



MINUTES OF THE PRE-OFFER CONFERENCE

Consulting Services for Developing Legal, Regulatory and Tariff Framework for Use of Reclaimed Wastewater Quality and Cost Based Selection (QCBS) Procurement ID: MCA-M/CF/WRA/CS/02

Date: June 4, 2025

Time: 10:00-11:10 a.m.

I. INTRODUCTION

The Pre-Offer Conference for Procurement of Consulting Services for Developing Legal, Regulatory and Tariff Framework for Use of Reclaimed Wastewater, was organized by the Millennium Challenge Account-Mongolia ("MCA-Mongolia") in accordance with ITO 1.3 of Section II, Data Sheet of the Request for Offers (RFO).

The entire Pre-Offer Conference was conducted as an online event, using Zoom software.

II. AGENDA

1. Opening

- **Ground Rules and Agenda**
Keith Treviss - Senior Procurement Specialist, Procurement Agent of MCA-Mongolia
- **Opening Remarks**
Enkhtungalag Togtokh - Director, Procurement, MCA-Mongolia

2. Presentations

- **Overview of the Mongolia Water Compact**
Enkhtungalag Togtokh - Director, Procurement, MCA-Mongolia
- **Consulting Services Developing Legal, Regulatory and Tariff Framework for use of Reclaimed Wastewater**
Mendsaikhan Dashjil - Director, Wastewater Recycling Activity, MCA-Mongolia
- **Important Aspects of the Procurement Process**
Giorgi Tvalavadze - Procurement Agent Manager, Procurement Agent of MCA-Mongolia
- **Tax Exemption and MCC's AFC Policy**
Otgonbayar Byambanorov, Lawyer, MCA-Mongolia
- **Payment Process and Audit**
Luis Baires - Fiscal Agent Manager, Fiscal Agent of MCA-Mongolia

3. Q&A Session

4. Closing

- **Closing Remarks**

Enkhtungalag Togtokh - Director, Procurement, MCA-Mongolia

III. PARTICIPANTS

Attendees: Seventeen (17) individuals representing nine (9) interested firms attended the Pre-Offer Conference. The List of Participants (with the exception of details of MCA-Mongolia personnel and its Consultants) is attached as **Annex 1**.

Minutes of the Pre-Offer Conference were taken by the Procurement Agent of MCA-Mongolia.

IV. OPENING REMARKS

Senior Procurement Specialist of the Procurement Agent, Keith Treviss introduced the ground rules and instructions on how to submit questions through the Q&A feature of Webinar to the participants and reviewed the Pre-Offer Conference Agenda.

Enkhtungalag Togtokh, Procurement Director of MCA-Mongolia opened the Pre-Offer Conference, welcomed the attendees, and emphasized that the purpose of the Pre-Offer Conference was to provide the representatives of potential offerors and interested firms with an opportunity to clarify the issues related to the RFO document and the entire procurement process. She then presented an overview of the Mongolia Water Compact.

The floor was then passed on to the other panelists for the presentations.

V. PRESENTATIONS

Panelists representing the MCA-Mongolia delivered presentations in accordance with the Agenda of the Pre-Offer Conference. All presentations made by the panelists of MCA-Mongolia are enclosed as **Annex 2**.

VI. QUESTIONS AND ANSWERS

After the presentations, MCA-Mongolia's Panelists answered questions from participants on the technical and procurement related details of the Consulting Services for Developing Legal, Regulatory and Tariff Framework for use of Reclaimed Wastewater and stated that written responses will be provided later. All questions were recorded and the formal responses to all questions received up to June 6, 2025, including those received at the Pre-Offer Conference (Answers to Clarification Questions - Issue No. 1- Questions 1-18) are attached as **Annex 3**.

VII. CLOSING

Concluding the Pre-Offer Conference, Enkhtungalag Togtokh, Director, Procurement, MCA-Mongolia thanked the participants for their interest in the event and noted that all participants will receive the Minutes of the Pre-Offer Conference, including the list of participants, all presentations made by MCA-Mongolia's panelists, and written answers to the clarification questions raised by the Participants.

The meeting was closed at 11:10 am, Ulaanbaatar time.

Offerors are reminded that the information in the RFO and the PowerPoint presentations are provided for the sole purpose of Offers Preparation, and not for public use.

