRESSION OF INTEREST

To make up the short list it is required to make a Request for Expression of Interest, the following model will serve as a guide to the Implementing Units to be used in all competitions financed totally or partially with CABEI resources, promoted by the Borrowers/Beneficiaries.

This document is made public through the Bank's website and before preparing a REOI, the user must know CABEI's Procurement Policy and its Regulations in force.

The text that appears in red and italics refer to information or data of the process that must be adapted to each case or instructions to the Contracting Party that must be deleted before publishing the respective REOI.

INVITATION TO CONSULTING FIRMS TO SUBMIT EXPRESSIONS OF INTEREST

Operation Data

Country: *(Country name)*
Operation: *(Operation's name)*
Operation No: *(Operation Identification number)*

Consulting Data

Name of the Consultancy: *(Consultancy's name)*
Selection Method: *Quality and Cost Based Selection/ Quality Based Selection /
Fixed Budget Selection / Least Cost Selection*
Reference number: *(Process Identifier)*

The *(name of the borrower/beneficiary)* has *(received/requested)* financing from the Central American Bank for Economic Integration for the *(insert name of the operation)*, and it is intended to use a portion of the funds for consulting services contracts.

The Consulting services ("the services") include: *(include a brief description of the consultancy to be performed, providing sufficient information to enable Consultants to decide whether to prepare an expression of interest)*.

The *(name of the contracting party)* invites eligible consulting firms to express their interest in providing the requested services. Interested consultants shall provide information indicating that they are qualified to provide the services and may partner with other firms in the form of a Joint Venture (JV) or subconsultants to improve their qualifications. The criteria for shortlist selection are found within the respective Terms of Reference.

Interested Consulting Firms can obtain the Terms of Reference at no cost by requesting them by email: *(indicate email)* or access the electronic portal *(indicate electronic portal of public access)*.

Consultants will be selected using the method of *(insert selection method)* described in the Regulations for the Application of the Procurement Policy available in www.bcie.org.

Interested consultants can obtain more information at the address indicated at the end of this invitation, during business hours *(or indicate office hours)*.

Expressions of interest together with the information indicated in the Terms of Reference must be submitted in writing at *(indicate address)*, no later than *(indicate the date and time)*.

(Insert office name)
(Insert officer's name and position)
(Insert mailing address, zip code, city, and country)
(Insert phone number and country and city codes)
(Insert fax number and country and city codes)
(Insert email address)

2. ANNEX 2 - TERMS OF REFERENCE

To provide consultants with sufficient information to enable them to submit the information necessary to demonstrate their ability to carry out the consultancy.

As part of the Terms of Reference (ToR) the request of the following must be included:

A. Request for legal information

1. Copy of the Legal Registration and its amendments duly registered in the competent Public Registry. In case of APCA, the act of incorporation duly registered in the competent Public Registry of each of the members of the APCA.
2. Form EI-1: Intention of Partnership in Joint Venture, Consortium or Association (JV) (Applies in case of JV).
3. Copy of the Power of Attorney, in case of proposals submitted by a JV the power of representation of each of the members of the JV.
4. Copy of valid identity card or similar identification document of the person who subscribes the Expression of Interest.
5. Form EI-2: Affidavit.
The affidavit of each of the JV members will be required when proposals are submitted by a JV.
6. Form EI-3: Identification of the Consultant.
7. Audited financial statements of at least the last 3 years.
8. Statement of the consultant indicating that he/she has no sanction in force for non-compliance with a bid maintenance declaration form and has no history of breach of contracts attributable to the consultant in the last 10 years.

B. Request for evidence of the experience of the consulting firm

1. Copy of proof of completion to the full satisfaction of consulting services that evidence relevant experience, issued by the contracting party.
2. Selection mechanism of the short list of consulting firms, which will include aspects such as main activity and years of experience of the consulting firm, general and specific experience related to the objectives of the consultancy, technical and administrative capacity, as well as the weighting of each of these.

