

TRAINING PROGRAM

STANDARD RFP & PREPARATION OF RFP FOR A SPECIFIC ASSIGNMENT

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Request for Proposals

Standard Request for Proposals Selection of Consultants



The World Bank

October 2011

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Standard Request for Proposals

- ❖ Standard RFP (SRFP) can be used with different selection methods.
- ❖ Before preparing a Request for Proposals for a specific assignment, user:
 - must be familiar with the Standard RFP, and the Consultants' Guidelines; and
 - must have chosen an appropriate method and the appropriate contract form.
- ❖ SRFP includes two standard forms of contract: one for time-based assignments and the other for lump-sum assignments.
- ❖ Based on the kind of assignment, user should select the contract form which is the most appropriate.
- ❖ The RFP for an assignment should retain ITC, Forms, GCC and Contract Forms as in the SRFP without any changes.

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Standard Request for Proposals

SUMMARY DESCRIPTION

PART I – SELECTION PROCEDURES AND REQUIREMENTS

Section 1: Letter of Invitation (LOI)

This is a letter from the Client addressed to shortlisted consulting firms inviting them to submit a proposal for a consulting assignment.

Section 2: Instructions to Consultants and Data Sheet

This Section consists of two parts: "Instructions to Consultants" and "Data Sheet".

Instructions to Consultants contains provisions that are to be used without modifications.

"Data Sheet" contains information specific to each selection.

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Section 3: Technical Proposal – Standard Forms

Section 4: Financial Proposal – Standard Forms

Section 5: Eligible Countries

This Section contains information regarding eligible countries.

Section 6: Bank’s Policy – Corrupt and Fraudulent Practices

This Section provides shortlisted consultants with the reference to the Bank’s policy in regard to corrupt and fraudulent practices applicable to the selection process.

Section 7: Terms of Reference (TORs)

This Section describes the scope of services, objectives, and specific tasks and background information; specifies qualifications of the key experts; and lists the deliverables.

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PART II – CONDITIONS OF CONTRACT AND CONTRACT FORMS

Section 8: Standard Forms of Contract

This Section includes two types of standard contract forms: a Time-Based Contract and a Lump-Sum Contract.

Each type includes General Conditions of Contract (“GCC”) that shall not be modified, and Special Conditions of Contract (“SCC”).

SCC section includes clauses specific to each contract to supplement the General Conditions.

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Section 2. Instructions to Consultants and Data Sheet

Table of Clauses in ITC

A. General Provisions

1. Definitions
2. Introduction
3. Conflict of Interest
4. Unfair Competitive Advantage
5. Corrupt and Fraudulent Practices
6. Eligibility

B. Preparation of Proposals

7. General Considerations

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Standard Request for Proposals

Section 2. Instructions to Consultants and Data Sheet

Table of Clauses in ITC - continued

8. Cost of Preparation of Proposal
9. Language
10. Documents Comprising the Proposal
11. Only One Proposal
12. Proposal Validity
13. Clarification and Amendment of RFP
14. Preparation of Proposals – Specific Considerations
15. Technical Proposal Format and Content
16. Financial Proposal

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Standard Request for Proposals

Section 2. Instructions to Consultants and Data Sheet

Table of Clauses in ITC - continued

C. Submission, Opening and Evaluation

17. Submission, Sealing, and Marking of Proposals
18. Confidentiality
19. Opening of Technical Proposals
20. Proposals Evaluation
21. Evaluation of Technical Proposals
22. Financial Proposals for QBS
23. Public Opening of Financial Proposals (for QCBS, FBS, and LCS methods)

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Standard Request for Proposals

