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**PREPARATORY COMMISSION FOR THE  
ESTABLISHMENT OF THE INTERNATIONAL REGISTRY  
FOR MAC EQUIPMENT PURSUANT TO THE MAC  
PROTOCOL**

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***Registrar Working Group  
Sixth session (remote)  
21 December 2021***

**Guidance document for the Evaluation Committee of the Request for Proposals  
for the selection of a Registrar for the establishment and operation of an  
International Registry of the Protocol to the Convention on International  
Interests in Mobile Equipment on matters specific to Mining, Agricultural and  
Construction Equipment.**

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### **I. Introduction**

1. An Evaluation Committee shall be established by the MAC Preparatory Commission to evaluate the bids received in response to the Request for Proposals (hereinafter 'RFP') for establishing and operating the International Registry for the MAC Protocol.

### **II. Guidance on the appointment and selection of members of the Evaluation Committee**

2. Upon the request of the Preparatory Commission, the UNIDROIT Secretariat shall circulate a formal invitation to all Member States of the Commission to nominate experts in the fields of procurement, IT, registry design and operation, and/or secured transactions to become part of the Evaluation Committee.

3. The Evaluation Committee shall comprise of 5-7 Members (including the Chair) nominated by the Member States of the Preparatory Commission, and confirmed by the Preparatory Commission. The Evaluation Committee shall be Chaired by the Chair of the Preparatory Commission.

4. As part of the nomination process, Member States shall be requested to submit the CVs of their nominated experts, alongside a Non-Disclosure Agreement and a No Conflicts of Interest Statement, as found in Annex I of this document.

5. Upon receiving these documents, and following the final date for the submission of bids in response to the RFP, the Preparatory Commission, at its sole discretion, shall select the Members of the Evaluation Committee. This determination shall be made on an assessment of the CVs and other documents received.

6. It is noted that where a nomination is made for the appointment of an individual who is from a State from where a bidder has submitted a bid, this shall not be deemed to automatically disqualify that individual. Such decisions shall be made on a case-by-case basis.

### III. Meetings of the Evaluation Committee and timeline

7. It is estimated that the following timeline shall be followed:

17-18 January 2022	4 <sup>th</sup> Meeting of the MAC Preparatory Commission - Give consideration to, and approve RFP - Establish an Evaluation Committee (EC).
15 February 2022	Launch tender process
15 May 2022	Publish Clarifications, if any requested, to the RFP
15 June 2022	Tender process closes
16-25 June 2022	Preparatory Commission to Finalise Members of the Evaluation Committee and Secretariat to issue letters of appointment and scheduling details
Late June 2022	Evaluation Committee Meeting 1 EC1 to undertake first phase of evaluation process, assess proposals submitted on pass-fail basis.  Scheduling of EC meetings will depend on how many tenders are submitted. If many, EC will need longer to consider each proposal, if few, it is possible to schedule the first meeting in late June.
Early July 2022	Evaluation Committee Meeting 2 EC2 to undertake second phase of evaluation process, give remaining proposals technical scores)
Mid July 2022	Evaluation Committee Meeting 3 EC3 to conduct phase III of the evaluation process and identify tenderers who have moved onto phase IV.
End July 2022	Evaluation Committee Meeting 4 EC4 to conduct phase IV of the evaluation process and identify the preferred tenderer.  This meeting might be pushed to August depending upon the number of bidders which move into Phase III.
September 2022	Preparatory Commission Meeting 5 PC5 to consider reports of EC, determine preferred tenderer and confirm rankings of other tenderers; and either (i) approve SA (depending on progress in SA process) to begin contract negotiations with preferred tenderer or (ii) PC begins negotiation with close involvement of SA.
October 2022	Beginning of contract negotiations between SA/PC and preferred tenderer.