C. Criteria for shortlist identification

C.1. Eligibility of consulting firms

C.1.1. The public lists where the searches were made are the following. These lists may be updated, in accordance with the internal guidelines authorized by CABEI. A condition stating that the bidders must not be included in the following lists, must be incorporated:

1. United Nations (UN) Consolidated List of Sanctions: <https://scsanctions.un.org/search/>

2. Consolidated list of persons, groups, and entities subject to European Union (EU) financial sanctions – To gain access, a free account must be created within the EU platform:
<https://webgate.ec.europa.eu/fsd/fsf#!/files>
3. Consolidated list of individuals, groups, and entities subject to World Bank (WB) sanctions:
<https://www.worldbank.org/en/projects-operations/procurement/debarred-firms>
4. Office of Foreign Assets Control (OFAC) Consolidated List:
<https://sanctionssearch.ofac.treas.gov/>
5. HM Treasury Consolidated List of Targets:
<https://sanctionssearch.ofsi.hmtreasury.gov.uk/>
6. CABEI's list of prohibited counterparties.

C.1.2. State-Owned Institutions or Enterprises in the Contracting Party's Country

Bidders that are state-owned institutions or enterprises of the Contracting Party's country may be eligible to compete for and be awarded one or more contracts only if they can establish, to the satisfaction of the Bank, that

- a. They are legally and financially autonomous.
- b. They operate in the borrower/recipient's country in accordance with commercial laws and regulations.
- c. Are not subject to the supervision of the entity acting as executing agency of the operation or as contractor.

C.2. Contracting history

The criteria to evaluate the contracting history of the consulting firms must be included, in which the following is valued:

1. That the consulting firm has a billing history equivalent at least to the annual turnover generated by the potential award of the consultancy.
2. For the calculation of the expected turnover, it is recommended to make an estimate considering the estimated annual flow of payments, considering a linear distribution.
3. In case of JV's it is recommended to add the billings of the members of the JV.
4. It is recommended to evaluate the billing history for a period between 3 and 5 years.

C.3. General and Specific Experience

The criteria to evaluate the general and specific experience of the consulting firms must be included, in which the following is assessed:

1. Studies carried out with a scope like the one of the consultancies, detailing the characteristics of the experiences considered "similar to the consulting", among others, the type and/or scope of the study, amount of the contract, or others.
2. In case of JV's it is recommended to add the billings of the members of the JV.
3. It is recommended to evaluate the billing history of the last 5 - 10 years.

3. ANNEX 3: MODEL FOR THE EVALUATION OF EXPRESSIONS OF INTEREST

1. General Data	
Country:	<i>(Country Name)</i>
Operation:	<i>(Operation name)</i>
Operation No:	<i>(Operation Identification number)</i>
Name of the consultancy:	<i>(Consultancy name)</i>
Selection method:	<i>Quality and Cost Based Selection/ Quality Based Selection / Fixed Budget Selection / Least Cost Selection</i>
Reference number:	<i>(Process identifier)</i>
Budgeted amount	US\$ _____

2. REOI Publications		
<i>Indicate the name of the media and the dates on which the notices of REOI were published</i>		
UNDB online	Yes___ No___	Date: _____
Another free access website	Yes___ No___	Page: _____, date: _____ Page: _____, date: _____
National Newspapers	Yes___ No___	Newspaper: _____, date: _____ Newspaper: _____, date: _____
Other publications	<i>Detail media and date of publication if there are no other publications indicate Not Applicable.</i>	
Deadline for receiving EOI	Date as per initial publication: _____ Date after authorized extensions: _____	

3. Request for clarifications received and replies sent				
Consultant	Question		Answer	
	Date	Description	Date	Description
<i>Consultant name</i>				
<i>Consultant name</i>				
<i>Consultant name</i>				

4. Reception of Expressions of Interest
<i>Indicate the name of the consulting firms that submitted expressions of interest</i>
<i>Consultant name</i>
<i>Consultant name</i>
<i>Consultant name</i>

Nomination of the evaluation panel: Detail the names of the officials nominated for the evaluation of expressions of interest, their position and area of service within the institution.

