

REQUEST FOR PROPOSALS

RECRUITMENT OF INDIVIDUAL CONSULTANT

TO SERVE AS

INDEPENDENT CLAIM CONSULTANT

**FOR RUWANPURA EXPRESSWAY PROJECT
&
CENTRAL EXPRESSWAY PROJECT III**

ROAD DEVELOPMENT AUTHORITY

MINISTRY OF TRANSPORT & HIGHWAYS

MARCH 2024

GOVERNMENT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA

MINISTRY OF TRANSPORT & HIGHWAYS

INVITING APPLICATIONS FROM INDIVIDUAL CONSULTANTS

TO SERVE AS CLAIM CONSULTANT FOR ROAD DEVELOPMENT AUTHORITY

Ruwanpura Expressway Project (REP) commenced by Road Development Authority (RDA) has been terminated due to unfavorable economic situation in the country and the Contractor of the project has submitted claims against the employer, RDA.

RDA intends to obtain the services of an Individual Claim Consultant to assist RDA in DAB proceedings of REP and to assist Project Director Central Expressway Project III (CEP III) in contract management.

Applications are invited from professionally Qualified Civil Engineers/Quantity Surveyors having minimum of 20 years experience in contract administration and claim determination in highway construction projects.

Terms of Reference (TOR) and other documents could be obtained free of charge from the Director (Procurement), Road Development Authority, Maganeguma Mahamadura, Denzil Kobbekaduwa Road, Battaramulla, on request or can be downloaded from www.rda.gov.lk.

Salary is negotiable and the appointment will be on contract basis initially for a period of six (06) months and extendable on requirement subject to renewal of contract.

Application together with complete Bio-Data, copies of relevant documentary proof of experience and qualifications should be sent under registered cover to reach Director (Procurement), RDA, Maganeguma Mahamadura, Denzil Kobbekaduwa Road, Battaramulla not later than 11th March 2024. The words "Post of Individual Claim Consultant for REP & CEP III" shall be written on the top left hand corner of the envelope.

Further information can be obtained from the office of Director (Procurement), RDA on 011 2884790 and 011 2046481

Chairman
Consultancy Procurement Committee (Department)
Road Development Authority
"Maganaguma Mahamadura"
Denzil Kobbekaduwa Road
Battaramulla

MINISTRY OF TRANSPORT & HIGHWAYS

ROAD DEVELOPMENT AUTHORITY

ENGAGEMENT OF INDIVIDUAL CLAIM CONSULTANT

TERMS OF REFERENCE (TOR)

A. Background

Ruwanpura Expressway project (REP) commenced by Road Development Authority (RDA) have been terminated due to prevailing unfavorable economic situation in the country and the Contractor of this project has submitted claims against the Employer, RDA.

RDA intends to obtain the services of an Individual Claim Consultant to assist RDA in DAB proceedings of Ruwanpura Expressway and to assist Project Director of Central expressway project III (CEP III) in the areas of claims and contract management.

The Individual Claim Consultant shall be selected through comparison of qualifications, and the appointment will be on contract basis initially for a period of six months and extendable on the requirement subject to renewal of the contract.

B. Objective

The objective of the service is to produce required documents in compliance with TOR and represent RDA in DAB proceedings of REP

C. Scope of Service

The Individual claim consultant shall represent RDA in DAB proceedings of Ruwanpura Expressway Project and assist Project Director, CEP III in contract management and to make determinations on claims submitted by Contractors.

The Service shall specifically include the following with respect to above two projects

- Representing RDA in DAB proceedings of Ruwanpura Expressway Project
- Preparation of statements of response /defense to be submitted to DBA
- Studying and reviewing contractual correspondences and contract documents
- Review and analyses Contractor's and Employers claims and notices and provide expert opinion
- Making determinations on and substantiation of claims
- Assisting project directors of above projects to negotiations with the contractor for amicable settlement
- Attending for meetings with Project staff and evaluate the Contractor's entitlement on submitted Claims.
- Preparation of contractual letters related to claims as necessary.
- Recommending further proceedings with reference to claims and or dispute resolutions.
- Participate in meetings related to claims, negotiations for amicable settlement and DAB etc
- Support RDA to identify all potential problems and risks during claim procedures and assist in selecting options for resolving them in above two projects.

D. Deliverables

The independent Claim Consultant will submit following deliverables, in agreed time and dates with project Directors of REP & CEP III

- An initial assessment report of DAB proceedings of REP
- Preparation of pre hearing submissions, response statements to DAB related to REP on behalf of the RDA
- Attending meetings with the Contractor to advise and present on behalf of the Employer in the Consultants area of expertise in CEP III
- Monthly Progress Reports of consultant's assessments
- A final report summarizing the issues dealt with, results achieved, situation report and conclusions/recommendations for any outstanding items

E. Competencies

- Overall professionalism, integrity and commitment
- Good problem solving skills and ability to apply good judgement
- Ability to work efficiently with minimal direction
- Analytical skills and document drafting skills
- Good interpersonal skills and ability to establish and maintain effective working relations
- Experience in claims and contract disputes and resolution procedures
- Sound knowledge on FIDIC Conditions of contract
- Experience in handling DAB proceedings & drafting DAB submissions
- Excellent knowledge of the English language with written and oral

F. Qualifications Experience Required

The Claim Consultant be a professionally qualified BSc. Engineering or Quantity Surveying Degree preferably with a Master's Degree in Construction Law and Dispute Resolution from a recognized university with minimum 20 years of experience in contractual claims.

Further, he or she should be a Chartered Engineer or Chartered Quantity Surveyor with membership international professional body such as RICS, CIARB, and etc.

G. Facilities provided by RDA

RDA will provide the Consultant with suitably equipped office facilities and utilities complete with internet connection and consumables and stationery in the PMU office PMU will assist the Consultant in liaising with other stakeholders as necessary and in furnishing key reports and other necessary documents that the Consultant needs to discharge his functions.

Transport will be provided only for field visits if required and Consultant will not be provided transport to/from resident by the project office.

H. Working Days and times

Monday to Friday from 8:30 A M to 4.15 P M

Saturday : from 8.30 A.M to 1.00 P M

I. Payment

- The payment to the Consultant is directly based on the level of acceptance of deliverables and the service rendered during the period.
- Consultant shall not be entitled to be paid for overtime/holiday pay and Consultants remuneration shall be deemed to cover these expenses.
- If the Consultant has failed to deliver the expected reports for the acceptance of the Client within the period for the monthly disbursement, the payment to the Consultant will be evaluated as a percentage of deliverables that have been accepted by the Client within the said period.
- A report describing the work done during the particular calendar month shall be attached to the statement requesting the payment.

- The payment is subject to the terms and conditions stated below
 - (i) As soon as practicable and not later than fifteen (15) days after the end of each calendar month, during the term of engagement, the consultant shall submit to the client in duplicate a statement accompanied by appropriate supporting materials of the amounts payable.
 - (ii) The client shall pay the consultants statement within thirty (30) days after the receipt by the client of such statement with supporting documents. Any statement that is not satisfactorily supported may be withheld from payment.

Financial Proposal

Description	(Sri Lankan Rupees)
Monthly Remuneration	

Name:.....

Signature

Date:

FORMAT FOR CURRICULUM VITAE (CV)

FOR PROPOSED NATIONAL INDIVIDUAL PROCUREMENT CONSULTANT

Position Title	PROCUREMENT CONSULTANT (NATIONAL)
Name of Expert:	{Insert full name}
Date of Birth:	{day/month/year}
Citizenship	
Current Resident Address	
Mobile Tel No.	
Telephone No.	
Fax No	
Email-Address	

Education: {List college/university or other specialized education, giving names of educational institutions, dates attended, degree(s)/diploma(s) obtained}

Employment record relevant to the assignment: {Starting with present position, list in reverse order. Please provide dates, name of employing organization, titles of positions held, *type of employment (full time, part time, contractual)*, types of activities performed and location of the assignment, and contact information of previous clients and employing organization(s) who can be contacted for references. Past employment that is not relevant to the assignment does not need to be included.}

Period	Employing organization and your title/position. Contact information for references	Summary of activities performed relevant to the Assignment
[e.g., May 2020-present]	[e.g., Ministry of, advisor/consultant to... For references: Tel...../e-mail.....; Mr. Bbbbbb,	

Detailed task Assigned

(List all tasks to be performed under the assignment)

Work undertaken that the best illustrates capabilities to handle the tasks assigned

1. Name of Assignment or Project

2. Year

3. Location

4. Client

5. Main Project features

6. Position held

7. Activities Performed

Membership in Professional Associations and Publications:

Language Skills (indicate only languages in which you can work): _____

Adequacy for the Assignment:

Detailed Tasks Assigned on Consultant's Team of Experts:	Reference to Prior Work/Assignments that Best Illustrates Capability to Handle the Assigned Tasks
{List all deliverables/tasks as in TOR in which the Expert will be involved}	

Certification:

I, the undersigned, certify to the best of my knowledge and belief that

(i) This CV correctly describes my qualifications and experience

(ii) I am not a current employee of the Executing or the Implementing Agency

(iii) In the absence of medical incapacity, I will undertake this assignment for the duration and in terms of the inputs specified for me takes place within the validity of this proposal.

(iv) I was not part of the team who wrote the terms of reference for this consulting services assignment

(v) I am not currently debarred by a multilateral development bank

(vi) I certify and confirm that I will be available to carry out the assignment for which my CV has been submitted in accordance with the implementation arrangements and schedule set out in the Proposal.

I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

[Signature of expert]¹ Date: _____
Day/Month/Year

Evaluation Criteria

The individual consultant is selected on the basis of their qualifications for the assignment. They shall be selected through comparison of qualifications of the candidates.

1. The Consultant's Academic Qualification - 30%

Expert	Excellent 90-100%	Good 80%-89%	Average 70%-79%	Below Average 60%-69%
Claim Consultant	BSc (Civil.Eng/QS) +MSc in Construction Law & Dispute Resolution from a recognized university with more than 20 years' experience in evaluation and determination of claims	BSc (Civil.Eng/QS) +PG Dip in Construction Law & Dispute Resolution from a recognized university Procurement + Charter with more than 15 years' experience in evaluation and determination of claims	BSc (Civil.Eng/QS) + Charter	BSc (Civil Eng/QS)

2. Working Experience 20%

2.1 General Working Experience as an Engineer – 10%

2.2 Working experience as Claim consultant - 10%

3. Project related experience as claim consultant - 50%

3.1 Experience as claim consultant in highway construction projects -20%

3.2 Previous Experience as claim consultant in Ruwanpura Expressway project/Central Expressway project - 30%

The financial proposal submitted by the consultant with highest qualifications shall be negotiated to award the contract.