

Annex 1 : Terms of Reference (TOR)

For

Consulting Services for the preparation of Free, Prior, Informed Consultation (FPICon) process

Introduction

1. Nepal Electricity Authority ("NEA" or the "Developer"), the largest corporate body fully owned by the Government of Nepal and responsible for electric power planning, construction, generation, transmission and distribution in the country, is implementing the Tamakoshi-V 99.8 MW hydropower project (the "Project"). The ESIA of the proposed project was prepared and got approval from the Ministry of Population and Environment (MoPE) in May 2016. An update of the ESIA is under preparation.
2. The Ministry of Finance under the Government of Nepal has requested the Asian Infrastructure Investment Bank (the "AIIB") to consider financing the Project.
3. Based on a site visit and a review of the Project documentation, the AIIB has identified three work streams to be undertaken to ensure the Project meets the requirements of the Environmental and Social Policy (ESP) of the AIIB. These are:
 - Supplemental Environmental and Social (E&S) Documentation (SESD)
 - Biodiversity Action Planning
 - Free, Prior and Informed Consultation (FPICon) Process for Indigenous Peoples
4. Above two consulting services (SESD and BAP) are in the final stage of Contract agreement with Hagler Bailly Pakistan Pvt. Ltd after completion of EoI and RFP evaluation process. However, given the inter-linkages, the three workstreams will be expected to coordinate closely when necessary.
5. The present terms of reference describe the scope of the FPICon process¹ to be undertaken by a qualified consulting firm (the "Consultant") before the AIIB can submit the Project to its Board approval.
6. The consulting firm is expected to have a knowledge and experience in the design and implementation of FPICon process in line with AIIB requirements. It is also expected to have working on development projects with the public and private sectors. Apart from it, should have knowledge of and work experience with international and national Indigenous Peoples' policies and/or the social and environmental standards of the multilateral development banks. Working experience of the consulting firm with

¹According to AIIB's Environmental and Social Framework (ESF), for the purpose of this ESP and ESS 3, FPICon is established as follows: (a) the scope of FPICon applies to Project design, implementation arrangements and expected out-comes related to risks to, and impacts on, the affected Indigenous Peoples; (b) FPICon builds on the process of meaningful consultation and requires good faith negotiation between the Client and these affected Indigenous Peoples; (c) the Client documents: (i) the mutually accepted process of consultation between the Client and these Indigenous Peoples; and (ii) evidence of broad community support of these Indigenous Peoples on the outcome of the negotiations; and (d) FPICon does not require unanimity and may be achieved even when individuals or groups within or among these affected Indigenous Peoples explicitly disagree with support for the Project. When the Bank is unable to ascertain that such broad community support has been obtained from the affected Indigenous Peoples, it excludes from the Project those activities that would affect those Indigenous Peoples. In such cases, the Bank requires the Client to ensure that the Project, as redesigned, will not have adverse impacts on such Indigenous Peoples. If the laws of the country in which the Project is located mandate free, prior and informed consent (FPIC), the Bank may, in accordance with paragraph 9 of this ESP, and provided that in its view, such application is consistent with the requirements of FPICon as set out in paragraphs 60 and 61 in ESF, determine that the Client is required to apply FPIC as defined in those laws.



representative organization of Indigenous Peoples and/or federations of IPs with mandate, role and responsibility to work on IP issues is preferred. It should have a track record of working on such IP issues in a gender and inter-generationally inclusive manner.

Project description

7. The Project is located in Dolakha District and covers seven villages (or Village Development Committees (VDCs)). These are Lamabagar, Orang, Bulung, Laduk, Khare, Suri and Gaurishankar. Based on interviews with affected people throughout the Project Area of Influence, a recent mission by AIIB indicated that people are aware of the project and have a positive impression of the benefits the project will bring to the communities. The project area is accessible from Kathmandu and Charikot to the interconnection point (Tailrace of UTHEP) by car.
8. The Project is conceptualized to be developed in tandem with Upper Tamakoshi HEP ("UTHEP"). It has an installed capacity of 99.8MW generated through a gross head of 173.45 m and a design discharge of 66 m³/s using tailrace water of UTHEP. Its estimated construction period is four years. The estimated number of required unskilled, semi-skilled and skilled human resource is 800 persons for construction of the project.
9. The Project will operate in peak production mode (94.8MW or 66m³/s during 6 hours per day and 5 MW or 3.4 m³/s the rest of the time, during the dry season).

Environmental and Social Assessment

10. The Project was initially assessed in accordance with Government of Nepal requirements in the "Regulatory" Environmental Impact Assessment (EIA) prepared by NEA. The fieldwork was conducted in August-September 2014, and additional field work was conducted by the team of experts in June 2015 to assess the field situation after the earthquake and document changes. From 2013 onward, Lahmeyer International, together with a local consulting firm, was hired to prepare social assessment documents as part of the Detailed Engineering Design and Tender package. These documents include Social Impact Assessment (SIA), Resettlement Action Plan (RAP), Affected Areas Development Plan (AADP), Vulnerable Communities Development Plan (VCDP), and Environmental Management Action Plan (EMAP).
11. During the recent mission, AIIB's social specialist interviewed 25 people throughout the Project Area of Influence, and the majority identified themselves as Tamang, a nationally recognized Indigenous Peoples (IP) group.
12. Ultimately, nine different ethnic groups participated in Participatory Rural Appraisals (PRA) during the EIA process, and Janjati, Tamang (28.3%) and Newar (28.3%) were identified as the dominant ethnicities followed by Sherpa (7.5%), Magar and Gurung.