5. Request for additional information				
<i>Request for information not provided by the Consultants together or other requested information</i>				
Consultant	Request for Information		Consultant's response	
	Date	Description	Date	Description
<i>Consultant name</i>				
<i>Consultant name</i>				
<i>Consultant name</i>				

6. Evaluation of expression of Interest
Describe the evaluation carried out considering the criteria established in the ToR. (<i>Detail the evaluation criteria and verification of the eligibility of the consulting firms</i>).

7. Short list recommendation (<i>between 5 and 8 consulting firms</i>) list in priority order, the firms that will make up the short list, indicate their nationality and the qualification obtained.
<i>Consultant name</i>
<i>Consultant name</i>
<i>Consultant name</i>
<i>Consultant name</i>
<i>Consultant name</i>

8. Annexes
<i>Attach a copy of objection to the REOI, copies of the publications, the request for clarifications received and the responses sent to the consultants, minutes of receipt of the EOI, copy of the consultant-contracting party communications, appointment of the evaluation committee, evaluation matrixes and clarifications (if any), evidence of the verification of eligibility of the consulting firms.</i>

The report is signed by the members of the Evaluation Committee attaching the respective declaration of confidentiality and absence of conflict of interest to participate as a member of the executive committee of the competition, Form EI-4.

ANNEX 4: FORMS

FORM EI-1

(Applies in case of Joint Ventures, Consortiums or Other Forms of Association (JV))

Intention of Consortium or Association in Joint Venture (JV)

Gentlemen: *(Name of contracting Party)* No. *(indicate process name and number)*:

From our consideration:

We hereby declare intention to form a Joint Venture, Consortium or Association (JV) in which the participating members are jointly and severally liable, under the following considerations:

Name of the JV: _____

JV Lead Legal Entity: _____

Estimated date of incorporation: _____

Name of proposed legal representative for JV: _____

Identification document of the proposed legal representative of the JV: _____

Name of the Legal Entities that make up the JV and their respective percentage participation.

Legal Entity	Tax Identification	Participation (%)
		Total 100%

Kind Regards,

Name of the Legal Representative *(Legal Entity 1)* _____

Name of the Legal Representative *(Legal Entity 2)* _____

Name of Designated Legal Representative _____

(Signatures of the legal representatives of the legal entities in JV and the designated legal representative)

Each of the members of the JV must attach a written confirmation by means of a power of attorney to sign.

NOTE: The Joint Venture, Consortium or Association (JV) letter of intent must be sent with an attached copy of the proposed JV agreement.

FORM EI-2

Affidavit

Process identification number No: *(place the name and identification number of the competition)*

I _____ *(Name of the person accredited in the Power of Attorney)* with identification document _____ number _____ in my capacity as Legal Representative of *(Name of the consultant according to E1-3)* _____,

Certify and declare the following:

- i. That the organization I represent, its agents, staff, contractors, consultants, directors, officers, or shareholders have no relationship, nor have been involved in activities related to money laundering and financing of terrorism.
- ii. It is not in call for creditors, bankruptcy, or liquidation.
- iii. It is not in judicial interdiction.
- iv. It does not have conflict of interest as described in CABEI's Procurement Policy.
- v. That the organization I represent, its agents, staff, contractors, consultants, directors, officers, or shareholders are not included in CABEI's List of Prohibited Counterparties or other CABEI's list of ineligibility.
- vi. That the organization I represent, its agents, staff, contractors, consultants, directors, officers, or shareholders have not been disqualified or declared by an entity or authority as ineligible to obtain resources or the award of contracts financed by any other entity, while the sanction is in force.
- vii. That the organization I represent, its agents, staff, contractors, consultants, directors, officers, or shareholders have not been found guilty of crimes or sanctions related to Prohibited Practices by the competent authority.
- viii. That the organization I represent has no history of breach of contract in the last 10 years.
- ix. That the organization I represent, has no current sanctions for non-compliance with a bid/proposal maintenance statement.