	Para 147 of the draft RFP provides for 6 months of negotiations with preferred tenderer
April 2023	Preparatory Commission Meeting 6 PC6 (approval by PC of the final contract between SA and preferred tenderer)  RFP provides for 1 additional month after finalisation of contract for approval by PC
July 2023	Submission to PC/SA by the Registrar of System Design Document (SDD)
October 2023	Commencement of test phase of Registry  Para 147 of the draft RFP provides for 3 months for Registrar to submit SDD
March 2024	Completion of test phase of the Registry
July 2024	The Registry is operational

8. This aligns with the timeline in the RFP, which would function as follows with a 15 February 2022 publication date:

- (a) **15 February 2022** – RFP is issued;
- (b) **15 June 2022** (a + 4 months) – final date for the request to participate and preliminary offer to be submitted;
- (c) **15 September 2022** (b + 3 months) – evaluation by Preparatory Commission and notification of all tenderers on their ranking, notification to the preferred tenderer – preferred tenderer should be prepared to commence contract negotiations within 4 weeks of the notification – although may be subject to change;
- (d) **15 March 2023** (estimated) (c + 6 months) – finalisation of contract negotiations between the Preparatory Commission and the preferred tenderer;
- (e) **15 April 2023** (estimated) (d + 1 month) – approval by the Preparatory Commission of the final contract between the Supervisory Authority and the preferred tenderer;
- (f) **15 July 2023** (e + 3 months) – submission to the Supervisory Authority by the Registrar of the System Design Document (SDD) as referred to in;
- (g) **15 January 2024** – No later than 6 months after (f) – commencement of test phase of the International Registry;
- (h) **15 March 2024** – No later than 9 months after (f) – completion of test phase of the International Registry;
- (i) **15 July 2024** – No later than 12 months after (f) – full implementation and commissioning of the International Registry. The full implementation and commissioning of the International Registry refers to the preparedness for the International Registry to immediately begin full operations. However, the precise date of the entry into force of the MAC Protocol, and of the actual commencement of full operations of the International Registry, will be determined in accordance with Article XXV of the MAC Protocol, and that date may be after the date that the full implementation and commissioning of the International Registry is achieved.

#### IV. Guidance on the Evaluation Criteria

9. The Evaluation Criteria has been divided into four phases:
- a. Phase I – Initial Screening through General Forms
  - b. Phase II – Technical Proposal Evaluation (60 points)
  - c. Phase III - Oral Presentation Evaluation (20 points)
  - d. Phase IV - Financial Proposal Evaluation (20 points)

10. This document outlines how the Evaluation Committee should evaluate the proposals received. It is noted that at all points in time, the Evaluation Committee, as a whole, may request additional information or clarification from any bidder.

**a. Phase I - Initial Screening through General Forms**

11. Phase I of the evaluation process is a pass/fail test. This only has two possible results, whereby the bid is either moved forward to Phase II, or determined to be rejected.

12. The Evaluation Committee shall use the responses received against Form 2 of the RFP to undertake an assessment of a bidder's eligibility to participate in this process. The Evaluation Committee shall examine items such as the bidder's previous experience in the area of operating registries, its economic capacity, as well as the bidder's general understanding of the RFP, the task expected of them, and their key staff/personnel.

13. Form 2 will also allow the Evaluation Committee to ascertain whether bidders have any conflicts of interest, which will be an important determiner towards their eligibility to participate in this process.

**a. Phase II - Technical Proposal Evaluation (60 points)**

14. Once a bidder is deemed to be eligible to participate in the tender process, only then shall the Evaluation Committee open the forms relating to the technical evaluation. These are Forms 3, 4, 5, 6, and 7.

15. A bidder is able to score a maximum of 60 points as part of this process. The points shall be awarded with the following breakdown:

Capability and relevant experience operating registries	10 points
Registry operating team composition and qualification of personnel	10 points
Technical solution fitness for purpose	30 points
Solution build & implementation team composition and qualification of personnel	10 points
<b>TOTAL</b>	<b>60 points</b>

16. For the aforementioned breakdown, the Evaluation Committee shall use the responses received for the following forms in order to determine their scores:

- a. **Capability and relevant experience operating registries (10 Points)** – this shall be determined and scored using the references submitted by a bidder. All references must be in the Reference Format provided in Form 6.
- b. **Registry operating team composition and qualification of personnel (10 Points)** – this shall be determined and scored using the resumes submitted relating to personnel which will operate the International Registry. All resumes must be submitted using the format provided in Form 7.
- c. **Technical solution fitness for purpose (30 Points)** – this shall be determined and scored using Forms 3 and 4 of the RFP.

Form 5 contains an Excel spreadsheet which allows bidders to self-assess their proposals against all the functional and non-functional requirements found in Annex 3 of the RFP. Once the bidders have self-assessed their proposals, the Excel spreadsheet will determine their score out of 30 using the following scoring methodology:

The technical solution fitness for purpose will be scored using the following matrix to ensure appropriate weighting between mandatory, important, and desirable requirements.

