



Dakar, December 18, 2020

### **LEVEL 1 AUTHORITY DECISION**

## **Selection of a Consultant for Design Services, Preparation of Bidding Documents and Works Supervision for the Transport Project**

**Réf. : UFC-MCA2/2019/CIF/QCBS/NE08/F08**

### **REVIEW OF THE FACTS**

On May 27, 2020, MCA Senegal launched a procurement process for the selection of a Consultant for the design services, preparation of tender documents, and works supervision of the Transport Project ("Transport Consultant").

Following the combined evaluation of the proposals received, MCA-Senegal II, through its Procurement Agent notified its intention to award the Transport Consultant Contract to the SOFRECO/RTE International consortium.

As allowed by the Interim Bid Challenge System, AECOM Consultants Inc. ("AECOM") requested a debrief on November 18, 2020, to which MCA-Senegal II responded on November 20, 2020. AECOM subsequently filed a Protest to the above-mentioned bidding process on November 27, 2020. In accordance with the Interim Bid Challenge in force, a Notice of Filing of a challenge was duly issued.

### **DISCUSSION**

In response to the challenge of the methodology for price-reasonableness analysis, we have taken note of the World Bank's Guidance on the subject, which the challenger has kindly reminded us of. In our turn, we reiterate that MCA Senegal II's procurement actions are governed by MCC's Program Procurement Guidelines ("PPG"). The price-reasonableness analysis was conducted in accordance with clause 24.11 of the Request for Proposals and provisions P1.B.1.23 of the PPG.

Following the analysis, we consider that the price proposed by the SOFRECO/RTE International consortium does not present any risk of compromising the proper implementation of the mission and that it is reasonable.

**1. For criterion 1.1 the references presented do not cover the 4 components of the Transportation Project (submarine cables, underground cables, GIS substation, AIS substations)**

At the level of sub-criterion 1.1, it requires "*Two or more references in the execution of projects of similar nature and complexity, within the last seven years*". The term "similar" refers explicitly to all criteria indicated in the project description in the specifications. Indeed, the description of the project and its components are explicitly presented in detail in section 3.0 (specifically 3.1 and 3.2) and in Appendix 1 of the ToR. Analysis of the information provided in the TECH 4 form of AECOM's proposal shows that the references presented under criterion 1.1 do not cover the 4 components of the Transport Project (submarine cables, underground cables, GIS substation, AIS substations). In addition, all applicants had the opportunity to request clarifications in case of uncertainty. The evaluation process applied was the same for all the technical proposals of the bidders. As a result, we find that all four components of the project were indeed identified in the RFP and therefore that the challenger's proposal does not meet all the requirements of Qualification Criterion 1.1 of the RFP.

Obviously, at this stage of the procurement process, the new elements introduced in the challenge letter in relation to the SORICA and SAPEI projects are not eligible for evaluation.

**2. Draft Quality Control Plan (QCP) defect**

Rather, the paragraph referred to in the challenger's bid (TECH3, page 9) presents the quality policy of his firm in a general manner (and not specific to the MCA Senegal II project) as a consultant in program and environmental management, and this is not the subject of the application required by Qualification Criterion 2 of Section III of the RFP, which is worded as follows: "*Criterion 2.1: Proposed Methodology: The Consultant shall propose a clear and relevant methodological approach covering all aspects of the assignment. The Consultant shall demonstrate a good understanding of the assignment, how he/she will successfully perform the required tasks, deliverables on time and with the required quality. He must also provide a draft Quality Control Plan*".

Indeed, nowhere in AECOM's proposal is a draft QCP as required by the specifications. Furthermore, the said proposal does not provide any information on the structure or format of the QCP, with relevant indications on the various parts that will be developed during the elaboration of the related deliverable to ensure the quality of the services required from the design consultant in the context of his mission.

The table presented in the proposal to TECH6/section 2.3 simply repeats the table of deliverables in the RFP, which specifies, among other things, the schedule for submission of the QCP.

AECOM's proposal does not meet the requirements for the draft QCP.

**3. The methodology does not describe in detail the land and marine investigations.**

Under this head of claim, AECOM acknowledges that the requirements for the fieldwork, as set forth in Annexes 2 and 3 of the RFP, were clear and precise and that in this context, AECOM, in coordination with the subcontractors of the underwater and land-based investigation programs, developed a specific detailed work plan (methodology, schedule and budget) to carry out the investigations as set forth in Annexes 2 and 3 of the RFP. The proposed methodology is

given in TECH 6 in the description of the various tasks (Task 1/ activity 1300, Task 4/ activity 4120, Task 5/ activities 5120 and 5130).

