

SAINT VINCENT AND THE GRENADINES STRENGTHENING HEALTH SYSTEM RESILIENCE PROJECT

TERMS OF REFERENCE FOR THE PROCUREMENT AND CONTRACT MANAGEMENT SPECIALIST

SVG-SHSRP-C-INDV-3

BACKGROUND

Saint Vincent and the Grenadines (SVG) has received financing from the Export-Import Bank of the Republic of China on Taiwan for Reconstruction and Development towards the costs of the Strengthening Health System Resilience Project. The SHSRP aims to strengthen the capacity of hospital services and health system resilience in advancing the goals and targets of the National Health Sector Strategic Plan (NHSSP) and the National Economic and Social Development Plan 2013- 2025 (NESDP). The project will also benefit from various technical assistance activities to strength the sector policy framework, governance and implementation capacity to contribute to the development of a resilient system. These investments are expected to play a transformative role in strengthening the capacity and adaptability of the national health sector, including the ability to effectively respond to costly disease outbreaks, devastating natural disasters, and the rising burden of chronic non-communicable diseases.

The essential focus of the SHSRP is to promote resilience, quality, and efficiency at the secondary health care level and throughout the health system and induce providers and consumers to seek care early and at lowest appropriate level of care. Specifically, the project will finance infrastructure development, purchase of medical equipment, establish a robust hospital digital management information system for service efficiency and quality, and strengthen hospital governance and management. In effect, the project will be executed under four components:

Component 1: Development and launch of a new acute care hospital. This component will co-finance the construction of the new referral hospital and related medical and non-medical equipment, emergency management vehicles, as well as support the development of an equipment and maintenance strategy.

Component 2. Strengthening Health System Resilience. This component will finance investments in management information systems and a facility-specific health care waste management strategy to create a safe, resilient, and transparent environment for sustained health service delivery and strengthened hospital performance. Furthermore, it will finance various technical assistance and hands-on capacity building activities at the hospital and sector levels to strengthen the resilience of the health system against crises to reduce disruption to delivery of essential health care services during emergencies.

Component 3: Project Management, Coordination and Evaluation. This component will support national level activities among project implementing agencies. Specific activities include capacity building in contract management, procurement, environment and social management, financial management, and technical monitoring and evaluation, including project audits. The component finances the two pivotal consultancies that will support the management of the hospital development activities under Component 1 (Construction Management Consultant) and the health systems resilience activities under Component 2 (Health Sector Consultant). In addition, related operating expenses, equipment, and personnel necessary for the execution of the project will be supported.

Project Governance. Implementation of the project will be within the ambit of the Public Sector Investment Project Management Unit (PSIPMU) of the Economic Planning Division, Ministry of Finance, Economic Planning, (MOFEP), working in close coordination with the Ministry of Health, Wellness, Environmental Health and Energy (MOHWEHE) that will serve as the lead agency on technical matters.

A dedicated Project Coordination Team (PCT) will be established to assume the management functions of project planning, monitoring and evaluation, fiduciary management, and environmental and social risk management. The PCT will be supported in the execution of its functions by a Health Sector Consultant and a Construction Management Consultant (CMC) with specific responsibility for providing evidence-based technical advice, drafting terms of references, providing technical support on procurement, contract management, supporting policy reforms, and informing the development of regulations and laws. In response to the complexity and development focus of the project, a broad-based multisectoral Project Steering Committee (PSC) will be established to enable high-level leadership, oversight, and coordination.

To support the implementation of the Project, the GoSVG is establishing a Project Coordination Team (PCT) and requires the services of a Procurement and Contract Management Specialist.

SCOPE OF SERVICES

The position of Procurement and Contract Management Specialist is a contracted full-time staff position. Work will be performed on-site at the designated project office located in Saint Vincent and the Grenadines.

The Specialist will be responsible for the procurement activities under the SHSRP. This will entail, among other things, working closely with all relevant ministries and agencies to facilitate the procurement of all goods, works and services required under the project using the Public

Procurement Act 2018 and Regulation of 2019. Procurement under the Project will also be guided by the Project Operations Manual Development and the Procurement Plan¹.