Section 2. Instructions to Consultants and Data Sheet

Table of Clauses in ITC - continued

24. Correction of Errors
25. Taxes
26. Conversion to Single Currency
27. Combined Quality and Cost Evaluation

D. Negotiations and Award

28. Negotiations
29. Conclusion of Negotiations
30. Award of Contract

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SRFP - ITC Data Sheet

["Notes to Client" shown in brackets throughout the text are provided for guidance to prepare the Data Sheet; they should be deleted from the final RFP to be sent to the shortlisted Consultants]

| | |
|------------------------------|---|
| ITC Clause Reference | A. General |
| <u>1 (c)</u> | <i>[Insert the country if it is other than the Client's country.]</i> |
| <u>2.1</u> | Name of the Client: _____ Method of selection: as per Applicable Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers, dated January 2011 available on www.worldbank.org/procure |

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SRFP - ITC Data Sheet

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| <u>2.2</u> | Financial Proposal to be submitted together with Technical Proposal: Yes _ No _____ The name of the assignment is: _____ |
| <u>2.3</u> | A pre-proposal conference will be held: Yes ___ or No _ <i>[If "Yes", fill in the following:]</i> Date of pre-proposal conference: _____ Time: _____ Address: _____ Telephone: _____ Facsimile: _____ E-mail: _____ Contact person/conference coordinator: <i>[insert name and title]</i> |
| <u>2.4</u> | The Client will provide the following inputs, project data, reports, etc. to facilitate the preparation of the Proposals: --- ----- <i>[list or state "N/A" if none]</i> |

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SRFP - ITC Data Sheet

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| <u>4.1</u> | <i>[If “Unfair Competitive Advantage” applies to the selection, explain how it is mitigated, including listing the reports, information, documents, etc. and indicating the sources where these can be downloaded or obtained by the shortlisted Consultants]</i> |
| <u>6.3.1</u> | A list of debarred firms and individuals is available at the Bank’s external website: www.worldbank.org/debarr |
| B. Preparation of Proposals | |
| <u>9.1</u> | This RFP has been issued in the _____ language. All correspondence exchange shall be in _____ language. |

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SRFP - ITC Data Sheet

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| <u>10.1</u> | <p>The Proposal shall comprise the following:</p> <p>For FULL TECHNICAL PROPOSAL (FTP):</p> <p>1st Inner Envelope with the Technical Proposal:</p> <p>Power of Attorney to sign the Proposal</p> <p>TECH-1</p> <p>TECH-2</p> <p>TECH-3</p> <p>TECH-4</p> <p>TECH-5</p> <p>TECH-6</p> <p>OR</p> <p>For SIMPLIFIED TECHNICAL PROPOSAL (STP):</p> <p>1st Inner Envelope with the Technical Proposal:</p> <p>Power of Attorney to sign the Proposal</p> <p>TECH-1</p> <p>TECH-4</p> <p>TECH-5</p> <p>TECH-6</p> |
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SRFP - ITC Data Sheet

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| | <p>AND</p> <p>2nd Inner Envelope with the Financial Proposal (if applicable):</p> <p>(1) FIN-1</p> <p>(2) FIN-2</p> <p>(3) FIN-3</p> <p>(4) FIN-4</p> <p>(5) Statement of Undertaking (if required under Data Sheet 10.2 below)</p> |
| <u>10.2</u> | <p>Statement of Undertaking is required</p> <p>Yes _____ or No _____</p> <p><i>[If Yes, make sure to include paragraph (e) in Form TECH-1]</i></p> |
| <u>11.1</u> | <p>Participation of Sub-consultants, Key Experts and Non-Key Experts in more than one Proposal is permissible</p> <p>Yes _____ or No _____</p> |

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SRFP - ITC Data Sheet

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| <u>12.1</u> | <p>Proposals must remain valid for <i>[insert a number: normally between 30 and 90 days]</i> calendar days after the proposal submission deadline (i.e., until: <i>[insert the date]</i>).</p> |
| <u>13.1</u> | <p>Clarifications may be requested no later than <i>[insert number]</i> days prior to the submission deadline.</p> <p>The contact information for requesting clarifications is: _____</p> <p>Facsimile: _____ E-mail: _____</p> |
| <u>14.1.1</u> | <p>Shortlisted Consultants may associate with</p> <p>(a) non-shortlisted consultant(s): Yes _____ or No _____</p> <p>Or</p> <p>(b) other shortlisted Consultants: Yes _____ or No _____</p> |

