

TERMS OF REFERENCE FOR SUPERVISION CONSULTANT FOR THE CONSTRUCTION OF THE GALAFI ONE STOP BORDER POST MAIN BUILDING (ETHIOPIAN SIDE) UNDER THE COMESA TRADE FACILITATION PROGRAMME

1.1. Background

The Common Market for Eastern and Southern Africa (COMESA) is one of the 8 Regional Economic Communities (RECs) recognized by the Africa Union. It consists of twenty-one -member States that have agreed to co-operate and promote regional integration through trade and investment development resources for the mutual benefit of their people. The mission of COMESA is to achieve, over the long term, sustainable economic and social progress in Member States through enhanced cooperation and integration in all fields of development especially in trade, customs and monetary affairs, transport, communications and information, technology, industry and energy, gender, agriculture, environment, and natural resources.

COMESA and the European Union (EU) have signed a Contribution Agreement amounting to €48million financed under the 11 European Development Fund (EDF), for the COMESA Trade Facilitation Programme (TFP) which is expected to end in May 2024. This programme is in line with the 11th EDF Regional Indicative Programme (RIP) for Eastern Africa, Southern Africa and the Indian Ocean (EA-SA-IO) region, the COMESA Treaty and 2021-2025 COMESA Medium-Term Strategic Plans and relevant COMESA trade facilitation policies and instruments. It builds also on existing initiatives at national level in the region to promote and facilitate cross border trade between the countries.

The Trade Facilitation Programme aims to increase intra-regional trade flows of goods, persons and services by reducing the costs/delays of imports/exports at specific border posts through the reduction of NTBs across the borders, the implementation of the COMESA Digital FTA, WTO TFA, the improvement of the Coordinated Border Management (CBM), and the liberalization of trade in services and movements of persons.

The programme identifies five key result areas:

Result 1: Improved monitoring and resolution of NTB's;

Result 2: Enhanced Implementation of the WTO Trade Facilitation Agreement;

Result 3: Strengthen Coordinated Border Management (CBM) and Trade and Transport Facilitation;

Result 4: Improved levels of implementation of harmonised science based Sanitary and Phyto-Sanitary measures and Technical Standards; and

Result 5: Enhanced Trade in Services, free movement of persons, trade negotiations and trade promotions are supported.

Under result 3, the programme encompasses activities to be implemented at the level of the whole COMESA/tripartite region and specific interventions at targeted border posts. The following initial border posts have been selected:

1. Lamu Corridor: Moyale (Ethiopia/Kenya)
2. Djibouti Corridor: Galafi (Djibouti/Ethiopia)
3. Tunduma Nakonde (Tanzania/Zambia)
4. Chirundu (Zambia/Zimbabwe); and
5. Mwami Mchinji (Zambia/Malawi)

It is for this reason that COMESA and the Federal Republic of Ethiopia signed a Sub-Delegation Agreement in February 2021 for the Upgrade of the Moyale and Galafi Border Post. The programme intends to support the construction of the One Stop Border Post Main Building at Galafi Border (Ethiopian side) to enhance cross border between Ethiopia and Djibouti. It is for this reason that the Common Market for Eastern and Southern Africa (COMESA) intends to contract the services of a supervising consultant to supervise the construction and post construction works at the Galafi Border Post.

1.2. Purpose

The purpose of this consultancy is to carry out design review, construction and post construction supervision to final handover for the targeted Galafi One Stop Border Post Main Building (Ethiopia Side).

1.3. Results to be achieved by the Contractor

The contractor will provide oversight of the construction works and overview of progress, with particular attention to ensuring Construction Contractors' adherence to the design and construction drawings and specification.

SCOPE OF THE WORK

1.4. General

1.4.1. Project description

Trade Facilitation has been and continues to be a topical issue the world over more so with the coming into being of the WTO Trade Facilitation Agreement. In the COMESA region, trade facilitation has been identified as one of the key issues that will enable the region to attain its economic growth objectives. One way this can be achieved is through the development of coordinated border management systems within the region. Once established, intra-regional trade is expected to be more efficient and cost effective making our products competitive within the regional and international markets.