DUTIES AND RESPONSIBILITIES

The Procurement and Contract Management Specialist will work under the overall management of the Director of Economic Planning and will report to the Project Manager in the execution of the following tasks listed below in a dynamic and proactive manner. The Specialist will be responsible for preparing all periodic reports on project procurement status. He/She will execute the entire cycle of procurement processes conducted within the project, directing, and managing the processes. Specifically, the Specialist will be required to:

1. Ensure that bidding processes are initiated, executed and completed in accordance with the relevant procurement regulations.
2. Report on all matters relating to procurement of goods, works and services under the project and provide systematic, timely information for use by the Government on the procurement of all civil works, goods, non-consulting and consulting services for the SHSRP.
3. Prepare and update the project procurement plan and corresponding budget for tracking purposes.
4. Provide support in the development and the reviewing terms of references for consultants and specifications/drawings/ bills of quantities for goods and works.
5. Prepare and ensure timely publication of notices (e.g., General Procurement Notice, Specific Procurement Notices, Request for Expression of Interest etc.) required for the selection of suppliers, contractors and consultants.
6. Prepare and maintain a register of qualified contractors, suppliers and consultants as appropriate and ensure periodic updating of the register inclusive of performance-monitoring.
7. Initiate, conduct and/or coordinate all aspects of the procurement process for any procurement method and manage the selection of consultants, suppliers or contractors where necessary.

8. Coordinate bid/proposal evaluation processes and prepare the relevant evaluation reports to substantiate requests for approval to the Central Procurement Board or other relevant entity.
9. Prepare Notifications of Intention to Award and support with holding debriefings and handling procurement-related complaints.
10. Prepare the final contracts and ensure timely distribution of all relevant procurement and contract documents to all stakeholders (Government, Accounts Department, Technical Officers, Consultants, and Suppliers).
11. Prepare and publish Contract Award Notices.
12. Work closely with appointed Contract Managers and the Supervision Engineer to ensure timely records of all contract management actions.
13. Monitor timely receipt of the goods, provisional acceptance of works and consultants' reports and issue final acceptance certificates by the Project in respect to delivery of goods, handing over of works and completion of services.
14. Monitor the receipt of the Suppliers and Consultants invoices and ensure the payment does not exceed the contract allowance. Where required payments exceed the contract amount, verify the validity of the invoice, and prepare the requisite approval requests for the applicable contract increase and prepare the amendment(s).
15. Assist in dealing with any claims during implementation or any dispute or arbitration arising from performance of the contractors/ suppliers/ consultants.
16. Direct the establishment of the Project's procurement filing system and ensure timely input of all relevant documents in their respective files.
17. Work closely with the Financial Management Specialist in preparing budgetary estimates and variance analyses for inclusion in the Unaudited Interim Financial Reports (UIFRs) and in the execution of the yearly external audits.
18. Ensure that the provisions of the Procurement Regulations as they relate to contract management activities are observed.

19. Prepare procurement related sections for inclusion in the quarterly progress reports, and other reports/briefs as may be required and, in any forms, [reports/diagrams] that might be required by the Project's needs.
20. Provide all necessary support with Post Procurement Review and Annual Financial Audits
21. Perform other related duties as assigned by the Director of Economic Planning.

REQUIREMENTS

- A Bachelor's Degree in any of the following areas: Business Administration, Law, Economics, Engineering, Quantity Surveying, Project Management or other relevant degree
- At least seven (7) years' hands-on experience conducting procurements of goods, works and services.
- Experience using the procurement regulations/guidelines and standard documents of multilateral and/or bilateral donors would be *an asset*.
- At least five (5) years' experience in contract management, supervision of goods and works and handling of claims would be *an asset*.
- Experience in implementation of infrastructure projects using "Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer ("Red book") Second edition 2017" published by the Federation Internationale Des Ingenieurs – Conseils (FIDIC) would be *an asset*
- Demonstrated ability to work in teams within a collaborative mode.
- Fluency in English
- Excellent written and oral communication skills.

DURATION

The contract will be for one (1) year in the first instance and would be subject to an extension until the project closing date based on satisfactory performance, project continuity and funds availability.

ANNEX – PROCUREMENT SPECIALIST PERFORMANCE INDICATORS

PERFORMANCE METRICS

Performance Indicators

The consultant, among others, will help with the steps of Procurement Process, such as:

