

Millennium Challenge Corporation
Program Procurement Guidance

Guidance on Organizing Technical Evaluation Panels

August 2007



MCC Guidance on Organizing Technical Evaluation Panels

This paper provides guidance to the MCA Entity¹ for organizing Technical Evaluation Panels² for the procurement of consultant services in accordance with Part 1, Section 1.B of the MCC Program Procurement Guidelines³:

Appointing the Technical Evaluation Panel

Members of the Technical Evaluation Panel (TEP) must be *technically* qualified to review and evaluate the substance of the proposals. It is important to ensure that the TEP *actually possess* the various skills required to evaluate all aspects of the proposals (e.g., environmental⁴, social, and monitoring and evaluation), and not be serving merely as a representative of an organization or by virtue of the office they hold. However, TEP members are not expected to be procurement experts and will not be making decisions about the procurement process. All members of the TEP must be voting members. TEPs generally consist of 3 to 5 members, but the size will vary depending on the types of expertise needed for the specific procurement. In each case, however, this number must be rationally related to the task at hand. In the interest of continuity, the same TEP should be used throughout the procurement process.

The designation process for the TEP must also ensure that the members do not currently, nor have engaged in during the past year, work for any of the competing entities. In addition, the TEP member must not have a financial interest that could be affected by their participation on the TEP. Any person who is listed as key personnel in a proposal, or who is considering prospective employment with a participating consultant, is not eligible to be a member of a TEP.⁵ MCC employees, agents or consultants are not eligible to serve as a member of a TEP for an MCA Entity procurement. MCA Entity employees and consultants may serve on a TEP if qualified, but MCA Entity board members are not eligible to serve on a TEP. The Procurement Agent⁶ does not serve on a TEP. The Procurement Director⁷ does not serve on a TEP except when the object of the procurement is procurement-related services, such as a procurement agent. In cases where technical expertise is needed and cannot be found

1 The MCA Entity is the entity designated by the government of the country receiving assistance from the Millennium Challenge Account as responsible for the oversight and management of implementation of the Compact on behalf of the government.

2 The MCC Program Procurement Guidelines at Part 1, Section 1.B, Paragraph 2.15 requires that the MCA Entity evaluate technical proposals using an evaluation panel composed of technical experts.

3 The Millennium Challenge Corporation (“MCC”) provides funding to foreign governments under the authority of Section 605 of the Millennium Challenge Act of 2003 (the “MCA”) (each a “Compact”) or under Section 609(g) of the MCA (each a “609g Grant Agreement”). The MCC Program Procurement Guidelines are set out in supplemental agreements between the MCC and foreign governments and apply to MCC-funded contracts between the MCA Entity and contractors, suppliers and consultants. Contracts entered into directly by MCC are governed by the Federal Acquisition Regulations, not the MCC Program Procurement Guidelines.

4 For category A, B or D projects, the MCA Entity’s director of Environmental and Social Impact should be invited to sit on the Technical Evaluation Panel. For a description of Category A, B and D projects, see MCC’s Environmental Guidelines on MCC’s Website – www.mcc.gov.

5 See attached sample Declaration of Impartiality and Confidentiality for full details. This sample can be altered to fit the specific context of the procurement, but must preserve the major elements of the declaration.

6 MCC Program Procurement Guidelines Part 1, Section 1.A, Paragraph 3.10; MCC Program Procurement Guidelines Part 1, Section 1.B, Paragraph 3.17.

7 See MCC Guidance on Hiring the Procurement Director.

within the MCA Entity or other government entities, it is permissible to procure expertise from the private sector or NGOs in accordance with the procedures set out in the MCC Program Procurement Guidelines.

Payments

In general, MCC does not permit the payment of fees or honorariums to public employees for service on TEPs. However, payment of travel and per diem expenses directly related to the participation of the TEP members is allowable in amounts consistent with MCC Cost Principles⁸ and the standards set forth in the MCA Entity's Fiscal Accountability Plan⁹. When a panel member from the private sector or the NGO community is procured under the MCC Program Procurement Guidelines, payment of a reasonable fee for the service is allowed. The fee is funded directly by the MCA Entity, not by the Procurement Agent. This is true even when there is an independent Procurement Agent.