Likewise, I authorize the corresponding *(Name of the Contracting Party)* and the Central American Bank for Economic Integration (CABEI), to carry out the verifications it deems pertinent to corroborate with any search system or database that the Contracting Party or CABEI has for such purposes, as well as with any competent authority deemed necessary.

Likewise, I certify and declare to know the origin of the funds of the patrimony of my represented and manifest that they do not come from any illicit activity.

Finally, and if applicable, I declare that the funds provided will be managed in accordance with best practices, transparency, and integrity and at no time will be used for illicit activities.

We further declare that immediate notice will be given to the Contracting Party and CABEI if later any change in the conditions occurs.

We agree that the Contracting Party shall have the right to exclude us from this bankruptcy process if the information provided in this Affidavit is false or if the change of status occurs at a time after the delivery of this Affidavit.

Consultant: *(Full name of the consultant)*
Name: *(Full name of the person signing)*
Position: *(of the signatory)*

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CONSULTING FIRMS IN THE FRAMEWORK OF PROCUREMENTS FINANCED
WITH CABEI'S RESOURCES

Signature: *(signature of the person whose name and title are listed above).*
Date: *(day, month, and year in which the EOI is signed)*

FORM EI-3

Identification of the Consultant

Process identification no:

Consultant Name: *(indicate full name)*

Date: *(indicate day, month, and year)*

The information contained in this form will be used during the evaluation process for the identification of the consultant, therefore the information presented here must be consistent, among others, with the information that accredits the general and specific experience presented.

- One of the options should be chosen according to the type of consultant presented.*

For consultants who present individually:

The consultant presents individually, with the following description:

Legal name of the consultant: *(indicate the legal name)*

Tax Identification of the consultant: *(indicate tax identification)*

Country where the consultant is legally registered: *(Country where the consultant is legally constituted)*

For consultants presenting as a Joint Venture:

The consultant is presented as a JV, with the following description:

Legal name of each member of the JV	Tax Identification	Country where it is legally constituted

- Email for notifications: *(write the email address)*
- In case the consultant is a JV all its members must provide the following information: *(If the consultant is not a JV, indicate Not Applicable)*

Name of the JV member:
JV member's country of registration:
Year of constitution of the JV member:
Legal domicile of the JV member in the country of incorporation:
Information about the JV member's authorized representative
Name: _____
Address: _____
Telephone number: _____
Email address: _____

A copy of the original deed of incorporation (or equivalent documents of incorporation or association) and/or registration documents of the legal entity mentioned above must be attached.

FORM EI-4

DECLARATION OF CONFIDENTIALITY AND ABSENCE OF CONFLICT OF INTEREST TO PARTICIPATE AS A MEMBER OF THE EXECUTIVE COMMITTEE OF THE COMPETITION

Texts marked in red should not appear on the document to be signed, since they have the sole purpose of guiding the Borrower/Beneficiary on the text that should appear in its place.

Data of the Operation with CABEI

Operation name (Operation name)
Operation number (Operation number) Country (country)

Process Data

Process name: (Name of the process)
Process number: (Process number)
Type of procurement (Works / Goods / Consultancy / Non consultant services)

I _____, identified with *(Name of the Identification Document)* No. _____, expressly and freely declare that there is no type of conflict of interest to be a member of the Executive Committee of the Competition of the aforementioned process and that it will be executed with financing from the Central American Bank for Economic Integration (CABEI).

Likewise, I am obliged to keep total confidentiality with respect to all the information to which I have access for the performance of my activities as a member of the Executive Committee within all stages of the procurement process, of any nature that this is, contained in printed and digital media, which is confidential, including, but not limited to: the content of the bids and proposals, the deliberations and discussions of the Committee and the management of the protests received.

I declare that I agree to always act with prudence and consideration in my public and private pronouncements in consistency with the responsibility acquired as a member of the Executive Committee.

I agree and acknowledge that any violation on my part of this agreement will result in my dismissal as a member of the Executive Committee of the Competition, as well as any other measure that the (Borrower/Beneficiary) deems applicable.

This document is signed in the City of _____ on the _____ days of the month of _____ of year _____.

Name: _____
Signature: _____