Djibouti transport corridor is of regional strategic importance. Enhancement of facilities along the corridor will facilitate the easier movement of goods and people within the Eastern Africa region and particularly between the corridor countries of Djibouti, Ethiopia, South Sudan and Uganda.

The Ethiopian Galafi Border post is located 694 km from Addis Ababa along the *Semera-Mille-Galafi Highway* and 219 km south-east of the City of Djibouti. The border post is located at the Afar Regional State of Ethiopia, which is one of the ten regional states of Ethiopia.

The Galafi border is one of the busiest corridors in the region and open 24/7. About 90% of imports and exports from Ethiopia that transit through the ports of Djibouti and are transported by road through the Galafi Border Post. The current statistics indicates that on average, 1,100 loaded trucks import into Ethiopia and 900 trucks export from Ethiopia to Djibouti daily, bringing the total to about 2,000 trucks crossing the border post per day.

The existing border control facilities on either side of each border along the corridor are operating on the basis of respective national legislation. These countries are expected to have common legislation that is supportive of OSBP operations. A legal framework will be established with the support of the Moyale and Galafi Border Post Upgrade Project to facilitate extra-territorial operations by officials of one country in another to enable OSBP operations.

Furthermore, structural changes through construction of the OSBP will facilitate improvements in trade and transport practices, particularly in the use of modern technology and in the field of customs operations and procedures. The efficient operation of transport modes and interface facilities - resulting from reduced physical barriers and institutional interference and simplified legal regimes will enhance improvement of trade and transport operations between the countries.

1.4.2. Geographical area to be covered

Border Market Site and Works for supervision	Services to be provided
	Supervision of:
	<ul style="list-style-type: none"> ➤ Review designs ➤ Site clearance for construction of the One Stop Border Post Main Building ➤ Opening of site access roads ➤ Drainage infrastructure ➤ Sanitation and waste management. ➤ Overseeing quality control, health and safety matters on site ➤ Monitoring and reporting on the progress of construction work ➤ Resolving any unexpected technical difficulties and other problems that may arise.

1.4.3. Target groups

The target group in the project include

- i. Federal local authorities
- ii. Border Agencies
- iii. Relevant Ministries and agencies
- iv. Local communities

To this end the scope of works, is subdivided into 3 phases namely:

- (i) Preconstruction phase
- (ii) Construction Supervision and Administration Phase
- (iii) Post Construction phase

1.5. Specific work

The Consultant shall generally carry out the functions of supervision consultant at the selected site, the activities include:

<p>Phase 1 – Pre Construction</p>	<ul style="list-style-type: none"> (i) Establishment of a positive and amicable, but impartial, liaison with the Construction Contractor(s). (ii) Review the detailed Architectural and engineering design for its correctness and safety prior to the start of civil works. (iii) Submit a report on the findings and propose modifications or corrections to any defects or omissions. 	<p><u>Deliverables</u></p> <ul style="list-style-type: none"> (i) Report on the design review
<p>Phase 2 – Construction Supervision and Administration Phase</p>	<ul style="list-style-type: none"> (i) Ensure that the construction methods proposed by the contractor for carrying out the works are satisfactory. (ii) Inspect contractor’s construction equipment; results of material and soil tests; safety of the works, property and personnel; and schedule of mitigation measures for adverse environmental impacts. Notify contractors to remedy works and materials that fail to comply with the specifications. (iii) Monitor and supervise (a) progress of contractors’ works vis-à-vis contract schedule, and (b) quality of contractors’ works vis-à-vis applicable technical specifications and design. 	<ul style="list-style-type: none"> (i) Submit monthly progress reports including site meeting minutes and issues arising and recommendations (ii) Practical Completion/Certificate of Occupancy and other Project Completion Reports