Thresholds	Mandatory requirements	Important requirements	Desirable requirements
0%	0	0	0
25%	3	1	1
50%	6	3	2
75%	9	5	3
99%	12	7	4
100%	15	10	5

**Or**

Each Mandatory, Important, and Desirable requirement shall be scored based on the level of compliance as follows:

	<b>Compliant</b>	<b>Partially compliant</b>	<b>Non-compliant</b>
<b>Mandatory</b>	10	5	0
<b>Important</b>	6	3	0
<b>Desirable</b>	3	1	0

The Evaluation Committee shall examine the self-assessment conducted by bidders in conjunction with their responses to Form 4, which relates to a qualitative description of how bidders intend to fulfil the technical requirements set out in the RFP. The Evaluation Committee shall also read the notes submitted alongside the self-assessment for each criterion.

The Evaluation Committee may decide to adjust any of the levels of compliance which bidders have self-assessed. Once adjusted, the Excel spreadsheet will automatically generate a new score out of 30.

- d. **Solution build & implementation team composition and qualification of personnel (10 points)** – this shall be determined and scored using the resumes submitted relating to personnel which will design, build, and implement the International Registry. All resumes must be submitted using the format provided in Form 7.

17. Additionally, as part of the technical evaluation, the Evaluation Committee shall also review the responses received against Form 5 of the RFP, which contains an excel spreadsheet indicating a bidder's compliance to the key contract provisions found in Part IV of the RFP. In order for a bidder to be able to move forward from the technical evaluation phase, it must have indicated full compliance to all the mandatory key contract provisions.

18. Any confusions or questions as part of the Technical Evaluation phase shall be asked directly of the bidder in an email before deciding the final scores. These questions and clarifications are not to be asked during the Oral Presentation phase, which is not meant to be an interview.

**c. Phase III - Oral Presentation Evaluation (20 points)**

19. Tenderers whose proposals meet the minimum cumulative score of 45 points in Phase II of the technical evaluation will be required to make an oral presentation. Information from the oral presentation will also be used as part of the technical evaluation process.
20. As part of the oral evaluation processes, Tenderers will be asked to:
- Describe their experience in building and operating international registries or similar systems, including working with sub-contractors where relevant.
  - Describe the top 3 possible challenges with building and implementing a fully operational MAC registry and possible solutions to handle such challenges.
  - Describe the measures that will be taken to ensure reliability of the solution (trust in the data, information security, and system availability).
  - Describe how they will you ensure the MAC registry personnel can operate this system long after the Contractor leaves in terms of long-term sustainability.

**Evaluation Criteria:**

Confirmation of the proposed technical solution, adaptability and problem-solving skills.	10 points
Confirmation of approach to supporting sustainability, building institutional capacity and security of solution.	10 points
<b>TOTAL</b>	<b>20 points</b>

**Oral Presentation Rules**

21. The slidedeck (if any) alongside any speaking notes must be submitted alongside the offer. Should a slidedeck not be submitted alongside the offer, the tenderer will not be allowed to use slides as part of their oral presentation.
22. The selected Tenderers as specified above must make an oral presentation to the Preparatory Commission's evaluation panel and participate in a question-and-answer session. The purpose of the oral presentation and question and answer session is to test the Tenderer's understanding of the work that will be performed under the prospective contract, which will be a factor in the overall technical evaluation of the proposals. Each Tenderer will be allowed 90 minutes to conduct their oral presentation.
23. The Preparatory Commission will determine the date and time for each eligible Tenderers' oral presentation and notify Tenderers of the scheduled date and time, as well as the agenda for their presentation 14 calendar days in advance. At its sole discretion, the Preparatory Commission reserves the right to reschedule any Tenderer's presentation. Tenderers must confirm their availability for the presentation within 4 calendar days of receipt of the invitation.
24. The presentation must be made by one or more of the personnel whom the Tenderer will employ to manage or supervise contract performance. The proposed Project Manager must be present and must, at a minimum, answer questions directed to him/her during the question-and-answer session. Tenderers may not use other employees or consultants to

make the oral presentation. The Tenderer should be prepared to answer detailed technical questions from the Preparatory Commission.