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SRFP - ITC Data Sheet

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| <p><u>14.1.2</u> (do not use for Fixed Budget method)</p> | <p><i>[If not used, state "Not applicable". If used, insert the following:</i> Estimated input of Key Experts' time-input: _____ person-months. <i>[OR]</i> Estimated total cost of the assignment: _____ <i>[Indicate only either time input (in person-month) or total cost, but not both!]</i></p> |
| <p><u>14.1.3</u> for time-based contracts only</p> | <p><i>[If not used, state "Not applicable". If used, insert the following:</i> The Consultant's Proposal must include the <u>minimum</u> Key Experts' time-input of _____ person-months. For the evaluation and comparison of Proposals only: if a Proposal includes less than the required minimum time-input, the missing time-input (expressed in person-month) is calculated as follows:</p> |

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SRFP - ITC Data Sheet

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| | <p>The missing time-input is multiplied by the highest remuneration rate for a Key Expert in the Consultant's Proposal and added to the total remuneration amount. Proposals that quoted higher than the required minimum of time-input will not be adjusted.]</p> |
| <p><u>14.1.4 & 27.2</u> use for Fixed Budget method</p> | <p>The total available budget for this Fixed-Budget assignment is: _____ (inclusive or exclusive of taxes). Proposals exceeding the total available budget will be rejected. <i>[If inclusive, indicate tax estimates separately]</i></p> |
| <p><u>15.2</u></p> | <p>The format of the Technical Proposal to be submitted is: FTP _____ or STP _____ <i>[check the applicable format]</i> Submission of the Technical Proposal in a wrong format may lead to the Proposal being deemed non-responsive to the RFP requirements.</p> |

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SRFP - ITC Data Sheet

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| <u>16.1</u> | <p><i>[A <u>sample</u> list is provided below for guidance. Items that are not applicable should be deleted, others may be added. If the Client wants to set up maximum ceilings for unit rates of certain type of expenses, such ceilings should be indicated in the FIN forms:</i></p> |
| <u>16.2</u> | <p>A price adjustment provision applies to remuneration rates: Yes _____ or No _____</p> <p><i>[Applies to all Time-Based contracts with a duration exceeding 18 months. In exceptional circumstances, can also apply to Lump-Sum contracts assignments longer than 18 months in duration with prior agreement with the Bank.]</i></p> <p><i>[If “Yes”, specify whether it applies to foreign and/or local inflation]</i></p> |

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SRFP - ITC Data Sheet

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| <u>16.3</u> | <p>[If the Client has obtained a tax exemption applicable to the Contract, insert “The Client has obtained an exemption for the Consultant from payment of _____ [insert the tax description. E.g., VAT, or local indirect taxes, etc.] in the Client’s country as per [insert reference to the applicable official source that issued an exemption].</p> <p><i>[If there is no tax exemption in the Client’s country, insert the following:</i></p> <p>“Information on the Consultant’s tax obligations in the Client’s country can be found [insert reference to the appropriate official source]. “</p> |
| <u>16.4</u> | <p>The Financial Proposal shall be stated in the following currencies:</p> <p>Consultant may express the price for their Services in any fully convertible currency, singly or in combination of up to three foreign currencies.</p> <p>The Financial Proposal should state local costs in the Client’s country currency (local currency): Yes _____ or No _____</p> |

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SRFP - ITC Data Sheet

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| | C. Submission, Opening and Evaluation |
| <u>17.1</u> | The Consultants <i>[insert "shall" or "shall not"]</i> have the option of submitting their Proposals electronically. <i>[If "Yes", insert: The electronic submission procedures shall be: <i>[describe the submission procedure.]</i></i> |
| <u>17.4</u> | The Consultant must submit: (a) Technical Proposal: one (1) original and <input type="text"/> <i>[insert number]</i> copies; (b) Financial Proposal: one (1) original. |
| <u>17.7 & 17.9</u> | The Proposals must be submitted no later than: Date: <input type="text"/> day/month/year <i>[for example, 15 January 2011]</i> Time: <input type="text"/> <i>[insert time in 24h format, e.g. "16:00 local time"]</i> The Proposal submission address is: <input type="text"/> |