	<ul style="list-style-type: none"> (iv) Check that “as built” drawings are prepared by the contractors for all works as construction progresses. (v) Ensure that road safety design requirements are implemented following the contract specifications. (vi) Develop quality assurance system and quality control plan for provisions of cement-concrete pavement. (vii) Establish procedures to verify contractor performance and report progress and problems on time, including quality control reports, quantity survey records, requests for variation or change orders, and contractor’s claims and invoices. (viii) Evaluate any proposed changes (e.g., time, scope and cost) by the contractor during the course of the Project. (ix) Review and certify work volume, and process interim and final payments of the contractors. Ensure timely submission of contractors’ interim payment certificates, and release of payment. (x) Ensure project financial management procedures are in place and are strictly followed, specifically relating to payments, financial accounting, requests for time extension, and contractors’ claims and invoices. (xi) Schedule site meetings and joint inspections and produce the requisite minutes and reports as well as maintain site records, correspondences and diaries (xii) Assess claims submitted by the Consultant as well as 	
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potential claims. Advise the Client on the appropriate actions that need to be taken

Safeguards Compliance Monitoring

- (xiii) Carry out the following duties related to environmental mitigation during construction: (a) ensure that all the environmental mitigation measures required to be implemented are incorporated in the contract documents; (b) supervise and monitor the implementation of environmental mitigation plan (EMP); and (c) in case of unexpected environmental impacts, coordinate with the Project Director to recommend necessary mitigation measures for implementation.
- (xiv) Assist in monitoring and reporting of the land acquisition and resettlement plan (LARP) implementation if applicable.
- (xv) Monitor contractors' compliance with and performance of required actions regarding HIV/AIDS, and labour core standards in accordance with the contract documents, such as awareness and education of laborers and workers
- (xvi) Ensure that the contractor does not involve child labour in the execution of the civil works contracts in accordance with the provisions of the contract agreement.

Documentation and Reporting

	<p>(xvii) Report and update the works implementation schedule, highlight any unforeseen delays, and timely propose corrective measures</p> <p>(xviii) Undertake project performance monitoring and evaluation and reporting up to project completion. Collect baseline survey data based on the indicators in the project's design and monitoring framework; and measure the indicators overtime during the assignment period. Design a simple MS Excel or similar system for recording the baseline and periodic data.</p> <p>(xix) Develop and maintain a storage and retrieval system of records documenting information supplied by the field teams, decisions made at meetings, progress on civil works, certified achievements and milestones, financial records, any deviations from or changes to the contract plans (scope, cost, materials, time), correspondences, site diaries, test data and quality control reports, quantity survey records, as-built drawings, and progress reports.</p>	
<p>Phase 3 – Post construction phase</p>	<p>(i) Inspect the completed work periodically during the defect liability period within the terms covering the consultant's agreement, prepare lists of deficiencies (if any), and carry out supervision of the remedial works, and issue defects liability certificates after the rectification of the notified defects by the contractors.</p> <p>(ii) Confirm that Practical Completion has been reached, and advise the representative of the Client accordingly.</p>	<p>(iii) Final completion reports</p>

1.6. Project Management

1.6.1. Management structure

The COMESA Secretary General is the Contracting Officer and is responsible for signing the contract.

The Programme Coordinator, under the Ministry of Trade and Regional Integration, is responsible for validating terms of reference, overall coordination of the contract, monitoring reporting timelines, verifying evaluation reports against the consultant's reports and verification of payment requests.

The contractor will work under the supervision of the Programme Coordinator and in close cooperation with The Ministry of Transport who will provide the technical supervision.

1.6.2. Documents to be provided by the Programme Coordinator/Authority and/or other parties

- The Border market feasibility studies, detailed designs, BoQ's etc
- The infrastructure detailed designs and documentation
- The construction contractor contracts
- Introduction letter of the Consultant to Districts Local government

To facilitate the contract performance, the Programme Coordinators will introduce the consultant to respective Ministries, institutions and Federal to provide all the required documents like the land title, and all other required clearances.

