

TERMS OF REFERENCE (TOR)

KUNDUZ STAFF COMPOUND PROJECT EVALUATION AT TERMINATION OF CONTRACT

Mission	AFGHANISTAN
Projects	KUN- Kunduz
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1. GENERAL OBJECTIVES

Disagreements during the construction of MSF Staff Compound project in Kunduz, led the Client (MSF- Médecins Sans Frontières) to terminate the contract during the initial stage of the work (less than 3 months after the contract was signed). However, what and how much was undertaken by the Contractor in terms of construction work is currently disputed among the Client and Contractor. Furthermore, it is now necessary to evaluate how much material, and the value of those materials, which were left on the construction site after the Contractor stopped working on the building site.

To solve this problem it was agreed by Client and Contractor that an external and neutral Evaluator should analyze and submit a report which will point out and demonstrate how much work has been done by the contractor in terms of value according to the contract and bill of quantities (BoQ).

This Term of Reference (ToR) aims to describe how the external Evaluator should proceed and report this evaluation in order to quantify how much the Contractor has achieved and constructed in the building site in terms of value according to the contract, BoQ and technical specifications maintaining the required quality. Also how much material has been left in terms of value according to the contract.

This Term of Reference has been agreed by both sides, the Client and Contractor.

2. PRE REQUISITES

- ☐ The Evaluator must be a company, registered with valid and updated licenses; the Evaluator shall not be an individual.
- ☐ The Evaluator must not be amongst the companies that participated on the original staff compound tender process.
- ☐ The company must have experience with constructions and knowledge of KUNDUZ Market. Applicants companies should present a curriculum where it is possible to verify all constructions activities in the last 10 years.

- The Evaluator must follow this Term of Reference including its General Objectives, Specific Objectives, time line, tools and criteria to complete the evaluation.
- The Evaluator MUST be able to work independently with possibility to approach both sides to request information in order to facilitate the context.
- In case of Client, Contractor and Evaluator should have a meeting this should always be together with client and contractor - to ensure transparency and avoid influence of any side.
- The Evaluator can request drawings, master plans, emails, minutes of meeting and relevant documents to understand better the situation. This package of information should be requested by email, always cc the Contractor and Client to make the communications clear and transparent.
- Evaluator should be neutral and impartial and never have personal interest which could favor Client or Contractor in order to be fair to both sides.
- The Evaluator must be aware that the site has been untouched for 2 months, so rain has filled the manholes with mud. This makes it impossible to verify the concrete casting that has been done. Therefore, a clean-up will need to happen before the Evaluator can verify certain aspects. To be completely safe, the Evaluator should be the one in charge of this clean up, providing and supervising the human resources and material needed.
- Fluent Pashto or Dari and English skills to communicate and produce a report about the evaluation. Or provide a translator able to perform the work.

3. SPECIFIC OBJECTIVES

- The Evaluator should present a proposal pricing this service to produce this evaluation. The cost of the evaluation will be paid by Contractor and Client equally.
- The Evaluator must study and be well familiar with the Contract, BoQ and drawings for the project.
- The Materials available, unused and left behind by the Contractor in the construction site should be valued by their price in the market (invoice), according to the contract and technical specifications (price, quantity and quality);
- The report should mention an estimation of value in American Dollars (USD), clearly separated (work done, Materials used, labors);
- Quality of the work should also be considered, because there is possibility that Client may have to demolish whole or part of work done by Contractor. If that is the case, Evaluator should specify what will have to be demolished and estimate how much would cost the demolition work.
- The work done by the Contractor should be presented in the same spreadsheet format from the contract according to the respective item description from the BoQ. However, items which were not done integrally, in other words, done only a part described in the BOQ should be presented according to their cost breakdown, see examples below.

I.E.:

- Equipment used

- Cement

- Sand
- Gravel
- Rebar
- Plywood
- Wood
- Props (for beam and slabs)
- Nails
- Labor
- Profit

Each factor above has a percentage to elaborate the price for Reinforced Concrete. So if materials such as plywood, sand are on site, they should be counted and quantified. These quantities should be crosschecked with real price in the cost breakdown and results total the material present on site. Note that plywood can be reused many times and that should also be considered.

Another example, for the item:

	Description	Unit	Qty	Unit Cost (USD)
2.3.1	Preparation of 20 feet containers with all required tasks and items including one coat anti-rust painting of both faces and two coat oil-paintings of the exterior face of containers (Color to be defined by the client) with cutting of the location of the doors and windows and welding containers in double living units according to the drawings with all required tasks. (container to be supplied by MSF)	L.S	10	600.00

The Evaluator has to breakdown the 600 USD Unit Cost into respective factors. Each factor such as cutting, welding frames, painting, etc... has its percentage contribution to sum up this Unit cost. Therefore the work done by the Contractor can be crosschecked and the result should correspond to the fair cost of delivered or partial delivered work.

- ☐ The Evaluator should illustrate the final report with pictures of the work done.

4. DELIVERABLES

A report must be presented with those outcomes:

- a) What the contractor has built for the Client and the result should be shown in value according to the BoQ format, except for services which have to be breakdown.
- b) If there is any work out of technical specification, it has to be pointed out in the report with value lost;
- c) The quantity and value of materials left in the building site, crosschecked with breakdown price.

5. TIME LINE

22-07-19 to 04-08-2019	Open the Tender	Kunduz open the Tender - It also necessary to include 1 or 2 days to visit the site.
05-08-19 to 14-08-2019	Selection of Evaluator	CBA, Contracts, etc
15-08-19	Start the Evaluation	
07-09-19	Delivery the final Report	