Key Social Impacts

13. **Recent Economic and Physical Displacement:** Acquisition of three hectares of land has already impacted 21 households (127 individuals) in Suritar (VDC). One of these households (Mr. Jagat Bdr. Khatri) was physically displaced. Unfortunately, during the detailed project study, the location was found to be unsafe for project facilities because of flood and landslide vulnerability.

14. **Future Economic and Physical Displacement:** An additional 25.5 hectares of land will need to be acquired, which will impact 10 households (44 individuals) in Bulung VDC. One of these households will be physically displaced.
15. An additional 4 households (6 individuals) will be impacted by land acquisition but have migrated and have not been included in the RAP. The status of consultations with these absentee Project Affected People will need to be confirmed with the Project Sponsor and included in an updated RAP (most likely to be undertaken by Lahmeyer, who prepared the original document).
16. **Community Forest User Groups:** Additionally, the Project will require the acquisition of 4.95 ha forest area belonging to three community forest sub-committees: Sindurpa, Sisneri, Eaine, Dhunga and Gidde Salleri community forests under Lamabagar, Bulung and Laduk Conservation Management Committees (CMC).
17. **Ecosystem Services:** There will also be a reduction in flow for an 8.2 km stretch of river formerly accessed by these communities for minor recreational fishing and water supply purposes, and project construction will involve construction nuisance (blasting, heavy construction works, traffic) as well as an influx of construction workers into the area, all of which could further impact the affected communities.

Free, Prior and Informed Consultation (FPICon) Requirement

Applicability of FPICon

18. Under AIIB's Environmental and Social Standard 3: Indigenous Peoples, FPICon and broad support of the affected Indigenous Peoples is required if activities under the Project would: (a) have impacts on land and natural resources subject to traditional ownership or under customary occupation or use; (b) cause relocation of Indigenous Peoples from land and limitations on access to natural resources subject to traditional ownership or under customary occupation or use; or (c) have significant impacts on Indigenous Peoples' cultural heritage.
19. A scoping exercise will determine which VDCs are affected in the project area and where FPICon might be triggered according to ESS3.

FPICon Scope

20. FPICon is a lender requirement and not currently directly requested by the Government of Nepal. However, it should be noted that the GoN is a signatory to ILO 169 and has endorsed the United Nations Declaration on the Rights of Indigenous Peoples, both of which contain references to both the principle and implementation of FPICon.
21. There is no universally accepted definition of FPICon; for the purpose of ESS 3, FPICon is established as follows: (a) the scope of FPICon applies to Project design, implementation arrangements and expected outcomes related to risks to, and impacts on, the affected Indigenous Peoples; (b) FPICon builds on the process of meaningful consultation and requires good faith negotiation between the Client and these affected Indigenous Peoples; (c) the Client documents: (i) the mutually accepted process of consultation between the Client and these Indigenous Peoples; and (ii) evidence of broad community support of these Indigenous Peoples on the outcome of the negotiations; and (d) FPICon does not require unanimity and may be achieved even when individuals or

groups within or among these affected Indigenous Peoples explicitly disagree with support for the Project.

Key Tasks

22. Review E&S documentation, including amongst others an Environmental Impact Assessment (EIA), Social Impact Assessment (SIA), Resettlement Action Plan (RAP), Affected Areas Development Plan (AADP), and Vulnerable Communities Development Plan (VCDP). Verify the inclusion/coverage of IPs and the degree of involvement/input to date of affected IP communities in the identification of impacts and development of mitigation and benefit plans and propose ways to ensure that the FPICon process can be used to further this objective. To this end, the consultant will undertake a full scoping to determine which VDCs are affected and where FPICon might be triggered according to ESS3.
23. Review and incorporate the outcome of E&S documentation relevant to the FPICon.
24. Review and modify (as necessary) the proposed FPICon approach outlined in Annex 2 in consultation with TKJVC, AIIB, IP representatives and other stakeholders.
25. Scope/map key advocacy groups /NGO / CSOs and possible facilitator options to determine how they can play a role in the process – who / what / how, as required
26. Provide guidance to Tamakoshi-V and AIIB on the most appropriate sequencing of next steps vis-à-vis the FPICon process, e.g. agreement and verification of legitimate IP representatives to represent affected communities in FPICon negotiations; identification of third-party advisor(s), such as an IP umbrella organization, acceptable to affected IP communities to advise them on their rights and responsibilities and provide support, capacity building and/or independent advice in the FPICon process; agreement with IPs and their representatives on the FPICon engagement process and next steps including, disclosure and consultation of draft updated project impact / mitigation / benefits package documentation (prepare and translate into Nepali).
27. Review records of consultation over the Project development period and determine how / where / if this previous consultation fits into the overall FPICon framework. Based on this, further advice on design, suitability and cultural appropriateness of informational materials to be developed and disseminated to affected communities with low literacy levels in support of the local consultation and FPICon process.
28. Conduct broader stakeholder analysis and engagement strategy to build support for the FPICon approach and implementation of the project and participate in agreed outreach to influential local and international stakeholders and/or additional sources of advice/input.
29. Conduct FPICon-related meetings involving affected IP representatives of the project influence area, relevant authorities, IP support group(s), Tamakoshi-V representatives during the FPICon process.
30. Prepare the document of the FPICon process in accordance with AIIB's ESS-3.
31. Consulting firm will collect villagers' key fears and concerns about the project (negatives) as well as the priority benefits they wish to derive from it (positives) and deliver these results to the TKJVC. At each stage of the mobilization and facilitation work, well document the process, and prepare reports. Prepare as well an assessment of the FPIC process.