1.6.3. Facilities to be provided by the Contracting Authority and/or other parties

The contracting authority will provide no facilities or any amenities.

LOGISTICS AND TIMING

1.7. Location

The location of the assignment is Galafi Border Post.

1.8. Start date & Period of implementation of tasks

The supervision shall cover a construction period of twelve (12) months but not later than 20th May 2024. The defects and liability period is set for a period of twelve (12) months.

REQUIREMENTS

1.9. Staff

Note that civil servants and other staff of the public administration, of the partner country or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender

and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

1.9.1. Key experts

Key experts have a crucial role in implementing the contract. These terms of reference contain the required key experts' profiles. The tenderer shall submit CVs and Statements of Exclusivity and Availability for the following key experts:

The required Consultant shall have experience in having successfully completed similar assignments (in nature) in the last ten years; have relevant competent professionals comprising of at least the following;

- a) **Lead Consultant/Team Leader** who shall be a Registered Architect, with qualifications of at least Bachelors Level in Architecture or equivalent, plus at least 6 years' experience as Lead Consultant of five similar assignments (in nature) in the last ten years.

The Team Leader will be responsible for overall project management in performing the scope of work indicated in these ToRs. The Team Leader will prepare the following:

- (i) Detailed work program and timetable of the activities to be implemented with terms of reference of each activity to be implemented,
- (ii) Final staffing schedule and terms of reference,
- (iii) Quality assurance system and procedures to supervise and monitor contractor performance and report progress and problems on time,
- (iv) coordinating arrangements among team members, Project Director, and contractors,
- (v) disbursement schedule, and
- (vi) Project performance monitoring database system to store and retrieve historical monitoring record/data.
- (vii) Lead the review of the drawings including technical specifications (including bill of quantities), drawings, and construction methods against Federal Republic of Ethiopia Standards. Propose modifications, if necessary.
- (viii) Issue notice-to-proceed to contractors for respective road sections or parts of the road sections that have complied with the applicable provisions of the land acquisition and resettlement plan and environment management plan.
- (ix) Review and approve contractor's work program, implementation schedule, methodology, and safety plan, and supervise the progress of construction works. Inform the Project Director of any delay or potential delays in the work schedule of the contract and take necessary actions to prevent potential delays.
- (x) Issue notices to the contractor on any non-compliance with road safety plan, environmental mitigation measures, and social safeguards, as set out in the contract documents.
- (xi) Issue notices to contractors for defects or deficiencies, and issue instruction for the removal or submission of improper works.

- (xii) Review, approve within his competency, and issue variation orders (scope, cost, materials, time).
- (xiii) Inspect project sites for work progress and quality.
- (xiv) Certify payments for the works against the relevant bill of quantities and issue the interim payment certificates, the final payment certificate and other certificates, including taking over certificate, as required under the civil works contract.
- (xv) Coordinate and supervise the work of field teams in supervising and certifying construction following contract conditions.
- (xvi) Inspect jointly with the Client the completed works and assist in formal taking over and review and approve or prepare as-built drawings and plans and provide reports confirming satisfactory completion of the contracts.
- (xvii) Inspect the completed work periodically during the defects liability period within the terms covering the consultant's agreement, prepare lists of deficiencies (if any), and carry out supervision of the remedial works, and issue defects liability certificates after the rectification of the notified defects by the contractors.
- (xviii) Advise the Project Director with the day-to-day coordination and supervision of civil works construction, including implementation status and issues, and preparation of regular progress reports.

- b) **Structural Engineer** who shall be a Registered Engineer, with qualifications of at least Bachelors Level in Structural Engineering or equivalent, plus at least 6 years' experience as Structural Engineer (Building) of five similar assignments (in nature) in the last ten years.

The Structural Engineer will:

- (i) Review detailed engineering design including technical specifications and drawings
- (ii) Inspect project sites for work progress and quality.
- (iii) Inspect jointly with the Client the completed works and assist in formal taking over and review and approve or prepare as-built drawings and plans and provide reports confirming satisfactory completion of the contracts.

- c) **Quantity Surveyor** who shall be a Registered Quantity Surveyor, with qualifications of at least Bachelors Level in Quantity Surveying / Building Economics or equivalent, plus at least 4 years' experience as Quantity Surveyor of five similar assignments (in nature) in the last ten years.

The Quantity Surveyor will:

- (i) Review Bills of Quantities
- (ii) Carry out site measurements to assist in certifying payments for the works against the relevant bill of quantities

- (iii) Issue the interim payment certificates, the final payment certificate and other certificates, including taking over certificate, as required under the civil works contract.
- d) **Clerk of Works** who shall be stationed at the site full time. The CoW will Compile daily and weekly reports and ensure instructions made by engineer are followed to detail. Keep record of all delays and defect works.

Considering that the contract will include defined technical output, the consultant will have to prove internal capacities and in which case the consultant has selected the best qualified staff with allocated professional responsibility in order to deliver the expected results at each of the sites.

Where the tendering firm has no internal capacity, CVs of the key experts constituted on the team shall be required. They must be independent and free from conflicts of interest in the responsibilities they take on and individually shall sign statements of exclusivity.

1.9.2. Other experts, support staff & backstopping

CVs for experts other than the key experts should not be submitted in the tender but the tenderer will have to demonstrate in their offer that they have access to experts with the required profiles. The Consultant shall select and hire other experts as required according to the needs. The selection procedures used by the Consultant to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience.

The costs for backstopping and support staff, as needed, are considered to be included in the tenderer's financial offer.

1.10. Office accommodation

Office accommodation for each expert working on the contract is to be provided by the Consultant.

1.11. Facilities to be provided by the Consultant

The Consultant shall ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

1.12. Equipment

No equipment is to be purchased on behalf of the Contracting Authority / partner country as part of this service contract or transferred to the Contracting Authority / partner country at the end of this contract.

REPORTS

1.13. Reporting requirements

The Consultant will submit the following reports in English in one original and two copies:

1.14. Reporting

The Consultant shall provide the following reports:

Name of report	Content	No. of Copies	Time of submission
Inception Report	Analysis of existing situation and work plan for the project	2 hard copies & 1 soft copy	No later than two weeks after the start of implementation
Design Review Report	Review of the detailed Architectural and engineering design, and Bills of Quantities	2 hard copies & 1 soft copy	No later than one month after project commencement
Monthly Progress Reports during Implementation Stage	The report shall include, as a minimum, schedules of contract payments and variation orders, graphical representations of physical and financial progress against program based on the approved contract schedules, charts of physical progress on site of major items, photographs and details of impediments to the works and proposals for overcoming these, The report should also include the contractor's plant, equipment and	2 Hard copies & 1 soft copy	first week of each calendar month

	labour deployment, weather conditions and all relevant details and progress in settlement of payment certificates, as well as minutes of the site meeting of the previous month.		
Final Project Completion Report	A report shall be submitted summarizing all aspects of the project implementation, final cost of the project, suggestions and recommendations for future design and construction techniques, technical specifications, special conditions of contract, routine maintenance practice and project completion environmental and social audit	2 hard copies & 1 soft copy	Within four (4) weeks of the project completion.

Payment ratios

Output	Percentage (%)	Condition
Inception Report	20%	Upon approval of inception report

Progress Report (1-6 Months)	30%	Upon approval of the progress report at construction phase.
Progress Report (6-12)	40%	Upon approval of the progress reports during construction phase.
Submission of Completion report	10%	Approved supervision completion report
	100%	

1.15. Submission & Approval of reports

Two original hard copies and a soft copy of the reports referred to above must be submitted to the Project Manager identified in the contract. The reports must be written in English. The COMESA Coordinating Ministry is responsible for approving the reports.

MONITORING AND EVALUATION

1.16. Definition of indicators

- i) Inception report
- ii) Monthly Progress Reports during Implementation Stage
- iii) Final Project Completion Report

- Special requirements

Currently none but will be advised as they arise.