25. During the presentation, interaction between the evaluation team and the Tenderer will be limited. A member of the evaluation team will chair the meeting and ensure compliance with the ground rules. The presentation does not constitute discussions with Tenderers.
26. In order to advance to Phase IV (Financial Evaluation), a proposal must have achieved a combined score of 55 points, in which at least 10 should be obtained from the Oral Presentation.

#### **d. Phase IV - Financial Proposal Evaluation (20 points)**

27. The Evaluation Committee may only open the financial proposal of any bidder if the bidder has achieved a combined score of 55 points, in which at least 10 should be obtained from the Oral Presentation.
28. The financial proposal shall be evaluated based on the responses received against Form 8 of the RFP, and upon the submission of a valid declaration in line with Form 9 of the RFP.
29. The bidder with the lowest evaluated cost will be awarded 20 points. Financial proposals from other bidders will receive pro-rated points based on the relationship of the Tenderer's prices to that of the lowest evaluated cost.
30. The final cost-estimate will be determined on the basis of the following formula using values inserted in Form 9 of the RFP:

$$\text{Total Cost} = \text{Total of Costing Table A} + \text{Total of Costing Table B} + (\text{Total of Costing Table C} / 2) + (\text{Total of Costing Table D} / 2)$$

31. The following formula shall be used for computing points:

$$\text{Points} = (A/B) \times \text{Financial Points}$$

Example: Tenderer A's price is the lowest at €100. A receives **20** points

Tenderer B's price is €125. B receives  $(€100/€125) \times 20$  points = **16** points

## **60 Conclusion**

32. The bidder with the highest number of total points shall be proposed as the preferred bidder by the Evaluation Committee to the Preparatory Commission as part of a comprehensive report of the Committee's work.

**ANNEX 1****NON-DISCLOSURE AGREEMENT**

Name (of person making the Declaration):

Position / title:

Organization:

I, the undersigned, as a member of this evaluation team agree to abide by the following conditions:

- The knowledge received by me as part of this process as written or oral information (collectively, the Information) is considered to be non-public, confidential or proprietary to each bidder responding to the RFP. All information is strictly confidential and is only to be discussed between evaluation team member(s).
- Unless required by law or under written consent of the Preparatory Commission, all Information will be kept confidential. I will not use it directly or indirectly for any purpose other than to gather requirements, evaluate the proposals and/or advise regarding the selection, or not, of each bidder responding to the RFP.
- I will not copy or circulate the Information and agree to keep all the documents and templates and written information relating to this process in a secure place. I also agree not to initiate or respond to any external inquiry relating to this process.
- In addition, unless otherwise required by law, or having obtained the written consent of the Preparatory Commission, I will not disclose to any person (other than persons authorised by the Preparatory Commission) any information about this process and the proposals submitted in response to the RFP. This includes, but is not limited to, terms, conditions, the evaluation, matters discussed by the Evaluation Committee and the proposals.
- I understand and agree that any delay or failure by the Preparatory Commission in exercising its rights, powers or privilege does not free me from these obligations.

Signature:

Date:

**NO CONFLICTS OF INTEREST STATEMENT**

Name (of person making the Declaration):

Position / title:

Organization:

I, the undersigned, confirm that I am capable of identifying situations that constitute a conflict of interest, such as but not limited to:

- Not disclosing an existing relationship that may be perceived as being a real or apparent influence on my objectivity in carrying out this role.
- Providing assistance or advice to a particular or potential bidder participating in this competitive bid process.
- Having an ownership, investment interest, or compensation arrangement with any entity participating in this bid process.
- Having access to confidential information related to this procurement initiative.
- Accepting favours or gratuities from those participating in any aspects of the procurement initiative.

I declare that there are no actual or potential conflicts of interest arising out of my participating in this procurement process, except for the following:

Select the type of conflict of interest:

- Actual: This is an existing conflict of interest, for example: you have a close relative who is a director of one of the firms that has submitted a bid.
- Potential: This is a conflict of interest that is about to happen or could happen, for example: you or a close relative is in the process of being hired by, or acquiring part or full ownership of a firm that has submitted a bid.
- Perceived: This is a conflict of interest which might be reasonably perceived by others as compromising a person's objectivity, for example: you have a close personal friendship with a director of one of the firms that has submitted a bid.

Describe the circumstances giving rise to the conflict of interest:

Signature:

Date: