



# Mongolia Water Compact

## Annex 2

### Questions and Answers

Minutes of Webinar on Planned Works Procurements of MCA-Mongolia under the Downstream Wells Activity

No.	Questions	Answers
1.	<p>Our partner contractors from China are very experienced in this type of EPC projects but their English language capabilities are limited. Could you let us know the English language capability requirements for participating in these EPC projects? For example, we may have a project construction manager who has very good qualifications in construction but poor English. Could this person still take the position of Construction Manager under the condition if we arrange good English-Chinese or Mongolian-Chinese interpreter for him? Is the working language for these EPC projects English or Mongolian?</p>	<p>The language of the MCC-funded procurements and contracts will be English. This means that proficiency in English language will be critical for contract implementation. The specific requirements for the applicants and the nominated key staff will be provided in the specific solicitation documents (Pre-qualification documents), once these documents are issued by MCA-Mongolia. The solicitation documents will be announced by Specific Procurement Notices to be posted on:</p> <ul style="list-style-type: none"> <li>• <b>MCA-Mongolia’s Website – <a href="http://www.mca-mongolia.gov.mn">www.mca-mongolia.gov.mn</a>;</b></li> <li>• <b>Local newspapers (and Regional Newspapers);</b></li> <li>• <b>dgMarket - <a href="http://www.dgmarket.com">www.dgmarket.com</a>;</b></li> <li>• <b>UNDB Online – <a href="http://www.devbusiness.com">www.devbusiness.com</a>;</b></li> <li>• Other media;</li> <li>• Procurement Notices will also be sent to the long list of potential bidders identified during the planning stage of the procurements.</li> </ul>
2.	<p>Before the bid of the EPC projects, will MCA Mongolia provide any budget guidance for the individual EPC project? As you know, for similar projects from WB, ADB, etc., one can always find the project budget info from public sources, which is very useful to bidders.</p>	<p>The Millennium Challenge Compact for Millennium Challenge Account assistance to help facilitate poverty reduction through economic growth in Mongolia (the “Compact”) provides information on the overall budget of the project. Additionally, the Invitations for Bid will include the relevant technical specifications, drawings, and bills of quantities and addenda for the large and small works procurements and the Employer’s Requirements and relevant</p>

		addenda for the Design-Build procurement. However, estimates for the specific works procurements will not be published.
3.	Do you expect any delay for the bid due to the closedown/border control/travel ban of Mongolia under the pandemic?	At present, impact of the Covid-19 pandemic on the program procurements of MCA-Mongolia is relatively insignificant. However, the pandemic is considered as a risk for the procurement and implementation processes and appropriate mitigation measures are being taken by MCA-Mongolia and Millennium Challenge Corporation (MCC).
4.	Could we touch on the AWPP's Contract Operation Period in detail, please. Duration and responsibility matrix, etc.	Information that is publicly available for potential applicants and bidders can be found in the “Preliminary Information Package for Applicants” provided as part of the Pre-Solicitation Notice which is available on the MCA-Mongolia’s website: <a href="https://mca-mongolia.gov.mn/en/news/press-news/pre-sol-notes">https://mca-mongolia.gov.mn/en/news/press-news/pre-sol-notes</a> .  To download the “Preliminary Information Package for Applicants”, please register with the following link: <a href="https://bit.ly/2AMjIvh">https://bit.ly/2AMjIvh</a>
5.	Can Chinese State Company participate in this project?	Procurement rules and procedures of MCC upholds open competition, transparency, and fairness. Therefore, no “national preference” clause applies to the MCC-funded procurements. However, there are certain eligibility restrictions as per the MCC’s Program Procurement Guidelines (PPG). For example, <b>MCC does not allow Government-Owned Enterprises to compete</b> for contracts for goods or works. MCC may also consider any firm incorporated and organized in a country with a non-market economy to be a Government-Owned Enterprise, which makes the firm ineligible to compete.
6.	Participating as a representative of US company. Can we participate as a consortium with Mongolian company?	An Applicant or Bidder may be an entity, or any combination of entities supported by a letter of intent to enter into an agreement or under an existing agreement in association in the form of a joint venture or other association.
7.	Could you please quickly go over the FIDIC templates for each of the 5 separate contracts mentioned again (whether yellow or red-book)?	<b><u>Downstream Wells Activity</u></b>  For the following two procurements of large works under Downstream Wells Activity, the General Conditions of Contract to be used with the Bidding Documents are the FIDIC Conditions of Contract for Construction, First Edition, 1999, prepared and copyrighted by the “FIDIC” and licensed to MCC (Red Book): <ul style="list-style-type: none"> <li>• Construction of an Advanced Water Purification Plant (AWPP) and SCADA Controls;</li> </ul>

		<ul style="list-style-type: none"> <li>Construction of Conveyance and Well Pumpouses (Raw Water and Finished Water Piping, Network, Flow Monitoring and Controls).</li> </ul> <p><b><u>Water Recycling Activity</u></b></p> <p>For the following procurement of Design and Build Contractor under Water Recycling Activity, the General Conditions of Contract to be used with the Bidding Documents are the Conditions of Contract for Plant and Design-Build, First Edition, 1999, prepared and copyrighted by the “FIDIC” and licensed to MCC (Yellow Book):</p> <ul style="list-style-type: none"> <li>Construction of Wastewater Recycling Plant (Design and Build)</li> </ul> <p>For the other works packages, the General Contract Conditions will be defined in the respective solicitation documents.</p>
8.	When will the CP1 (Construction of Downstream Wellfield Wells at Shuvuun and Biokombinat) tender be announced?	MCA-Mongolia plans to issue the bidding document for this contract within the 4 <sup>th</sup> quarter of 2020.
9.	Can two companies participate as a consortium?	Yes. Please refer to the answer for question #6.
10.	What will be about the power source?	Ministry of Energy issued technical conditions. According to the technical conditions, two new substations and Overhead Transmission Line (OHTL) will be constructed under the separate contract on a parallel schedule. Main source of power will be the Songino substation (220/110/35kV).
11.	Are we able to build with our own financing and to carry out the operation?	The project is funded by MCC grant. Other project financing mechanisms such as BOT and BOOT are not considered.
12.	Since it is financed by the USA, is there any restriction for countries? Or is it available to all country entities to attend the bid?	Procurement rules and procedures of MCC uphold open competition, transparency and fairness. Therefore, no “national preferences” clause applies to MCC-funded procurements. However, there are certain eligibility restrictions as per the MCC’s Program Procurement Guidelines. Any entity not precluded by the eligibility procedures in the PPG will be considered eligible.
13.	Is it possible to participate as a consortium created by local and foreign companies?	Yes. Please refer to the answer for question #6.
14.	Will all bidding be responsible from Mongolia? Will the ministry have role to the bidding process?	MCA-Mongolia is responsible for implementing all procurements of consultants and contractors for Compact implementation through the Procurement Agent (PA) firm which has been selected through an independent procurement process. The PA manages all procurements for MCA-Mongolia following the MCC Program Procurement Guidelines.

15.	Is there maximum number of consortium members?	The procurement rules and procedures of MCC do not provide any limitation to the number of consortium members.
16.	Is there a preference for the companies who participated in the previous project of the first Compact?	Procurement rules and procedures of MCC do not provide any preferences to the companies who have participated in the previous Compact or any other Compacts. The qualification will be based on many factors and the pre-qualification processes for the subject contracts will result in a list of pre-qualified firms who have strong records in not only the related works but also in the different kinds of environmental, safety, social and gender standards. Moreover, the qualification processes will allow firms to elaborate on their plans for addressing the risks related to this project. Firms will also be requested to provide their experience, demonstrated capacity, capability and approach to successfully complete works of similar type, scale and technical challenge.
17.	Dear all, in case foreign company wants to participate in bid, whom should we contact?	<p>Any interested eligible company may participate in the procurements of MCA-Mongolia. The appropriate processes and procedures will be provided in the specific solicitation documents, once issued by MCA-Mongolia within June, 2020 (Pre-Qualification document for CP 2).</p> <p>Once a procurement notice is published, the Procurement agent of MCA-Mongolia will directly send the procurement notice and all procurement related public information to all companies which are included in the mailing list. In order to be included in the mailing list of the Procurement Agent of MCA-Mongolia, interested companies need to send such request to the Procurement Agent.</p> <p><b>Contact details:</b> <a href="mailto:PA-Mongolia@charleskendall.com">PA-Mongolia@charleskendall.com</a>  <a href="mailto:procurement@mca-mongolia.gov.mn">procurement@mca-mongolia.gov.mn</a></p>
18.	Will currently engaged PMC and engineering contractors /TetraTech and AECOM & Prestige Engineering/ be allowed to bid for the construction packages?	The consultants which are directly involved in design, project management, and other key aspects of the implementation of the project are not allowed to bid on the works. The PMC will be the Supervising Engineer for the works and the Design Consultant will provide certain support to MCA-Mongolia during the construction phase. Neither will be eligible to bid on the works.
19.	Will there be construction camp during construction period?	Yes, the contractor should provide a mobilization plan including necessary time for installing temporary workers' camp on site.
20.	Is it possible to have a list of interested foreign companies, similar to the one for Mongolian companies?	Please note that information included in the Pre-Solicitation Notice and the Information Package for Applicants, is the only available information on planned works procurements of MCA-Mongolia at this stage. All potential