32. See also Annex II for further guidance on FPIC process implementation.

Deliverables and Terms

- Review report of the outcome of E&S documentation relevant to FPICon
- Draft and finalize FPICon village consultation summaries.
- Proposed revisions to the FPICon approach in Annex II (including where / how / if previous consultation fits within the FPICon framework).
- Memorandum summarizing review of potential NGO / INGO / CSO partners, which will include: names of NGOs / INGOs / CSOs considered; SWOT (or similar) analysis of each organization considered; identification of preferred organization and ‘Terms of Reference’ for the role of the NGO / INGOs /CSO in the FPICon process.
- Draft and Final Report on FPICon process. Report will include (but not be limited to): identification of IPs, IP representatives and decision-making authorities; summary of any capacity building undertaken; agreed engagement and negotiation framework (including the process undertaken to agree upon the framework); documentation of (i) the mutually accepted process of consultation between the Client and the IPs and (ii) evidence of broad community support of the IPs on the outcome of the negotiations.
- A draft “Lessons Learned Note” on the FPICon process to be delivered within 2 (two) weeks after the conclusion of the FPICon process; this report will be a brief assessment of the strengths and challenges of the FPICon experience for the TKJVC, including recommendations for future FPICon efforts in other projects in Nepal. The final version of the Note will be due 2 (two) weeks following its review and return by the TKJVC and AIIB.
- Key documents (specifically the five reports listed in the Technical Proposal’s Work Plan, the Consent Process Agreement, Consent Statement, and similar documents approved by the Advisory Council at the conclusion of the FPIC Process) produced need to be submitted in both Nepali and English.
- Report Deliverables: In total, five reports will be prepared and submitted to TKJVC as to be delineated in the Technical Proposal’s Work Plan (these five reports will include the Final Report and the Lessons Learned Note referred to above).

Deliverables should be written in a careful and factual language that allows their possible disclosure. Deliverables will be provided in English and will be subject to AIIB review before finalization. Upon finalization, key documents will be translated into Nepali and other language(s) understandable to affected IP communities and other stakeholders.

All data and information received from Client for the purpose of this assignment are to be treated confidentially and are only to be used in connection with the execution of these Terms of Reference. All intellectual property rights arising from the execution of these Terms of Reference will be mutually held by TKJVC and Consultant. The contents of written materials obtained and used in this assignment may not be disclosed by either party to any third parties without the expressed advance written authorization of TKJVC.

Schedule of Deliverables :

The Consultant will perform the assignment between toThe estimated time for this assignment during the performance period is not more than 9 (Nine) months from the commencement of the consulting service.

Reporting Requirement

- One: Initial FPICon Scoping Report
- Two: Village Orientation & Representatives Selection Report
- Three: FPICon IPP Consultations and Priorities Report
- Four: FPICon IPP Consultations and Consent Decision Preparation Report
- Five: Final FPICon Report including “Lessons Learned Note”

All the reports need to be submitted in 10 copies in English and in Nepali Translation and other language(s) understandable to affected IP communities and other stakeholders.

Selection Criteria

Selection Criteria for Consulting Firm

- Knowledge and experience in the design and implementation of FPICon processes.
- Experience working on hydropower projects in relation to indigenous people’s issues.
- Knowledge of and work experience with international and national Indigenous Peoples’ policies and/or the social and environmental standards of the multilateral development banks (MDBs).
- Working experiences with Representative organization of Indigenous Peoples and /or federations of IPOs with mandate, role and responsibility to work on IP issues will be preferred.
- Track record of working on such IP issues in a gender and inter-generationally inclusive manner.
- Excellent oral and written communications skills in English and Nepali. Team competency in indigenous languages like Tamang of the Project area would be an advantage, but is not required.

Criteria for experts

Qualification of Team leader/ International FPICon Expert:

- Knowledge and experience about the principles of FPICon process; in the design and implementation and/or application of FPICon processes.
- Masters Degree or a discipline relevant to the assignment such as Anthropology, Sociology and relevant Subject
- Minimum of 15 years of experience working on matters related to Indigenous Peoples, including project work in South Asia and (preferably) in Nepal.
- Knowledge and experience in the design and/or implementation of FPICon processes and/or multi-party consultative negotiations internationally.

- Knowledge of and work experience with international and national Indigenous Peoples' policies and/or the social and environmental standards of the Multilateral Development Bank.
- Experience working on hydropower projects in relation to indigenous people's issues.
- Strong knowledge and experience about the issues and the rights of Indigenous Peoples.
- Excellent oral and written communications skills in English.
- Knowledge in Local language would be an advantage

Qualification of Deputy Team leader/ National Coordinator:

- Experience in leading and coordinating FPICon process coordinating with all the stakeholders.
- Knowledge and experience about the principles of FPICon, and in the design and implementation and or application of FPIC processes.
- Masters Degree or a discipline relevant to the assignment such as Social Science, Anthropology, Sociology and relevant Subject
- At least five years of experience working on matters related to Indigenous Peoples Organization.
- Knowledge of and work experience with national Indigenous Peoples' policies and/or the social and environmental standards of the Multilateral Development Banks.
- Experience working on development projects in relation to indigenous people's issues.
- Working experience in Hydropower Project/s in relation to indigenous people's issues will be an advantage
- Strong knowledge and experience about the issues and the rights of Indigenous Peoples.

Qualification of National FPICon Expert

- Knowledge and experience about the principles of FPICon process, and in the design and implementation and or application of FPICon processes.
- Masters Degree or a discipline relevant to the assignment such as Anthropology, Sociology and relevant Subject
- Minimum of 5 years of experience working on matters related to Indigenous Peoples, including project work in South Asia and (preferably) in Nepal.
- Knowledge of and work experience with international and national Indigenous Peoples' policies and/or the social and environmental standards of Multilateral Development Banks.
- Experience working on hydropower projects in relation to indigenous people's issues.
- Strong knowledge and experience about the issues and the rights of Indigenous Peoples.
- Excellent oral and written communications skills in English and Nepali.
- Competency in other local indigenous languages of the Project area would be an advantage.

Qualification of GESI Expert

- Knowledge and experience about the principles of FPICon process, and in the design and implementation and or application of FPICon processes.
- At least Bachelor Degree in social science or in relevant subject.
- At least five years of working experience on GESI/Gender and Social Inclusion issues pertinent to IP communities
- Knowledge of and work experience with international and national Indigenous Peoples' policies and/or the social and environmental standards of the Multilateral Development Banks.
- Experience working on development projects in relation to indigenous people's issues.
- Experience working on hydropower projects in relation to indigenous people's issues.
- Strong knowledge and experience about the issues and the rights of Indigenous Peoples.
- Excellent oral and written communications skills in English and Nepali.
- Competency in other local indigenous languages of the Project area would be a plus.

SELECTION PROCESS

The selection of firm will be carried out under Quality Based Selection (QBS) method as per AIIB's Procurement Policy and its associated Interim Operational Directive on Procurement Instructions for Recipients. AIIB's Policy on Prohibited Practices will apply to all contracts.

TKJVC/NEA shall invite the firm to participate in the FPICon process. The selection will be based on the requirements, qualification and capability of the firm and expert to carry out the assignment. The firm will be finalized with *no objection* from AIIB/ TKJVC/NEA.

SUPPORT SERVICES

The Tamakoshi Jalvidhyut Company Limited (TKJVC) / Nepal Electricity Authority (NEA) shall make available all the relevant available documents submitted by the consultant (Tractebel), other relevant available documents prepared for the project and available documents of Upper Tamakoshi HEP.

If required, discussion/meeting with TKJVC, AIIB, Upper Tamakoshi HEP or any stakeholders shall be carried out either in person or using video conference. The need for the meeting/discussion need to be pre-informed to the client (at least 7 days before) so that the necessary arrangement shall be made.

CAPACITY BUILDING

One of the basic objectives of the consulting services is to transfer of technology in the field of FPICon/ Environment to the TKJVC Staffs so that the FPICon study recommendation could be implemented and supervise properly. This will be achieved by involving the TKJVC staffs in various activities of the study during the execution of consulting service of FPICon Process in the field (at least 3 people) as well as conducting a observation tour for a week in the consultant's home office or relevant location where FPiCon has been carried out/implemented successfully (for at-least for 3 persons from TKJVC).

During the inception phase of the contract, the consultant shall perform skills assessment and develop a capacity building program for TKJVC staffs for enabling them to monitor/implement FPICon study outcomes during the construction.

PAYMENTS

The payment schedule for the assignment is the following one:

- Advance payment: 10% of the contract value
- 1stIntermediate payment: 20% of the contract value upon submission of FPICon IPP Consultations and Priorities Report.
- 2ndIntermediate payment: 20% of the contract value upon submission of FPICon IPP Consultations and Consent Decision Preparation Report.
- 3rd Intermediate payment: 25% of the contract value upon submission of draft FPICon Report including “Lesson Learned Note”.
- Final payment: 25% of the contract value upon submission of final FPICon Report including “Lesson Learned Note “acceptable to TKJVC board and AIIB.

ANNEX 2 – PROPOSED FPICon APPROACH (subject to expert/authority/IP feedback):

Scope: ‘Affected communities of IPs’ shall be decided by a scoping exercise to determine which VDCs are affected and where FPICon might be triggered according to ESS3. This will include, but not be limited to, the communities² losing land, structures and/or access to trees / forest products to project development, as well as any of their traditional representatives from outside.

Approach: The following key steps are proposed for this project:

- i. Identification of affected IP individuals and communities [and representatives] as well as project impacts, mitigation measures and potential benefits related to them. Review the approved EIA report and *Final EIA, SIA, RAP, AADP, and VCDP submitted by Consultant along with Approved Supplementary EIA report.*
- ii. Engage a credible IP support organization and an international social expert with FPICon experience to support the FPICon process. Consider a role for a mediation expert to facilitate discussion between the company and the affected communities during the process.
- iii. Verify and engage with local IP community decision-making authorities/representatives (and taking into account gender) to discuss the FPICon process, with input from the support organization and social expert mentioned above. Develop a mutually acceptable engagement and negotiation framework for the FPICon process, based on the principles of Good Faith Negotiations³.
- iv. Share accurate and up to date information on project impacts, proposed mitigation measures and proposed benefit streams in a culturally appropriate manner - i.e. in Nepali and Tamang or any other languages (as appropriate following discussion with IP representatives), in written and oral format, and provide sufficient time for capacity building and support to affected communities to understand these matters and their rights.
- v. Enter into negotiations on the package of materials presented and adjust as needed in response to input. Use mediation if needed to resolve disagreements.
- vi. Present updated materials and seek broad community support⁴ from affected IP communities and their leaders. Document evidence of broad community support on the outcome of the negotiations in a mutually agreed written format, including an agreed mechanism for monitoring of key commitments in future and grievance redress.

²All VDCs as determined by the scoping exercise to determine the affected VDCs and where FPICon might be triggered

³All parties demonstrate a willingness to engage in a process and availability to meet at reasonable times and frequency; Provisions have been made for the dissemination of information necessary for informed negotiation; Engagement process addresses key issues of importance; Engagement process involves mutually acceptable procedures for negotiation; Client demonstrates a willingness to change initial position and modify offers where possible; and sufficient time has been provided for communities to engage in their preferred methods of decision making.

⁴FPICon does not require unanimity and may be achieved even when individuals or groups within or among these affected Indigenous Peoples explicitly disagree with support for the Project.

The FPICon process described above should include differentiated measures to allow the effective participation of those identified as particularly disadvantaged or vulnerable, including; analysis of the legitimacy and representativeness of IP leaders, and the role, responsibilities and participation of external stakeholders with vested interests in the outcome.

Interconnection Tunnel 103.20m length; invert level of start of horizontal bend= EL 1155.02masl;invertlevelat entrance to head pond =1154.89 masl

Head Pond width = 6.80m to 12.77m, length = 74.01m,

Spillway

Type Free over flow concrete weir

Length of the crest 55.50 m

Crest Level El. 1158.20 masl

Outlet of Spillway Tunnel El.1150.21masl

Headrace Tunnel

Type Circular type,

Length 8.13 Km

Finished Diameter 5.60 m

Surge Tank

Type Circular shaft surge tank

Effective Size 15.0 m internal diameter

Connecting Shaft diameter = 2.5 m

Pressure Shaft

Internal Diameter 4.2 m

Thickness of Shaft Steel Lining 10 mm to 38 mm

Powerhouse

Type Underground Cavern

Dimension L=69.00m, W=18.0m, H=33.14m.

Generator FloorLevel El. 978.51masl

Turbine Setting Level El. 975.15masl

Type of Turbine	Francis (3*Vertical Axis & 1*horizontal axis)
No. of unit	4 units (3 units of 31.6 MW & 1 unit of 5 MW)
Capacity of each unit	3 x 31.6 MW +1 x 5MW = (99.8 MW)

Switchyard

Type	Cavern Type
Dimensions	L=47.6m, W=13.0m, H=17.95m

Tailrace Tunnel

Type	Circular type
Length Tunnel	404.36 m
Finished Diameter	5.60m

Transmission Line

Voltage of Transmission Line	220 KV double circuit
Length of Transmission line	2*1.7 Km up to nearest point of Tamakoshi-Khimti <u>TRL</u>

Power and Energy Generation

Gross Head	173.45m
Net Head	162.35 m
Installed Capacity	99.8 MW
Annual Energy	512.33 GWh (Withoutages of 5%)
Dry Season Energy	63.45 GWh (Withoutages of 5%)
Wet Season Energy	448.88 GWh (Withoutages of 5%)

A. Evaluation Criteria for Short-listing of Consultants

General

Tamakoshi Jalvidyut Company Limited (TKJVC) wishes to receive the Expression of Interest (EOI) from the eligible consulting firms for Free, Prior and Informed Consultation (FPICon) Process of Tamakoshi V Hydroelectric Project (“the project”). The selected consultant will be expected to complete the services within 9 (nine) months.

Consulting firm will be selected based on the Quality Based Selection (QBS) method and the selection will be carried out in two stages. In first stage of selection, maximum six number of consulting firm will be selected from list of consulting firm who has submitted Expressions of Interest within the scheduled date and time in response to the notice on Invitation for Expression of Interest for the Consulting Services published by the TKJVC. First stage of evaluation for short listing of consulting firm will be carried out based on the set of evaluation criteria specified below. In the second stage, request for proposals received from those short-listed consulting firm will be evaluated to select the best consulting firm, most suitable for the proposed services. RFP will be evaluated under Quality Based Selection (QBS) method. Utilities offering consulting services, which are financially autonomous, will also be considered for the services. Consulting firms may participate individually or in the form of Joint Venture. However, the firms submitting EOI as JV partners, if shortlisted, must submit their proposals in the same JV name while submitting technical and financial proposal based on RFP.

Evaluation procedure for screening of consulting firms

The long list will be prepared of those consulting firms which have submitted EOI within the scheduled time in response to the notice of EOI for consulting services published by TKJVC. The general notes in the evaluation procedures are as follows:

- i. Qualification and experience of the consulting firm associated as sub-consultancy or in association will not be considered for evaluation for short listing;
- ii. The experience of the consulting firms (single entity or as JV partners) carried out in association or sub-consultancy will not be evaluated;
- iii. The references and the qualification documents submitted from their parent or subsidiary companies as applicable shall not be considered for their evaluation ;
- iv. An Applicant must not submit more than 1(one) EOI proposal as either a single entity or partner in JV and/or associated partners/sub-consultant. If submitted /participated then such proposals will be rejected.
- v. Consulting firms’ work experiences shall be evidenced by duly certified (by authorized agency) and notarized copies of client’s references with contact addresses on the letter head of the client’s organization and shall be written in English. If the references are in other languages, it shall be accompanied by notary agency or nationally/internationally recognized translating agency.

The short-listing of consulting firm will be carried out based on the following three steps of evaluation criteria.

Step I : Preliminary screening of consulting firms

In this step, a preliminary screening of the received EOI proposals will be carried out. The consulting firms will be evaluated on 'Pass' or 'Fail' basis. Each consulting firm must 'pass' each and every

threshold criterion mentioned below. Any consulting firm not complying with any of the specified threshold criteria shall be disqualified and shall not be considered for further evaluation.

A. Eligibility and Completeness Test

EOI proposal shall be duly received within the last date and time of submission as mentioned in the notice of EOI. Following documents shall be submitted along with the EOI proposal,

- (i) Notarized Certificates of incorporation or Registration
- (ii) In case of national consulting firm, notarized certificates of VAT/PAN Registration.
- (iii) In case of national consulting firm notarized certificates of tax clearance/tax return submission/letter of time extension for tax return submission for preceding fiscal year.
- (iv) Company Profile
- (v) The consulting firms must not have been black listed by Public Procurement Monitoring Office (PPMO) or NEA or World Bank or Asian Development Bank (ADB) or Asian Infrastructure Investment Bank (AIIB) or United Nations Development Programme (UNDP) or other international financing agencies at the time of submission of EOI proposal,
- (vi) Consulting firms must have been legally registered for at least Seven (7.0) years from the last date of submission of EOI,
- (vii) Minimum average annual turnover of the best three years over the last five years shall be US\$ 360 thousand or equivalent. In case of JV, cumulative strength of JV partners will be evaluated for annual turnover. If annual turnover is in other currency than US\$, equivalent to US\$ shall be considered by calculation of Nepal Rastra Bank's Buying Rate on last date of submission of EOI document.
- (viii) Notarized Financial statement or document (Annual report) to support annual turnover of preceding five consecutive fiscal years
The cumulative experiences of JV partners will be evaluated but the experiences of the consulting firms (single entity or as JV partners) carried out in association or sub-consultancy will not be considered for the evaluation.

B. Eligibility and Completeness Test for Joint Venture Firms

- (i) Maximum number of JV partners shall be three (3). The lead partner of the Joint Venture firm must have majority and not less than 40% share and each of the other partner must have at least 25% of share,
- (ii) Each partner of JV shall meet Eligibility and Completeness Test (i), (ii), (iii), (iv), (v), (vi) and (viii),
- (iii) Joint Venture firms shall submit the Joint Venture Agreement or MOU of JV Agreement or intended JV Agreement along with their EOI proposal,
- (iv) An applicant must not submit more than one (1) EOI proposal as either a single entity or partner in JV and/or associate partners,
- (v) In case that the JV partners are from different countries, the nationality of the lead partner shall determine the nationality of the JV firm. This principle will be applied in determining the firm from the developing country as well.

Step II: EOI Evaluation Criteria

The consulting firms fulfilling all requirements in the STEP I are selected for further evaluation in STEP II. A scoring system is adopted to rank these firms on merit basis, based on the criteria specified below.

The cumulative experience, manpower and financial strength of JV partners shall be considered in the evaluation. Only **successfully commissioned** consultant services of FPICon process in last five (5) years preceding from the last date of submission of EOI will be considered for evaluation of consulting firm. Ongoing and planned projects will not be considered for evaluation. The maximum overall score that any consulting firms can obtain is set at 1,000 points, which are distributed as follows:

Criteria 1:	Management Competence of the consulting firm	:150Points
Criteria 2:	Technical Competence of the consulting firm	: 700Points
Criteria 3:	Geographical Competence of the consulting firm	: 150 Points

Step III: Short-listing of firms

The consulting firm scoring less than 600 points out of total 1000 points and less than 60% in criteria II “Technical Competence of Consulting Firms” will not be qualified for short listing. For short-listing of the qualified consulting firms, the following procedures will be followed as;

1. Rank the firms in order of merit according to the points secured by them.
2. Select top ranked six consulting firms not exceeding two firms from any one country, to which RFP will be addressed.
3. In case of Joint Venture origin of lead firms shall be considered for the listing.
4. If the points obtained by two or more consulting firms are same,
 - 4a) the firm with more number of project’s experience on the sub-criteria 2.3 of Criteria 2: “**Working experience in Hydropower Project/s in relation to indigenous people’s issues**” will be prioritized.
 - 4b) If the number of projects experience as per point no 4a) is also same, the firm with more number of project experience in “**Knowledge and work experience with international and national Indigenous Peoples’ policies and/or the social and environmental standards of the multilateral development banks (MDBs).**” will be prioritized.

A. EOI Forms & Formats

Form 1. Letter of Application

Form 2. Applicant's information

Form 3. Experience (*General, Specific and Geographical*)

Form 4. Capacity

Form 5. Key Experts (Include details of Key Experts only)

Form 6. EOI Attachments

Form 7. Eligibility Declaration

1. Letter of Application

(Letterhead paper of the Applicant or partner responsible for a joint venture, including full postal address, telephone no., fax and email address)

Date:

.....

To,
Tamakoshi V Hydroelectric Project
Tamakoshi Jalvidyut Company Limited
NEPAL

Sir/Madam,

1. Being duly authorized to represent and act on behalf of (hereinafter "the Applicant"), and having reviewed and fully understood all the short-listing information provided, the undersigned hereby apply to be short-listed by Tamakoshi V Hydroelectric Project as Consultant for Free, Prior and Informed Consultation (FPICon) Process of Tamakoshi V Hydroelectric Project.
2. Attached to this letter are photocopies of original documents defining:
 - a) the Applicant's legal status;
 - b) the principal place of business;
3. Tamakoshi V Hydroelectric Project and its authorized representatives are hereby authorized to verify the statements, documents, and information submitted in connection with this application. This Letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and requested by yourselves to verify statements and information provided in this application, or with regard to the resources, experience, and competence of the Applicant.
4. Tamakoshi V Hydroelectric Project and its authorized representatives are authorized to contact any of the signatories to this letter for any further information.
5. All further communication concerning this Application should be addressed to the following person,
[Person]
[Company]
[Address]
[Phone, Fax, Email]
6. We declare that, we have no conflict of interest in the proposed procurement proceedings and we have not been punished for an offense relating to the concerned profession or business and our Company/firm has not been declared ineligible.

7. We further confirm that, if any of our experts is engaged to prepare the TOR for any ensuing assignment resulting from our work product under this assignment, our firm, JV member or sub-consultant, and the expert(s) will be disqualified from short-listing and participation in the assignment.
8. The undersigned declares that the statements made and the information provided in the duly completed application are complete, true and correct in every detail.

Signed :

Name :

For and on behalf of (name of Applicant or partner of a joint venture):

2. Applicant's Information Form

(In case of joint venture of two or more firms to be filled separately for each constituent member)

1. Name of Firm/Company:
2. Type of Constitution (*Partnership/ Pvt. Ltd/Public Ltd/ Public Sector/ NGO*)
3. Date of Registration / Commencement of Business (*Please specify*):
4. Country of Registration:
5. Registered Office/Place of Business:
6. Telephone No; Fax No; E-Mail Address
7. Name of Authorized Contact Person / Designation/ Address/Telephone:
8. Name of Authorized Local Agent /Address/Telephone:
9. Consultant's Organization:
10. Total number of staff:
11. Number of regular professional staff:

(Provide Company Profile with description of the background and organization of the Consultant and, if applicable, for each joint venture partner for this assignment.)

Associations (Joint Venture or Sub-consultancy)

Consultant	Country of Incorporation	Joint Venture (JV) or Sub-consultant

Present the rationale for and benefits of working in association (JV or Sub-consultant) with others rather than undertaking the assignment independently (as appropriate). Describe the proposed management and coordination approach of the association and the role of each firm.

I confirm that:

- Documentation regarding our corporate structure including beneficial ownership has been attached.
- Documentation regarding our Board of Directors has been attached.
- A written agreement to associate for the purpose of this Expression of Interest has been signed between the consortium partners and has been attached.

A. Management Competence (Please answer each question in one paragraph of 3-5 sentences) and demonstrate with appropriate document/s

1. Describe standard policies, procedures, and practices that your entity has to assure quality interaction with clients and outputs. Please state if your company is ISO certified.

2. How will your firm/consortium handle complaints concerning the performance of experts or quality of the reports submitted for this assignment? What internal controls are in place to address and resolve complaints?

3. How will you ensure the quality of your firm's/consortium's performance over the life of this assignment?

4. Describe standard policies, procedures and practices that your firm has put in place to avoid changes/replacements of personnel and to ensure the continuity of professional services once contracted.

5. Describe what social protection practices you have in place to safeguard the well-being of your proposed experts? Specifically describe arrangements you have in place for medical, accident, and life insurance coverage during the assignment.



B. Other Information (maximum of 500 words)

[Empty box for providing other information]

3. Experience

3(A). General Work Experience

(Details of assignments undertaken. Each consultant or member of a JV must fill in this form.)

S. N.	Name of assignment	Location	Value of Contract	Year Completed	Client	Description of work carried out
1.						
2.						
3.						
4.						
5.						
6.						
7.						

(please insert more tables as necessary)

3(B). Specific Experience

Details of similar assignments undertaken in the previous five years

(In case of joint venture of two or more firms to be filled separately for each constituent member)

3.1 Consulting firm's knowledge and experience in the design and implementation of FPICon processes..

Three or more projects
None

Two projects

One project

Project Details for above Experience :

Assignment name:	Approx. value of the contract (in current NRs; US\$) ⁵ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):

⁵ Consultant should state value in the currency as mentioned in the contract

<p>Start date (month/year):</p> <p>Completion date (month/year):</p>	<p>No. of professional person-months provided by the joint venture partners or the Sub-Consultants:</p>
<p>Name of joint venture partner or sub-Consultants, if any:</p>	<p>Narrative description of Project:</p>
<p>Description of actual services provided in the assignment:</p>	

(please insert more tables as necessary)

3.2 Consulting firm's Knowledge and work experience with international and national Indigenous Peoples' policies and/or the social and environmental standards of the multilateral development banks (MDBs).

Three or more projects
 Two projects
 One project
 None

Project Details for above Experience:

Assignment name:	Approx. value of the contract (in current NRs; US\$) ⁶ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:

⁶ Consultant should state value in the currency as mentioned in the contract

Name of joint venture partner or sub-Consultants, if any:	Narrative description of Project:
Description of actual services provided in the assignment:	

(please insert more tables as necessary)

3.3 Consulting firm's working experience in Hydropower Project/s in relation to indigenous people's issues.

Three or more projects Two projects One project None

Project Details for above Experience:

Assignment name:	Approx. value of the contract (in current NRs; US\$) ⁷ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:

⁷ Consultant should state value in the currency as mentioned in the contract



<p>Name of joint venture partner or sub-Consultants, if any:</p>	<p>Narrative description of Project:</p>
<p>Description of actual services provided in the assignment:</p>	

(please insert more tables as necessary)

3.4 Consulting firm's working experiences with Representative organization of Indigenous Peoples and /or federations of IPOs with mandate, role and responsibility to work on IP issues.

Three or more projects
 Two projects
 One project
 None

Project Details for above Experience:

Assignment name:	Approx. value of the contract (in current NRs; US\$) ⁸ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:

⁸ Consultant should state value in the currency as mentioned in the contract



Name of joint venture partner or sub-Consultants, if any:	Narrative description of Project:
Description of actual services provided in the assignment:	

(please insert more tables as necessary)

3.5 Consulting firm's experience in Track record of working on such IP issues in a gender and inter-generationally inclusive manner.

- Three or more projects
 Two projects
 One project
 None

Project Details for above Experience:

Assignment name:	Approx. value of the contract (in current NRs; US\$) ⁹ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:

⁹ Consultant should state value in the currency as mentioned in the contract

Name of joint venture partner or sub-Consultants, if any:	Narrative description of Project:
Description of actual services provided in the assignment:	

(please insert more tables as necessary)

3.6 Consulting firm's experience working on matters related to Indigenous Peoples, including project work in South Asia and (preferably) in Nepal.

- Three or more projects
 Two projects
 One project
 None

Project Details for above Experience:

Assignment name:	Approx. value of the contract (in current NRs; US\$) ¹⁰ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:

¹⁰ Consultant should state value in the currency as mentioned in the contract

Name of joint venture partner or sub-Consultants, if any:	Narrative description of Project:
Description of actual services provided in the assignment:	

(please insert more tables as necessary)

3.7 Experience in Free, Prior, Informed Consultation (FPICon) process in countries falling under Hindu kush Himalayan Region.

- Three or more projects
 Two projects
 One project
 None

Project Details for above Experience :

Assignment name:	Approx. value of the contract (in current NRs; US\$) ¹³ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:

¹³ Consultant should state value in the currency as mentioned in the contract

Name of joint venture partner or sub-Consultants, if any:	Narrative description of Project:
Description of actual services provided in the assignment:	

(please insert more tables as necessary)

3.8 Experience in Free, Prior, Informed Consultation (FPICon) process in hydropower projects in countries falling under Hindu kush Himalayan Region.

- Three or more projects
 Two projects
 One project
 None

Project Details for above Experience :

Assignment name:	Approx. value of the contract (in current NRs; US\$) ¹⁴ :
Country: Location within country:	Duration of assignment (months):
Name of Client:	Total No. of person-months of the assignment:
Address:	Approx. value of the services provided by your firm under the contract (in current NRs; US\$):
Start date (month/year): Completion date (month/year):	No. of professional person-months provided by the joint venture partners or the Sub-Consultants:

¹⁴ Consultant should state value in the currency as mentioned in the contract

Name of joint venture partner or sub-Consultants, if any:	Narrative description of Project:
Description of actual services provided in the assignment:	

(please insert more tables as necessary)

4. Capacity

4(A). Financial Capacity

(In case of joint venture of two or more firms to be filled separately for each constituent member)

Annual Turnover	
Year	Amount Currency

- Average Annual Turnover

--

(Note: Supporting documents for Average Turnover should be submitted for the above.)

1. Key Experts (Include details of Key Experts only)

(In case of joint venture of two or more firms to be filled separately for each constituent member)

SN	Name (Nationality)	Highest Qualification	Work Experience (in year)	Specific Work Experience	Position
1				a.	a.
				b.	b.
				c.	c.
2				a.	a.
				b.	b.
				c.	c.

(Please insert more rows as necessary)

2. EOI Attachments

SN	Description
1	Certificate of Incorporation of the lead member
2	Certificate of Incorporation of the JV member (for each member)
3	Certificate of Incorporation of the Sub-Consultant (for each sub-consultant)
4	Letter of Association
5	

(Please insert more rows as necessary)

3. Eligibility Declaration

We, the undersigned, certify to the best of our knowledge and belief :

- We have read the advertisement, including the terms of reference (TOR), for this assignment.
- Neither the consulting firm nor its JV member or sub-consultant or any of its experts prepared the TOR for this activity.
- We confirm that the project references submitted as part of this EOI accurately reflect the experience of the specified firm/consortium.
- We further confirm that, if any of our experts is engaged to prepare the TOR for any ensuing assignment resulting from our work product under this assignment, our firm, JV member or sub-consultant, and the expert(s) will be disqualified from short-listing and participation in the assignment.
- JV member or sub-consultant, including all proposed experts named in this EOI, confirmed their interest in this activity in writing.
- JV member or sub-consultant, including all proposed experts named in this EOI, authorized us in writing to represent them in expressing interest in this activity.
- confirm our firm and all the personnel indicated in the EOI have met the requirements of Corporate Procurement policy of Nepal Government, NEA and its National and International Financing partners.