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SRFP - ITC Data Sheet

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| <u>19.1</u> | An online option of the opening of the Technical Proposals is offered: Yes <input type="checkbox"/> or No <input type="checkbox"/> <i>[If yes, insert "The online opening procedure shall be: <i>[describe the procedure for online opening of Technical Proposals.]</i></i> The opening shall take place at: <i>[Insert: "same as the Proposal submission address" OR insert and fill in the following:</i> Street Address: <input type="text"/> Floor, room number <input type="text"/> City: <input type="text"/> Country: <input type="text"/> Date: same as the submission deadline indicated in 17.7. Time: <i>[insert time in 24h format, for example –"16:00 local time"]</i> <i>[The time should be immediately after the time for the submission deadline stated in 17.7]</i> |
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SRFP - ITC Data Sheet

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| <u>19.2</u> | In addition, the following information will be read aloud at the opening of the Technical Proposals [insert "N/A" or state what additional information will be read out and recorded in the opening minutes] |
| <u>21.1</u> (for FTP) | <p>Criteria, sub-criteria, and point system for the evaluation of the Full Technical Proposals:</p> <p><u>Points</u></p> <p>(i) Specific experience of the Consultant (as a firm) relevant to the Assignment: [0 - 10]</p> <p>(ii) Adequacy and quality of the proposed methodology, and work plan in responding to the Terms of Reference (TORs): [20 - 50]</p> <p><i>{Notes to Consultant: the Client will assess whether the proposed methodology is clear, responds to the TORs, work plan is realistic and implementable; overall team composition is balanced and has an appropriate skills mix; and work plan has right input of Experts}</i></p> |

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SRFP - ITC Data Sheet

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| | <p>(iii) Key Experts' qualifications and competence for the Assignment:</p> <p><i>{Notes to Consultant: each position number corresponds to the same for the Key Experts in Form TECH-6 to be prepared by the Consultant}</i></p> <p>a) Position K-1: [Team Leader] [Insert points]</p> <p>b) Position K-2: [Insert position title] [Insert points]</p> <p>c) Position K-3: [Insert position title] [Insert points]</p> <p style="text-align: center;">Total points for criterion (iii): [30 - 60]</p> <p>The number of points to be assigned to each of the above positions shall be determined considering the following three sub-criteria and relevant percentage weights:</p> <p>1) General qualifications (general education, training, and experience): _____ [insert weight between 10 and 20 %]</p> |
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SRFP - ITC Data Sheet

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| | <p>2) Adequacy for the Assignment (relevant education, training, experience in the sector/similar assignments): _____ <i>[insert weight between 60 and 80%]</i></p> <p>3) <i>[If relevant to the task, add the 3d sub-criterion: Relevant experience in the region (working level fluency in local language(s)/knowledge of local culture or administrative system, government organization, etc.):</i> <i>[insert weight between 0 and 10 %]</i></p> <p style="text-align: right;">Total weight: 100%</p> <p>(iv) Transfer of knowledge (training) program (relevance of approach and methodology): <i>[normally, not to exceed 10 points]</i></p> <p style="text-align: right;">Total points for criterion (iv): <i>[0 – 10]</i></p> |
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SRFP - ITC Data Sheet

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| | <p>(v) Participation by nationals among proposed Key Experts <i>[0 – 10]</i> <i>[not to exceed 10 points] [Sub-criteria shall not be provided. Calculated as a ratio of the national Key Experts' time-input (in person-months) to the total number of Key Experts' time-input (in person-months) in the Consultant's Technical Proposal]</i></p> <p style="text-align: right;">Total points for the five criteria: 100</p> <p>-----</p> <p>The minimum technical score (St) required to pass is: <i>[insert number]</i> <i>[The indicative range is 70 to 85 on a scale of 1 to 100]</i></p> |
| 21.1 [for STP] | GIVEN IN THE SRFP DETAILS NOT SHOWN IN THE SLIDE |