		bidders are encouraged to start making preliminary arrangements for the preparation of pre-qualification applications. These arrangements might include research of the market to find potential partners.
21.	How many days period will have for the companies to prepare for the tender?	The information on the application's submission period will be provided in the specific solicitation documents (Pre-qualification documents).
22.	Can one company participate in different procurements of MCA?	A company can participate in multiple works procurements of MCA-Mongolia. However, the possibility of awarding multiple contracts to one company will be specified in the Solicitation Documents (Pre-qualification or bidding documents).
23.	Can State Owned Enterprises form a joint venture with local Mongolian enterprises to participate in the project?  Are the design and construction standards of the above projects the American standards?	MCC does not allow Government-Owned Enterprises to compete for contracts for goods or works. MCC may consider any firm incorporated and organized in a country with a non-market economy to be a Government-Owned Enterprise, which makes the firm ineligible to participate.  The detailed design is being developed by the Design Consultant and final standards to be adhered will be specified in the solicitation document for each contract package.
24.	What standard should be followed for material procurement and for installation? MNS or other?	All applicable international and local standards and codes to be used for supply and installation works will be described in the solicitation document. Equipment supply shall be consistent with detailed technical specifications to be provided in the bidding documents.
25.	Can the brands of materials indicated in BOQ be changed respecting the same quality?	MCA-Mongolia will avoid references to brand names, catalog numbers, or similar classifications. However, if it is necessary to quote a brand name or catalog number of a particular manufacturer, the words "or equivalent" will be added after such reference in all but the most exceptional cases.
26.	How about the tender size? Will there be smaller packages or one big tender package?	MCA-Mongolia will conduct three separate works procurements under the Downstream Wells Activity. Out of these procurements: Construction Package 2 (Construction of an Advanced Water Purification Plant (AWPP) and SCADA Controls) and Construction Package 3 (Construction of Conveyance and Well Pump-houses, (Raw Water and Finished Water Piping, Network, Flow Monitoring and Controls)) will be considered as the large works procurements, and Construction Package 1 (Construction of Downstream Wellfield Wells at Shuvuun and Biokombinat) will be considered as a small works procurement under the MCC's PPG.

27.	Would the proprietary technology can be used for advanced water treatment?	Treatment technology of AWPP consists of conventional and advanced treatment processes. All technologies designed to be installed are well known and broadly applied. At bidding stage, if bidders propose a proprietary technology, then it will be evaluated based on the balance of advantages and disadvantages and must be consistent with the technical specifications provided in solicitation documents.
28.	After the tender has been collected are all companies bidding quotations will be visible to the public?	Bid opening will be a public event. Once the Competitive Bidding process is completed, MCA-Mongolia is required to post the results, identifying the procurement, the name of the winning bidder and the price, duration, and summary scope of the contract on the same site that hosted the SPN, and at the MCA-Mongolia's website at <a href="http://www.mca-mongolia.gov.mn">www.mca-mongolia.gov.mn</a> .
29.	Will the companies that worked on the previous MCA project have any benefit?	Please refer to the answer for question #16.
30.	How long will the pre-qualification stage take? When will it be finalized?	MCA-Mongolia plans to finalize the pre-qualification process for CP-2 within the 3 <sup>rd</sup> quarter of 2020.
31.	Where can I find the Preliminary information package for applicants? I could not find this package at <a href="http://mca-mongolia.gov.mn">mca-mongolia.gov.mn</a>	The "Preliminary Information Package for Applicants" is provided in the Pre-Solicitation Notice, which can be found on the following link: <a href="https://mca-mongolia.gov.mn/en/news/press-news/pre-sol-notes">https://mca-mongolia.gov.mn/en/news/press-news/pre-sol-notes</a> .  To download the "Preliminary Information Package for Applicants", please register with the following link: <a href="https://bit.ly/2AMjIvh">https://bit.ly/2AMjIvh</a>
32.	Can we have the record of this webinar for re-watch?	All participants of the webinar will receive the Minutes of the Webinar, presentations made by MCA-Mongolia at the webinar, and all questions of participants with the responses by MCA-Mongolia.
33.	Can we get the record of the webinar?	Please refer to the answer for question #32.
34.	How do Mongolian sub-contractors connect with Prime contractors and get their information?	The "Preliminary Information Package for Applicants" includes the list of local construction firms that have expressed interest in teaming up for the works packages. We hope that this will help firms to find partners.  All potential bidders are also encouraged to start making preliminary arrangements for the preparation of pre-qualification applications. These arrangements might include research of the market to find potential partners.
35.	Will US companies be selected because it is funded by the United States, or Can it be a company from Europe?	Procurement rules and procedures of MCC uphold open competition, transparency and fairness. Therefore, no "national preference" clause applies to the MCC-funded procurements.

36.	Will there be requirement on the number of the JV companies? what would be the maximum?	No. Please refer to the answer for question #15.
37.	Does it have to be American company since it is funded by government of the USA?	No. Please refer to the answer for question #35.
38.	Who (which side) will supply the construction materials for the construction works?	The contractor will be responsible for the supply of construction materials and equipment.
39.	How long will the tender processing be?	Duration of the procurement process depends on many factors. However, MCA-Mongolia plans to finalize the pre-qualification process for Construction Package 2 (Advanced Water Purification Plant and SCADA Controls) within the 3 <sup>rd</sup> quarter of 2020, the pre-qualification process for Construction Package 3 (Construction of Conveyance and Well Pump-houses, ( Raw Water and Finished Water Piping, Network, Flow Monitoring and Controls)) within the 4 <sup>th</sup> quarter of 2020, and the Competitive Bidding processes for these CPs within the first half of 2021.
40.	When will be Part 2. Wastewater recycling activity tenders announced?	The latest GPN which includes this procurement item projects the procurements to be released within the next 12 months from the release date of the GPN.

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