Contrary to this assertion, it appears from AECOM's proposal that the methodology proposed in the TECH-6 form does not bring any new elements in relation to the requirements related to land and maritime investigations of the RFP. Indeed, the proposal does not present the experience, resources, and methodology proposed by the subcontractors (IRAF, GEOTEC Africa, TTSM, PRESTIGE S.A) that AECOM plans to use to carry out the required investigations.

In addition, in accordance with RFP/Section III/Qualification Table/Sub-factor 3.5.4.2, the general and specific experience of the subcontractors should be indicated in Form TECH-4. AECOM's proposal provides these required elements only for the CESI subcontractor.

AECOM's proposal does not meet the requirements for additional investigations.

#### **4. The Project Director is not based in Senegal during the base period**

AECOM refers to the arrangements made to ensure the continued presence of the Head of Mission and the support provided by a complementary expert until the end of Options A and B as sufficient to satisfy this criterion.

However, according to the requirements of the RFP, in particular Article 7.1, "*... the Project Director must be based in Senegal...*". This provision was also recalled by MCA Senegal II in the Questions and Answers Bulletin No. 1 (lines 4, 28, 39, 40, 53), sent to all candidates on July 10, 2020.

In Section 3.2 of Form TECH 6 of the AECOM proposal, it is mentioned that "*a head of mission will be permanently based in Dakar throughout Phase I. His/her role will be to (i) assist the Project Director in all his/her daily tasks ....* »

However, the proposed expert does not act as project manager as required by the ToR. The role of the proposed expert in supporting the project manager is not a substitute for the expectations explicitly stated in the ToR for the primary role of an on-site project manager. Moreover, it is clearly stated in its proposal that the project manager is present only 14.79% of the time on site (Dakar) during the base period: this constitutes substantial non-compliance with the requirement of this criterion.

AECOM's proposal does not meet the requirements for the mobilization of the Project Director.

#### **5. For the construction phase, the staffing does not cover the entire required 46-month period.**

On this point, AECOM clarifies its understanding that the 46-month period referred to in Article 10.1 of the RFP includes a 12-month guarantee period, during which the personnel adjustments it has foreseen are justified.

In response, it should be recalled that Article 10.1 of the RFP states that: "*The services to be provided under this contract are intended to be performed over a total period of 64 calendar months, including Option A. This includes approximately 18 months in the base period (design, ESIS and RAP preparation) and 46 months during construction. The Consultant may propose adjustments to the schedule and schedule of deliverables, provided that any alternative schedule meets the requirements of ACM-Senegal II.*"

At no point in the RFP is it specified that the 46 months of construction include a 12-month warranty. This is an assumption considered in his proposal that minimizes staffing.

Additionally, in the Q&A No. 1 bulletin sent to all applicants on line 106, MCA SEN II indicated that "the warranty period (or defect notification period) will be 12 months from the commissioning of the works". In line 135 of the same document, it is specified that: "*The compact lasts 5 years to the day, starting from its entry into force. MCA Senegal II will no longer exist at the end of the program. If a guarantee period goes beyond the end of the compact, the responsibilities of MCA Senegal II will then be transferred to another party, most likely Senelec*". All these clarifications clearly indicate that the warranty period is not included in the 46 months of estimated work. Therefore, the staffing limited to 34 months of construction does not cover the 46 months work period specified in the requirements of the specifications.

AECOM's proposal does not meet the staffing requirements.

**6. The 34-month construction period is significantly underestimated.**

See answer to point 5 above. According to the chronogram in Appendix 5 of the RFP, the base period is 18 months, and construction supervision is 46 months.

AECOM's proposal does not meet the requirements related to the duration of the work.

**7. The bulk of the key and non-key personnel under Option A are no longer based at the head office.**

In the staffing plan for Option A of AECOM's proposal, 64% of key experts (9 of 14) have headquarters staffing. In addition, 43% (6 out of 14) have a headquarters-based staff complement of more than half of the overall complement:

- Project Director: 86% head office
- Civil engineer: 58% head office
- Underground cable engineer: 91% head office
- Submarine cable engineer: 88% head office
- Environmental Specialist: 56% head office

This disproportionate staffing of key personnel at headquarters is inconsistent and contrary to the requirements of the RFP. Indeed, Article 7.1 of the RFP specifies that in the event that the Consultant is to assume the role of Construction Phase Engineer, the Consultant's staff shall be based in Senegal in order to ensure continuous monitoring of construction contracts with contractors. Clarification on this point was also provided in Q&A No. 1 (lines 4, 39, 139).