- Draft, coordinate, review and/or assist in the preparation of the following solicitation documents:
 - Requests for Expressions of Interest→ (no longer than 3 business days)
 - Requests for Quotations→ (no longer than 3 business days)
 - Purchase Orders (for procurement of goods using Request for Quotations→ (no longer than 3 business days)
 - Bidding Documents and Request for Proposals → no longer than 5 business days)
- Prepare General Procurement Notice / Specific Procurement Notices and ensure it is advertised as necessary. → no longer than 3 business days
- Attend and record Minutes of Bid Openings. → Same day
- Prepare all forms for the evaluation and selection of consultants, contractors and suppliers, and assist the Evaluation Committees during the evaluations. → no longer than 5 business days
- Table evaluation reports for approval by the relevant authority (Director of Economic Planning, Permanent Secretary, Project Manager, departmental directors etc.) to allow for award of all contracts, → no longer than 5 business days
- Preparation of letters to contractors/suppliers and consultants regarding award of contract, discharge of bid securities, discharge of performance securities and any other document required as per St. Vincent and the Grenadines Public Procurement regulation, which are relevant → no longer than 5 business days
- Prepare notifications of intention to award and or award of contracts, letters to unsuccessful bidders and publication of award of contracts. → no longer than 5 business days
- Support the Project Manager, officials and commissions, as appropriate, with holding debriefing and handling procurement-related complaints in accordance with the Procurement Regulations, including the timelines specified
- Ensure the timely submission of signed contracts to the Audit Department, Accountant General, Director General Finance and Planning and the implementing agencies and to confirm receipt → no longer than 3 business days

- Review and provide feedback to the Project Manager on the database of suppliers maintained to facilitate procurement under RfQ procedures → no longer than 3 business days
- Review and signoff on the List of Contracts (Goods, Works and Consultant's Services) procured under the Project to be included into the Financial Statements → no longer than 5 business days
- Work with the Project Manager to coordinate, pre-bid meetings and pre-proposal conferences → no longer than 3 business days
- Assist the Project Manager with engaging the appropriate technical officers including the – Safeguards, Technical Team on procurement activities
- Maintain filing system for management of procurement processes → no longer than 5 business days

Monitoring and Reporting

- Use the approved Annual Work Plans for updating the Procurement Plan with information and documentation.
- Ensure that goods/services/works are procured in accordance with the approved Procurement Plan, with respect to timelines and in keeping with estimated costs.
- Attend Project review meetings with financing agencies to discuss project status.
- Ensure that all fixed assets procured are being recorded and included in the inventories of the proprietary agency as per the domestic regulation in force.
- Participate in and contribute to Post Procurement Review and Annual Audits for the Project.
- Facilitate regular (e.g., weekly) reporting to the MoFEP and MoHWEHE on procurement status including achievements, delays and challenges,
- Ensure timely updating and reporting of procurement activities to facilitate reporting by Financial Management Specialist and Project Manager.
- Assist the Project Manager with close out of all project processes and activities (by returning all guarantees, bid securities, pay out of retention,) and documenting lessons learned and best practices

Form for Performance Evaluation

1. Loan, Credit, or Grant No.
2. Borrower (Client)
3. Project Name
4. Consultants Name, Nationality and Address
5. Description of Services (brief, less than a quarter of a page)
6. Contract Date
7. Completion Date (Actual)
8. Original Contract Amount in US\$.
9. Final Contract Amount in US\$
10. Evaluation, based on (a) your own knowledge; (b) a review of the records, and (c) panel assessment (if affirmative, pls. list panel members.

Score Rating

- 5 Outstanding
- 4 Good
- 3 Adequate
- 2 Marginally adequate
- 1 Unsatisfactory

Explanation of Above Score (Use additional sheets, if necessary)

Manager's Name Signature Unit's Acronym Date

CODE OF CONDUCT

I, _____, staff at the PCT in the Ministry of Finance, Economic Planning in Saint Vincent and the Grenadines for the project Strengthening Health System Resilience Project (SHSRP), acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing Gender Based Violence (GBV), including sexual exploitation and abuse (SEA), and sexual harassment (SH) at the workplace, is important in and outside the context of this project, as further set out in this Code of Conduct. As such, we acknowledge this Code of Conduct identifies the behavior that is expected of all PCT staff for the Project SHSRP.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

For the purpose of this Code of Conduct, it is important to note that GBV is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (that is, gender) differences between male and female individuals. GBV includes acts that inflict physical, mental, or sexual harm or suffering; threats of such acts; and coercion and other deprivations of liberty, whether occurring in public or in private life. GBV includes the following concepts:

- **Sexual Exploitation and Abuse (SEA):** Sexual exploitation is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse is defined as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- **Sexual harassment (SH):** occurs between personnel and staff on the project and means any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature.

A violation to this Code of Conduct, including failure to follow ESHS and OHS standards, or engaging in activities constituting GBV including SEA/SH—be it on the workplace, work sites, work site surroundings, at workers' camps, or the surrounding communities—, constitute acts of serious misconduct, which contravenes the terms of employment, and are therefore grounds for disciplinary action up to and including termination of employment for PCT staff. Acts that may violate the laws of Saint Lucia will be additionally referred to the corresponding legal authorities, including for potential prosecution under the Criminal Code.