Annexes:

Annex 1: List of Participants

Annex 2: PowerPoint Presentations

Annex 3: Questions and Answers (Answers to Clarification Questions - Issue No. 1 (Questions 1 through 18))

Annex 1: List of Participants**(with the exception of details of MCA-Mongolia personnel and Consultants)**

No.	Full Name	Firm	Location
1.	Eli Gelber	Unknown	Israel
2.	Marissa Castillo	Veolia	Philippines
3.	Nithin Murthy	CRISIL	India
4.	Akshat Jain		India
5.	Kanak Bansal		India
6.	Pratik.Desai		India
7.	Josh Friedman	Asia Foundation	United States
8.	Munkhshur Erdenebat		Mongolia
9.	Yann Parquer	Espelia	Vietnam
10.	Dagiisuren Uuganbaatar	Irim	Mongolia
11.	Batkhuu Bud		Mongolia
12.	Minjirmaa Namjinbaatar		Mongolia
13.	Denzel Hankinson	DH Infrastructure	United States
14.	Jaime Hurtado		United States
15.	Munguntuya Altai	DZ Consulting	Mongolia
16.	Narmandakh Ganbat	Melville Dalai	Mongolia
17.	Adiya Narantsogt	MMGC	Mongolia

Annex 2: Power Point Presentations

Power Point Presentations of the Pre-Offer Conference can be downloaded from the following link:

<https://www.dropbox.com/scl/fo/v2xrp01n4lbf6c5kd3gr1/AGK7JKghcoPOgRfU7AOJSZw?rlkey=8gndq5ds5vedn5o5b6lunpxl1&dl=0>

Annex 3: Questions and Answers



Questions and Answers

Answers to Clarification Questions - Issue No. 1 (Questions 1 through 18)

Question 1:	Will we receive the recording of the Zoom meeting?
Answer 1:	The minutes of the pre-offer conference along with all presentations and answers to the clarification questions received before or during the pre-offer conference will be shared with the participants and will be also posted on the MCA-Mongolia's website.
Question 2:	With regard to the status of MCC Compact in Mongolia. We understand that several MCC compacts have come to a standstill because of the uncertainty over the continuity of the organization, i.e., MCC. Please clarify if there are any exemptions given to MCA-Mongolia to continue its activities.
Answer 2:	<p>The U.S. government's review of all foreign assistance, including the Mongolia Water Compact to reduce poverty and promote economic growth in Mongolia, is still ongoing.</p> <p>However, Mongolia Water Compact is effective and not suspended or terminated. All activities under the Compact remain under active implementation.</p>
Question 3:	<p>With regard to Section III of the RFO - Qualification and Evaluation Criteria - and specifically the Qualifications of the Key Personnel for 3.1. Team Leader.</p> <p>The requirement state in 3.1.2. <i>"Fifteen (15) or more years of experience in working with public utilities, with experience in regulatory roles"</i></p> <p>As per this requirement, the Team Leader should have worked for 15 years or more with public utilities. We understand that a combination of the following types of experience will fulfill the requirements of MCA-Mongolia.</p> <ol style="list-style-type: none"> 1. Expert worked as an employee of a public utility 2. Expert provided various advisory services to any public utility as a consultant <p>Please clarify whether this understanding is correct.</p>
Answer 3:	<p>The qualifications of the proposed Team Leader will be evaluated strictly in accordance with the sub-criteria of Criterion 3.1 of the Technical Evaluation Table under Section A.4. Technical Evaluation of Section III: Qualification and Evaluation Criteria of the RFO.</p> <p>Given that the Team Leader will be involved in all aspects of the project, providing strategic guidance, ensuring alignment of each task with the overall objectives of the consultancy services, and offering expert input on deliverables, sub-criterion 3.1.2, in particular, along with all other sub-criteria, will be critical to the evaluation.</p>

	The CVs of proposed individuals must clearly demonstrate all relevant experience, including the duration of each experience, to facilitate a proper assessment against the stated criteria.
Question 4:	<p>With regard to Section IV of the RFO - Technical Offer Forms. Form Tech-4. Experience of the Offeror - requires that the Offeror <i>“Provide information on each relevant assignment for which your firm, and each Associate for this assignment, was legally contracted either individually as a corporate entity or as one of the major companies within an association, for carrying out consulting services similar to the ones requested under the Terms of Reference included in this RFO. This shall include all MCC-funded assignments of a similar nature. Failure to include experience in any project where MCC funds were used may result in disqualification of the Offer. The Offer must demonstrate that the Offeror has a proven track record of successful experience in executing projects similar in substance, complexity, value, duration, and volume of services sought in this procurement.”</i></p> <p>It is understood that the consultant is required to showcase only projects as experience where MCC funds were used. Further, the type of projects that can be showcased are MCC funded tariff setting, and legal, policy and regulatory support mandates. This clause allows only consultants with prior experience of working on such mandates with MCC.</p> <p>Consultant having the experience of providing infrastructure advisory services and successfully completed several such mandates where funds of various international organizations were used such as the World Bank Group, Asian Development Bank, African Development Bank, KfW, FCDO, KIAT, etc. may also be eligible to participate in the tender.</p> <p>Considering that MCC has limited compacts in Asia, experience of working on projects with MCC funds may limit the competition and restrict to firms who have been working with MCC in the past in other regions which may not bring in the expected value to the project as desired in Mongolia for this Compact. Consultants who have experience of working on such activities in the region in projects funded by other than MCC should also be allowed to participate.</p> <p>Hence, MCA-Mongolia is requested to allow inclusion of following types of projects:</p> <ol style="list-style-type: none"> 1. Where funds of any international organizations including MCC (such as, the World Bank Group, Asian Development Bank, African Development Bank, KfW, FCDO, KIAT, etc.) were utilized. 2. MCC funded assignments other than tariff setting and legal, policy and regulatory support mandates (may be sought if MCC experience is critical in execution of this assignment) <p>This will provide a level playing field to various reputed consulting firm and increase the competition for the Offer. Further, such relaxation will lead to more competition which will help MCA-Mongolia in verification of the market reasonableness of the prices offered by the Offerors.</p>
Answer 4:	Form Tech-4. Experience of the Offeror should include information on each relevant assignment for which the Offeror, and each Associate for this assignment, was legally