AECOM's proposal does not meet staffing requirements.

**8. For Option B construction phase, no staffing is planned for the Head of Mission, the Construction Manager, the commissioning engineer and the inspectors. Also, the underground cable engineer and the civil engineer are only staffed at Headquarters**

We confirm that the services required under Option B are less than those required under the Base Period and Option A.

Although the related level of effort for some experts was not indicated in the staffing plan for AECOM's proposal, we did not consider this weakness to be a non-compliance during the evaluation process. This point was raised only for clarification purposes in the event of possible negotiations with AECOM.

There was no non-compliance in this area with respect to staffing.

**9. References not covering the 4 project components for the Project Manager**

Not applicable

**10. Lack of experience in Sub-Saharan Africa for the Submarine Cable Engineer**

We confirm that the references of the submarine cable engineer are essentially in accordance with the requirements requested by the specifications. However, the criterion of experience in Sub-Saharan Africa is and remains a preferential requirement as specified in the RFP and has therefore been considered as such in the evaluation of the proposals. The impact of this criterion in the overall assessment of the profile is therefore very marginal.

There was no non-compliance on this point with respect to the staff profile requirement.

**11. Inadequate Academic Qualification for Underground Cable Engineer**

The profile specifications of the underground cable engineer specify the minimum requirements in terms of qualifications, professional experience, and specific experience. For the qualification of the expert, the RFP requires an electrical engineer or equivalent. The expert proposed in AECOM's proposal is a mechanical engineer and not an electrical engineer or equivalent. We remind you that only the qualification of the proposed expert is non-compliant.

**12. Lack of experience in Sub-Saharan Africa for the Underground Cable Engineer**

See answer 10

**13. Number of references corresponding just to the minimum required for the Environmental Specialist**

We confirm that the references of the environmental specialist for similar projects are essentially in accordance with the requirements requested by the specifications.

However, the criterion of "a minimum of two similar projects in the last five years" is considered in the evaluation of proposals.

**14. Number of years of experience is just the minimum required for the Relocation Specialist.**

We confirm that the number of years of experience of the relocation specialist in the development, implementation and monitoring/evaluation of RAPs is substantially in line with the requirements of the specifications. However, a minimum of 15 years is considered in the evaluation of the proposals.

**15. Insufficient number of references, over the last 10 years, in the management and supervision of energy construction works of similar size and complexity for the Head of Mission**

According to the RFP, "*the Head of Mission should have acquired, over the past ten years, specific experience in managing and supervising the construction of at least three power projects of similar size and complexity, preferably in Sub-Saharan Africa*".

Following the evaluation of the CV of the proposed Head of Mission, we clearly identify only two references in the management and supervision of power construction projects of similar size and complexity over the last ten years (projects A and C).

AECOM's proposal does not meet the minimum requirements of similar experience for this profile.

#### **16. References not covering the 4 components of the project for the Head of Mission**

The references indicated in the profile of the mission leader proposed in Form TECH 11 of AECOM's proposal do not cover all four components of the project.

Indeed, of the two references identified in the proposed profile:

- One reference only covers the construction of 400 kV lines and substations (project C).
- The other reference covers the construction of 63 kV cables, the extension of 161/63/15 kV AIS substations and the construction of 63/15 kV GIS substations (project A).

Therefore, we clearly note that the experience of the proposed expert does not cover the four components of the transport project (submarine cables, underground cables, GIS substation, AIS substations).

AECOM's proposal does not meet the minimum experience requirements for this profile.

#### **17. References not covering the 4 components of the project for the Construction Manager**

The references provided in the Construction Manager Profile proposed in Form TECH 11 of AECOM's Proposal do not cover all four components of the project.

Indeed, of the three references identified in the proposed profile:

- The first reference only covers the construction of 225 kV lines and substations (project A).
- The second reference covers only the construction of 220 kV lines and substations (project B).
- The third reference covers only the construction of 230 kV lines and substations (project D).

Therefore, we clearly note that the experience of the proposed expert does not cover the four components of the transport project (submarine cables, underground cables, GIS substation, AIS substations).

AECOM's proposal does not meet the minimum experience requirements for this profile.

#### **18. Insufficient number of years of experience in carrying out similar projects for the Civil Engineer**

According to the RFP, Section 6.2.1 Key Personnel, Civil Engineer, it is stated that: "*The Civil Engineer must hold a degree in civil engineering or equivalent and have 10 years of international experience in similar projects. The experience must be relevant to the field of high voltage substations (225 kV and above), and cover all aspects related to the design and construction of substation foundations, buildings and structures....*".

However, the missions deemed relevant in the field of high voltage substations in the CV of the proposed expert will only start in 2011. Not all previous experience meets the requirements of the qualification criterion.

AECOM's proposal does not meet the minimum requirements for this profile in terms of years of experience.

**19. Lack of references, within the last 5 years, in the design and construction of foundations, buildings and structures of high voltage substations over 225 kV for Civil Engineer**

The CV of the proposed expert does not mention, during the last 5 years, any reference in the design and construction of foundations, buildings and structures of high voltage substations over 225 kV.

AECOM's proposal does not meet the minimum experience requirements for this profile.

**20. Lack of experience in Sub-Saharan Africa for the Underground Cable Engineer**

See answer 10

**21. Insufficient number of years of experience in the execution of similar projects for the Subsea Cable Specialist Engineer**

Indeed, according to the RFP, Section 6.2.1 Key Personnel, Submarine Cable Engineer, it is stated that: "The Submarine Cable Engineer shall be an electrical engineer or equivalent with 10 years of international experience in the execution of similar projects. The experience must be relevant to the field of cables with an electrical voltage of 225 kV and more, and cover all aspects related to the design and installation of submarine cables...".

However, the missions deemed relevant in the field of high voltage substations in the CV of the proposed expert will only start in 2011.

The challenger's proposal does not meet the minimum requirements for this profile in terms of years of experience.

**22. Lack of references on GIS positions for the Commissioning Engineer Positions**

According to the RFP "The Commissioning Engineer will be an electrical engineer or equivalent with 10 years of international experience in similar projects. The experience should be relevant to high voltage AIS and GIS installations (225 kV and above) and cover all aspects of testing and commissioning of the installations...".

The proposed expert's credentials do not meet the relevant experience requirements for HIM positions.

Proposing support staff cannot be considered to address the key expert's weaknesses in the evaluation process. In addition, the CVs of non-key personnel are not scored as part of the evaluation process.

The challenger's proposal does not meet the minimum experience requirements for this profile.

**23. Number of references is just the minimum required for the Environmental Specialist.**

See answer 13

**24. Insufficient number of years of experience in the supervision of high voltage substation work for the first Substation Electrical Inspector.**

Indeed, according to the RFP, Section 6.2.1 Key Personnel, Switchgear Inspector positions, it is indicated that: "*Both Switchgear Inspectors positions will require an electrical technician diploma*".

or equivalent, and 10 years' experience as a supervisor of high voltage AIS and GIS (225 kV and above) substation work ...". However, the first mission deemed relevant for this inspector was in 2013.

AECOM's proposal does not meet the minimum requirements for this profile in terms of years of experience.

**25. Lack of references on GIS positions for the first Electrical Apparatus Inspector positions**

Not applicable.

**26. Lack of references on the GIS stations for the second Inspector of electrical equipment stations.**

Not applicable.

**27. Lack of references in supervision of medium voltage underground cable work for the Underground Cable Inspector**

According to the RFP, "*The two Underground Cable Inspectors will require a diploma in electrical engineering, civil or other relevant training, and 10 years' experience as a supervisor of high voltage (225 kV and over) and medium voltage cable work...*".

Evaluation of the Underground Cable Inspector's CV shows that it does not mention any experience in supervising medium-voltage underground cable work.

The challenger's proposal does not meet the requirements of the profile on this point. Also, at this stage of the procurement process, the new elements introduced in the letter of protest with respect to the 33, 90 and 132 kV transmission and distribution lines are not admissible.

**28. Lack of experience in Sub-Saharan Africa for the Submarine Cable Inspector**

See answer 10

**29. Lack of references in supervision of underground cable tunnel works for the two Civil Inspectors positions**

We confirm that the references of the two civil inspectors are essentially in conformity with the requirements requested by the specifications. However, the criterion of experience in Sub-Saharan Africa and/or in the supervision of underground cable tunnel works is and remains a preferred requirement as specified in the RFP, and has therefore been taken into account as such in the evaluation of the proposals. The impact of this criterion in the overall assessment of the profile is therefore very marginal.

There was no non-compliance on this point with respect to the staff profile requirement.

**DECISION**

For all these motives, we have determined that the scoring under this procurement process was neither arbitrary nor capricious. This challenge is therefore dismissed.

If the Protestor is dissatisfied with this decision, it may seek a review by filing an appeal within five (05) business days of this decision.



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