Approval of Technical Evaluation Panel

The Procurement Agent is responsible for conducting an initial review and approval of the members of the TEP proposed by the MCA Entity. For procurements above the thresholds listed in the MCC Program Procurement Guidelines,¹⁰ MCC must approve the composition of the TEP. The MCA Entity may seek this approval by submitting Curriculum Vitae or a list of the candidates' qualifications.

Confidentiality / Conflict of Interest

The names of the TEP members must remain confidential in order to decrease the possibility of undue influence by the competing entities. Each member of the TEP must sign an Impartiality and Confidentiality Declaration. (See Annex 1 of this Guidance). This sample can be altered to fit the specific context of the procurement, but must preserve the key elements of the declaration. It is of utmost importance that the members of the TEP do not have any financial interest in the outcome of the procurement, and it is the responsibility of the Procurement Agent to ensure that all members understand this requirement.

Technical Evaluation Report

At the end of the process, the MCA Entity shall prepare a Technical Evaluation Report¹¹ of the "quality" of the proposals and, in the case of contracts subject to prior review, submit it to MCC for its review and approval. The report shall substantiate the results of the evaluation and describe the relative strengths and weaknesses of the proposals. All records relating to the evaluation, such as individual mark sheets, shall be retained until completion of the Project and its audit.

⁸ See "Cost Principles for Government Affiliates Involved in MCC Compact Implementation" on MCC's Website – www.mcc.gov

⁹ The Fiscal Accountability Plan (FAP) identifies the principles and mechanisms which ensure appropriate fiscal accountability in the use of MCC funding, including the processes to ensure that open, fair, and competitive procedures are used in a transparent manner in the administration of grants or cooperative agreements and in the procurement of goods and services.

¹⁰ MCC Program Procurement Guidelines [Attachment 1](#).

¹¹ MCC Program Procurement Guidelines, Part I, Section 1.B, Paragraph 2.19; MCC Guidance on Preparing the Technical Evaluation Report.

Annex 1**TECHNICAL EVALUATION PANEL****DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY**

PROCUREMENT NO. _____

MCA ENTITY: _____

PROJECT NAME: _____

I hereby affirm, under penalty of law that I will comply with the following:

- I agree to participate in the evaluation of the above-mentioned procurement. I confirm that I have taken the appropriate steps to familiarize myself with the information available to date concerning this procurement. I shall execute my responsibilities on this evaluation committee honestly and fairly.
- I do not have any affiliation with any of the parties submitting a proposal for this procurement. To the best of my knowledge and belief, neither I nor my spouse, dependent child, general partner, or any organization which I am serving as an officer, director, trustee, general partner, or employee, or any person or organization with whom I am negotiating or have an arrangement concerning prospective employment, has a financial or other outside interest that can be affected by any decision I make on this procurement.
- To the best of my knowledge, my spouse, dependent child, general partner, or any organization which I am serving (or have served within twelve months from the date of this declaration,) as an officer, director, trustee, general partner, or employee, or any person or organization with whom I am negotiating or have an arrangement concerning prospective employment are not parties to and do not represent a party who has an interest in the matter.
- I also acknowledge my responsibility to disclose the acquisition of any financial or other outside interest as described above that would be affected by any action I may take on this procurement, and to disclose any financial or other outside interest I, or anyone noted above, has in any organization that is competing for award of this procurement.
- I agree to hold in trust and confidence any information or documents (“confidential information”) disclosed to me or discovered by me or prepared by me in the course of or as a result of the evaluation of this procurement and agree that it shall be used only for the purposes of the evaluation of this procurement and shall not be disclosed to any third party. I also agree not to retain copies of any written information or prototypes supplied to me or created by me.

Confidential information shall not be disclosed to any member of the evaluation panel unless they agree to execute and be bound by the terms of this Declaration.

NAME	
SIGNED	
DATE	