Commitments under this Code of Conduct

I agree that while working on the project I shall:

General:

- carry out my duties competently and diligently.
- comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Project staff, workers, and any other person.

Regarding ESHS and OHS

- Attend and actively partake in training courses related to ESHS and OHS as requested by my employer.
- Always wear my personal protective equipment (PPE) when at the work site or engaged in project related activities.
- Implement the OHS Management Plan.
- Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties.
- Report work situations that are not safe or healthy and remove myself from a work situation which I reasonably believe presents an imminent and serious danger to my life or health.

Regarding equality of opportunity and treatment

- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Regarding discrimination and violence based on gender

- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not engage in SEA with project beneficiaries and members of the surrounding communities.
- Not engage in sexual harassment with other project personnel and staff—for instance, comments on the appearance of another worker (either positive or negative) and sexual desirability. Making unwelcome sexual advances, looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; and offering or giving personal gifts.
- Not engage in sexual favors—for instance, making promises of favorable treatment (e.g. promotion), threats of unfavorable treatment (e.g. loss of job) or payments in kind or in cash, dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.

- Unless there is the full consent² by all parties involved, not have sexual interactions with members of the surrounding communities or work colleagues. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.

Regarding children under the age of 18

- Not engage in any form of sexual contact or activity with children under the age of 18- including grooming or contact through digital media. Mistaken belief regarding the age of a child or his/her consent is not a defense or excuse.
- Bring to the attention of my manager the presence of any children on the construction site or engaged in hazardous activities.
- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography.
- Refrain from hiring children below the minimum age of 18.
- Comply with all relevant local legislation, including labor laws in relation to child labor.
- When photographing or filming a child for work related purposes, I must:
 - Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
 - Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
 - Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive way. Children should be adequately clothed and not in poses that could be sexually suggestive.
 - Ensure images are honest representations of the context and the facts.
 - Ensure file labels do not reveal identifying information about a child when sending images electronically.

² **Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. Consent must be informed, based on a clear appreciation and understanding of the facts, implications and future consequences of an action. The individual also must be aware of and have the power to exercise the right to refuse to engage in an action and/or to not be coerced (i.e., by financial considerations, force or threats). No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. For the purpose of this Code of Conduct, consent cannot be given by children under the age of 18, even if national legislation introduces a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

Disciplinary measures

The Economic Planning division within the Ministry of Finance, Economic Planning (MoFEP) with the MOHWEHE, shall be responsible for making decisions on the specific sanctions to be imposed on workers for violations to this Code of Conduct. I understand that if I breach this Code of Conduct, the Economic Division within the MoFEP in collaboration with the MOHWEHE will take disciplinary action according to the seriousness of the offense which could include:

- verbal notification (For Public Officers)/ warning for PCT staff employed by the PS
- written notification (For Public Officers)/ warning for PCT staff employed by the PS
- termination of employment

Infringements sanctioned with verbal notification

Those behaviors that do not cause relevant risks to the MoFEP and MOHWEHE, other workers and/or its relationship with the communities. Verbal warnings may involve a reminder of the Code of Conduct and its applicability.

Infringements sanctioned with written notification

Those behaviors that cause minor risk to the MoFEP and MOHWEHE, other workers and/or its relationship with the communities and/or the environment.

Infringements sanctioned with termination of employment

Those behaviors that cause substantive risks to the MoFEP and MOHWEHE, other workers and/or its relationship with the communities and/or the environment, or behaviors that constitute serious misconduct in accordance with this Code of Conduct. In such cases, the termination of employment may be accompanied by a referral to the corresponding legal authorities. Cases of SEA or SH will always be considered serious misconduct. Recurrent offences to the Code of Conduct will also be considered serious misconduct.

Termination of employment shall be carried out in accordance with the Labor Code of St Vincent and the Grenadines.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met; that I will adhere to the occupational health and safety management plan; and, that I will avoid actions or behaviors that could be construed as GBV, including SEA and SH. Any such actions will be a breach of this Code of Conduct. I do hereby acknowledge that I have read the foregoing Code of Conduct, agree to comply with the standards contained herein, and understand my roles and responsibilities to prevent and respond to ESHS, OHS, and GBV issues. I understand that any action inconsistent with this Code of Conduct or failure to act, may result in disciplinary action.

Staff Signature: _____

Printed Name: _____

Title: _____

Date: _____