**Terms of Reference (ToR)**

**For hiring an Individual Construction Consultant for**

**the construction and related works of a Productive Use of Energy Hub in Awa bare Woreda, Sheder Kebele of Somali Region of Ethiopia**

**Background**

Mercy Corps is a leading global organization powered by the belief that a better world is possible. In disaster, in hardship, in more than 40 countries around the world, we partner to put bold solutions into action — helping people triumph over adversity and build stronger communities from within. Now and for the future.

Mercy Corps Ethiopia exists to alleviate suffering and poverty by helping people build secure, productive, and sustainable livelihoods. Since 2004, we have worked in rural, peri-urban and urban areas in five regional states - Somali, Oromia, Afar, Southern Nations Nationalities and Peoples, Amahara, and the capital city, Addis Ababa. Our mission is to foster populations that are financially stable, healthy and nourished, and educated and informed, within a context where natural resources are accessed, shared and utilized sustainably, so people can lead productive livelihoods. Driven by local needs, our programs provide individuals, agencies and businesses with the tools and support they need to transform their lives, businesses, and communities. Our partners include government, academic institutions, development and private sector actors, civil societies, and participating public. We strive to strengthen all of these institutions in the hopes that one day they become self-reliant

Powering infrastructure in relief settings, where clinics, offices, communications towers, water pumping stations and other necessary services are commonly fuelled by diesel generators, represents a substantial economic burden for humanitarian agencies & for the businesses and households located in refugee settlements and host communities.

Mercy Corps in partnership with Shell under Shell’s Enter Energy – Ethiopia (EE-E) initiative has been exploring the feasibility of deploying and operating clean and commercially viable energy infrastructures in displacement settings and for WFP operations in the same areas. The strategic objective here is to develop a replicable, market-based model to provide clean, sustainable, reliable, and affordable energy services for the humanitarian sector.

To this end, EE-E has decided to support the commercial deployment and operations of a solar PV-based hybrid mini-grid serving the host and refugee communities of Sheder.

For the proposed Enter Energy model to reach scale it is essential to incorporate a livelihood component that focuses on the productive use of energy as this will enhance the financial sustainability of the minigrid model whilst also enabling greater income opportunities for the community. The reasoning for this is twofold: on one hand greater load consumption (through PUE) will enhance the sustainability of the financial model of the minigrid while on the other hand, energy-facilitated increases in production will augment the refugee spending capacity - also for energy bills.

To this end, Mercy Corps in discussions of relevant stakeholders intends to deploy a commercial hub (hub) to host business activities in Sheder and in need of a sustainable power supply to be supplied by the mini-grid. Mercy is therefore in search of a qualified architect to support the construction and related activities of the construction of the commercial centre/productive use hub.

Purpose

The architect will provide technical support and oversight to the Mercy Corps team The purpose of this Scope of Works is to define the scope of work for the technical assistance on the design, construction, and commission of the Productive Use Hub in the Awa bare Woreda, Sheder Kebele.

This scope of work relates to tasks required of the consultant.

***Task 1: Finalise the design of the PUE***

The architect shall, working together with the project team and local authorities provide possible designs for the commercial centre, subject to budget availability. Based on this design, the architect shall produce relevant architectural and structural and other related drawings of the Hub. This shall include the bills of quantities (BOQs) and costing that will be used for tendering purposes. The final drawings will be approved and signed off by Mercy Corps and the local authorities of Sheder. Building size, subject to available budget will be determined in close consultation with the Mercy Corps team and the Sheder authorities. Government construction guidelines will be followed to ensure compliance with the existing construction regulations of this kind. The design should also consider the use of local resources (materials and personnel), both in-kind or cash to maximise the available budget as much as possible.

***Task 2: Acquisition of all necessary permits.***

All the necessary permits will be secured before construction starts. These include EPA, building and fire permits, and cleared land title as well which is in process of being acquired. The consultant will spearhead the acquisition of these permits with the support of Mercy Corps and the local authorities.

***Task 3: Preparation of Tender Documents and Tender management***

The consultant will, working with Mercy Corps prepare the requisite tender documents based on the BoQs and building drawings. The final tender documents will be approved before final advertisement of the tender. A tender evaluation committee will be set up to evaluate the tender and select a winning bid. The consultant will serve as an advisor to the Tender Evaluation committee, comprising Mercy Corps logistics, EE-E teams and HumEn PLC to review the received bids based on selection criteria to be established by the evaluation committee.

***Task 4: Appointment of Contractor and award of contract.***

Based on the tender technical and financial evaluation report, a contractor will be selected and awarded the contract for the construction of the EE-E PUE. Contractor will be required to submit official documents demonstrating they are a qualified and reputable building contractor. Contractor will have performance bonds and carry minimal liability insurance and signed certification that they do not and will not use any child or forced labor in the building construction. The consultant coordinates the contracting process and ensure the requisite documents are provided by the contractor. This shall include drafting the construction contract.

***Task 5: Construction***.

The consultant shall supervise the construction of the PUE hub through site visits. This will be coordinated with HumEn PLC and Mercy Corps EEE team to ensure they are cognizant of progress and aware of any issues that may arise during construction and any modifications that may be necessary. The consultant shall prepare the necessary progress reports (monthly) to inform project partners on the status of work. He/she shall also review submitted request for payments as well conduct relevant measurements based on the BoQs which will form the basis for the various payment schedules agreed under the construction contract.

***Task 7: Additional Administrative Tasks***

The role of the consultant (team) will also include but not be limited to:

* Act as the main contact person between the contractor and Mercy Corps to ensure timely and accurate communication and delivery on the contract.
* Facilitate relevant site visits and meetings with all key stakeholders.
* Ensure a high quality of work in a timely manner.
* Play a significant role in presenting information and responding to questions during the progress of works.
* Prepare and distribute meeting/visit agendas and prepare and distribute summaries of the meetings/visits.
* Develop procedures etc as may be necessary to be able to control/manage the project.
* Develop or implement environmental protection measures as per Ethiopian Environmental Protection EIA guidelines.
* Make sure the contractor adheres to green building strategies to reduce energy costs or minimize carbon output or other sources of harm to the environment.
* Proactive approach to mitigate any possible spills, quantifying for payment to contractor, regular monitoring of work as per contract.
* Coordinate the commissioning and handing-over ceremony for the PUE hub
* Manage the defect and liability period by monitoring the building during this period and prepare a report which will serve as a closure to the construction contract.

**Deliverables**

| **Activities** | **Deliverables** |
| --- | --- |
| Finalise architectural and related drawings | Final Drawings of building |
| Acquire necessary permits | Fire, building and EPA permits, land title |
| Prepare Tender Documents | Tender Documents |
| Advertise tender | Newspaper advertisement |
| Prepare & Submit Tender Evaluation Report | Tender Evaluation report |
| Appointment of Contractor (award contract including Pre-contractual Arrangement and handing over site) | Contract award documents |
| Facilitate Initial payment | Signed document noting payment made |
| Progress review and second payment | Progress Report and signed document noting payment made |
| Review third payment (building is complete) | Progress Report and Certificate of completion, signed document noting payment made |
| Commissioning and handing-over ceremony for PUE hub | Durbar report |
| Manage Defects Liability Period (4 months) March to June 2023 | Defects Liability report |

**Terms and Conditions**

The consultant (s) will propose a competitive bulk fee to cover professional fees. Mercy Corps will provide logistics support to make the consultant(s) work effectively.

Mercy Corps reserves the right to negotiate this fee as part of the contract award process. This may be done taking in consideration budgetary concerns and Mercy Corps policy.

The Consultant reports to the Team Lead Enter Energy Ethiopia.

**Level of Effort Required and Timeline**

The assignment period (including the building) is estimated from October 2022 to June 2023. In addition to there is a 4-month Defect and Liability Period which ends in September 2023. The consultant shall propose the number of input days required to carry out this assignment.

**Requirements and Qualification**

The consultant/consulting firms should have a working knowledge technical assistance and supervision of construction of commercial centre/business hub and have the confidence in that knowledge to effectively lead construction activities on the worksite in the humanitarian setting.

* At least 7 years of experience in the building construction field; with at least 5 years spent in supervising and leading a construction project.
* High degree of knowledge of all aspects of commercial building and permitting process
* Hold a valid professional license.
* Strong organizational skills, people skills and attention to detail.
* Willing to commit to a mutually coordinated schedule
* Computer literacy with demonstrated experience in using the Internet and Microsoft Office (i.e., Word, Excel) preferred.

**Evaluation Criteria**

* 1. **Technical Criteria Weight is 60%**
* Relevant academic background, qualification, and professional license (10%).
* Understanding the scope of work and methods of service delivery (15%)
* Experience on infra design, construction, and supervision 30%)
* Relevant work experience in Somali region particularly in refugee and host community setting (5%)
  1. **Financial Criteria weight is 40%**

Those applicants that scored below 40% of the technical evaluation will not be considered for financial evaluation.

**Application Process**

Consultants (firms) can apply as teams or as an individual. Interested consultants/consulting firms should submit the following as part of the application process to **et-tender-questions@mercycorps.org**

not later than 6 October 2022 5:00pm with the subject line clearly marked **“EE- Ethiopia PUE Hub Construction Supervision Consultants.”**

* An expression of Interest which should give details of experience of consultant (s) in carrying out the assignment.
* The expression of interest should also contain the consultants proposed schedule of work (work plan) to carry out the assignment.
* A brief financial proposal which contains the proposed bulk fee with a breakdown of fees on each section of the scope of work.

Criteria:

* Being an eligible business under the Ethiopian laws and regulations; and attach renewed Business license.
* Being in good standing with any Ethiopian taxation or legal authority; and which can submit renewed business license, TIN and VAT registration certificate.
* Bids received after this date may not be considered.
* Mercy corps will deduct 30% w/h tax if not licensed; from the total amount to be paid as per the National tax law
* Please mention if price is including VAT, the terms of payment and price validity period
* Financial proposal must be in Birr
* Mercy Corps reserves the right to reject the bid fully or partially.