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SRFP - ITC Data Sheet

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| <u>23.1</u> | <p>An online option of the opening of the Financial Proposals is offered: Yes ____ or No ____.</p> <p><i>[If yes, insert "The online opening procedure shall be: [describe the procedure for online opening of Financial Proposals.]</i></p> |
| <u>25.1</u> | <p>For the purpose of the evaluation, the Client will exclude: (a) all local identifiable indirect taxes such as sales tax, excise tax, VAT, or similar taxes levied on the contract's invoices; and (b) all additional local indirect tax on the remuneration of services rendered by non-resident experts in the Client's country. If a Contract is awarded, at Contract negotiations, all such taxes will be discussed, finalized (using the itemized list as a guidance but not limiting to it) and added to the Contract amount as a separate line, also indicating which taxes shall be paid by the Consultant and which taxes are withheld and paid by the Client on behalf of the Consultant.</p> |

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SRFP - ITC Data Sheet

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| <u>26.1</u> | <p>The single currency for the conversion of all prices expressed in various currencies into a single one is: <i>[indicate local currency or fully convertible foreign currency]</i></p> <p>The official source of the selling (exchange) rate is: ____</p> <p>The date of the exchange rate is: _ <i>[The date shall not be earlier than four (4) weeks prior to the deadline for submission of proposals and no later than the date of the original validity of Proposals.]</i></p> |
| <u>27.1</u> (QCBS only) | <p>The lowest evaluated Financial Proposal (Fm) is given the maximum financial score (Sf) of 100.</p> <p>The formula for determining the financial scores (Sf) of all other Proposals is calculated as following: Sf = 100 x Fm/ F, in which "Sf" is the financial score, "Fm" is the lowest price, and "F" the price of the proposal under consideration.</p> |

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SRFP - ITC Data Sheet

[or replace with another inversely proportional formula acceptable to the Bank]

The weights given to the Technical (T) and Financial (P) Proposals are:

T = _____ *[Insert weight], and*

P = _____ *[Insert weight]*

Proposals are ranked according to their combined technical (St) and financial (Sf) scores using the weights:

(T = the weight given to the Technical Proposal;

P = the weight given to the Financial Proposal;

T + P = 1)

as following: $S = St \times T\% + Sf \times P\%$.

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SRFP - ITC Data Sheet

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|--------------------|---|
| | D. Negotiations and Award |
| <u>28.1</u> | Expected date and address for contract negotiations: Date: _____ day/month/year <i>[for example, 15 January 2011]</i> Address: _____ |
| <u>30.1</u> | The publication of the contract award information following the completion of the contract negotiations and contract signing will be done as following: _____ <i>[insert the website(s) address where the information will be published.]</i> The publication will be done within <i>[insert number of]</i> days after the contract signing. |
| <u>30.2</u> | Expected date for the commencement of the Services: Date: _____ <i>[insert month and year]</i> at: _____ <i>[insert location]</i> |

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Standard Request for Proposals

Section 3. Technical Proposal – Standard Forms

Section 4. Financial Proposal - Standard Forms

Appendix A. Financial Negotiations - Breakdown of Remuneration Rates

Section 5. Eligible Countries

Section 6. Bank Policy – Corrupt and Fraudulent Practices (this Section 6 shall not be modified)

Section 7. Terms of Reference : Sample outline is given below:

1. *Background*
2. *Objective(s) of the Assignment*
3. *Scope of Services, Tasks (Components) and Expected Deliverables*
4. *Team Composition & Qualification Requirements for the Key Experts*
5. *Reporting Requirements and Time Schedule for Deliverables*
6. *Client's Input and Counterpart Personnel*

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Standard Request for Proposals

Section 8. Conditions of Contract and Contract Forms

Time-Based Contract. Appropriate when it is difficult to define or fix the scope and the duration of the services.

Consultant's remuneration is determined on the basis of the time actually spent in carrying out the Services and is based on:

- (i) agreed upon unit rates and
- (ii) reimbursable expenses using actual expenses and/or agreed unit prices.

Lump-Sum Contract. This type of contract is used when the scope and the duration of the Services and the required output of the Consultant are clearly defined.

Payments are linked to outputs (deliverables).

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Standard Request for Proposals

Section 8: The two types of contract are governed by:

I. General Conditions of Contract - for Time-Based Contracts

Attachment 1: Bank's Policy – Corrupt and Fraudulent Practices

Special Conditions of Contract & Appendices

OR

II. General Conditions of Contract - for Lump-Sum Contracts

Attachment 1: Bank's Policy – Corrupt and Fraudulent Practices

Special Conditions of Contract & Appendices

GCC and Attachment 1 are to be used without modifying them. Special Conditions of Contract contain clauses specific to each Contract which supplement the General Conditions.

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Standard Request for Proposals

Some of the **important Special Conditions** of Contract for one type of contract, namely **Lump-Sum Contract** are presented here.

23. Liability of the Consultant

SCC Provision in the SBD:

No additional provisions.

[OR The following limitation of the Consultant's Liability towards the Client can be subject to the Contract's negotiations:

"Limitation of the Consultant's Liability towards the Client:

- (a) Except in the case of gross negligence or willful misconduct on the part of the Consultant or on the part of any person or a firm acting on behalf of the Consultant in carrying out the Services, the Consultant, with respect to damage caused by the Consultant to the Client's property, shall not be liable to the Client:

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Standard Request for Proposals

Important Special Conditions of Contract - continued

- (i) for any indirect or consequential loss or damage; and
 - (ii) for any direct loss or damage that exceeds *[insert a multiplier, e.g.: one, two, three]* times the total value of the Contract;
- (b) This limitation of liability shall not
 - (i) affect the Consultant's liability, if any, for damage to Third Parties caused by the Consultant or any person or firm acting on behalf of the Consultant in carrying out the Services;
 - (ii) be construed as providing the Consultant with any limitation or exclusion from liability which is prohibited by the *[insert "Applicable Law", if it is the law of the Client's country]*.

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Standard Request for Proposals

Important Special Conditions of Contract - continued

24. Insurance to be taken out by the Consultant

SCC provision: The insurance coverage against the risks shall be as follows:

[Delete what is not applicable except (a)].

- (a) **Professional liability insurance, with a minimum coverage of _____***[insert amount and currency which should be not less than the total ceiling amount of the Contract];*
- (b) Third Party motor vehicle liability insurance in respect of motor vehicles operated in the Client's country by the Consultant or its Experts or Sub-consultants, with a minimum coverage of *[insert amount and currency or state "in accordance with the applicable law in the Client's country"];*

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Standard Request for Proposals

Important Special Conditions of Contract - continued

- (c) Third Party liability insurance, with a minimum coverage of *[insert amount and currency or state "in accordance with the applicable law in the Client's country"]*;
- (d) employer's liability and workers' compensation insurance in respect of the experts and Sub-consultants in accordance with the relevant provisions of the applicable law in the Client's country, as well as, with respect to such Experts, any such life, health, accident, travel or other insurance as may be appropriate; and
- (e) insurance against loss of or damage to (i) equipment purchased in whole or in part with funds provided under this Contract, (ii) the Consultant's property used in the performance of the Services, and (iii) any documents prepared by the Consultant in the performance of the Services.

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Standard Request for Proposals

Important Special Conditions of Contract - continued

38. Contract price

SCC provision: The Contract price is: _____
[insert amount and currency for each currency as applicable]
[indicate: inclusive or exclusive] of local indirect taxes.

Any indirect local taxes chargeable in respect of this Contract for the Services provided by the Consultant shall *[insert as appropriate: "be paid" or "reimbursed"]* by the Client *[insert as appropriate: "for" or "to"]* the Consultant.

The amount of such taxes is _____ *[insert the amount as finalized at the Contract's negotiations on the basis of the estimates provided by the Consultant in Form FIN-2 of the Consultant's Financial Proposal.]*

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Standard Request for Proposals

Important Special Conditions of Contract - continued

41. Mode of Billing and Payment

SCC provision: The payment schedule:

[Payment of installments shall be linked to the deliverables specified in the Terms of Reference in Appendix A]

1st payment: *[insert the amount of the installment, percentage of the total Contract price, and the currency. If the first payment is an advance payment, it shall be made against the bank guarantee for the same amount.]*

2nd payment: _____

Add all installments: 3rd, 4th, 5th etc. -----

Final payment: _____

[Total sum of all installments shall not exceed the Contract price set up in SCC38.1.]

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Standard Request for Proposals

Important Special Conditions of Contract - continued

42. Interest on Delayed Payments

SCC provision: The interest rate is: *[insert rate].*

[This interest rate will be applicable if the Client delays payments beyond 15 days after the due date stated in GCC 41.2.2, namely 60 days from the receipt of the deliverable and the Invoice.]

45. Dispute Resolution

SCC provision in SBD:

[In contracts with foreign consultants, the Bank requires that the international commercial arbitration in a neutral venue is used.]

Disputes shall be settled by arbitration in accordance with the following provisions:

1. Selection of Arbitrators. Each dispute submitted by a Party to arbitration shall be heard by a sole arbitrator or an arbitration panel composed of three (3) arbitrators, in accordance with the following provisions:

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Standard Request for Proposals

Important Special Conditions of Contract - continued

(a) Where the Parties agree that the dispute concerns a technical matter, they may agree to appoint a sole arbitrator or, failing agreement on the identity of such sole arbitrator within thirty (30) days after receipt by the other Party of the proposal of a name for such an appointment by the Party who initiated the proceedings, either Party may apply to *[name an appropriate international professional body, e.g., the Federation Internationale des Ingenieurs-Conseil (FIDIC) of Lausanne, Switzerland]* for a list of not fewer than five (5) nominees and, on receipt of such list, the Parties shall alternately strike names therefrom, and the last remaining nominee on the list shall be the sole arbitrator for the matter in dispute. If the last remaining nominee has not been determined in this manner within sixty (60) days of the date of the list, *[insert the name of the same professional body as above]* shall appoint, upon the request of either Party and from such list or otherwise, a sole arbitrator for the matter in dispute.

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Standard Request for Proposals

Important Special Conditions of Contract - continued

(b) Where the Parties do not agree that the dispute concerns a technical matter, the Client and the Consultant shall each appoint one (1) arbitrator, and these two arbitrators shall jointly appoint a third arbitrator, who shall chair the arbitration panel. If the arbitrators named by the Parties do not succeed in appointing a third arbitrator within thirty (30) days after the latter of the two (2) arbitrators named by the Parties has been appointed, the third arbitrator shall, at the request of either Party, be appointed by *[name an appropriate international appointing authority, e.g., the Secretary General of the Permanent Court of Arbitration, The Hague; the Secretary General of the International Centre for Settlement of Investment Disputes, Washington, D.C.; the International Chamber of Commerce, Paris; etc.]*.

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Standard Request for Proposals

Important Special Conditions of Contract - continued

- (c) If, in a dispute subject to paragraph (b) above, one Party fails to appoint its arbitrator within thirty (30) days after the other Party has appointed its arbitrator, the Party which has named an arbitrator may apply to the *[name the same appointing authority as in said paragraph (b)]* to appoint a sole arbitrator for the matter in dispute, and the arbitrator appointed pursuant to such application shall be the sole arbitrator for that dispute.
2. Rules of Procedure. Except as otherwise stated herein, arbitration proceedings shall be conducted in accordance with the rules of procedure for arbitration of the United Nations Commission on International Trade Law (UNCITRAL) as in force on the date of this Contract.

APPENDICES:

Appendix A- Terms of Reference (as finally agreed during negotiations)

Appendix B - Key Experts

Appendix C - Breakdown of Contract Price

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