	contracted either individually as a corporate entity or as one of the major companies within an association, for carrying out consulting services similar to the ones requested under the Terms of Reference included in this RFO. This shall include (but not be limited) to all MCC-funded assignments of a similar nature.
Question 5:	With regard to Section IV of the RFO - Technical Offer Forms. Form Tech-5. References of MCC-Funded Contracts. For Contracts with an Accountable Entity, we understand that contracts with accountable entities also include contracts with various MCC compacts across the globe. Please clarify whether this understanding is correct.
Answer 5:	Yes, the Form Tech-5. References of MCC-Funded Contracts shall be completed for each Offeror or member of a Joint Venture/Association. The completed form shall include information about any and all MCC-funded contracts (either with MCC directly or with any Accountable Entity, anywhere in the world) to which the Offeror or member of a Joint Venture/Association is or has been a party whether as a lead Consultant, affiliate, associate, subsidiary, Sub-Consultant, or in any other role.
Question 6:	<p>With regard to Section V of the RFO - Terms of Reference (ToR). The ToR states:</p> <p><i>Task 2. Draft amendment for legal and regulatory framework on utilization of reclaimed wastewater.</i></p> <p><i>.....The venues and/or locations for the international study mission, and the exact number of delegates to participate in the study mission will be determined in close consultation with MCA-Mongolia during the preparation by the Consultant of the Study Mission Travel Plan.</i></p> <p>Although MCA-Mongolia has mentioned that there will be only 1 international study mission, it is not clear how many countries will need to be covered as part of this tour. Please clarify the maximum number of countries expected to be covered as part of the international study tour.</p>
Answer 6:	<p>The purpose of the international study mission, as outlined in Section V, Task 2 of the Terms of Reference (ToR), is to align all participating stakeholders on international best practices and regulatory approaches related to the use of reclaimed wastewater.</p> <p>As stated in Clause 2.1 (Gap Analysis Review and Study Trip) under the section titled “TASK-2: Draft Amendment for Legal and Regulatory Framework on Utilization of Reclaimed Wastewater” in Section V: Terms of Reference of the RFO:</p> <p><i>Proposed venues and/or locations for the international study trip should be included in Form TECH-6: Description of Approach, Methodology, and Work Plan for Performing the Assignment of the Technical Offer. However, these proposed venues and/or locations will not be considered during the evaluation of the Technical Offers.</i></p> <p><i>The final selection of venues/locations for the international study mission, as well as the exact number of delegates to participate, will be determined in close consultation with MCA-Mongolia during the preparation of the Study Mission Travel Plan.</i></p> <p>The Study Mission Travel Plan will be the first deliverable to be submitted by the Consultant under Task 2.</p>

Question 7:	<p>With regard to Section V of the RFO - Terms of Reference (ToR). The ToR states:</p> <p><i>Task 2. Draft amendment for legal and regulatory framework on utilization of reclaimed wastewater.</i></p> <p><i>2.1 Gap Analysis Review and Study Trip</i> <i>.....The Consultant will organize an international study mission under this task and shall be responsible for all costs associated with organizing and managing the mission (except the travel related costs which include transportation, per diem, visa fees, and accommodation of the delegates appointed by MCA-Mongolia – travel associated cost of the MCA-Mongolia delegates will be separately covered by MCA-Mongolia through a separate arrangement).</i></p> <p>Please clarify if all the costs associated with the inland travel of the delegates in Mongolia and host country/countries will also be borne by MCA-Mongolia.</p>
Answer 7:	<p>The costs related to the participation of MCA-Mongolia delegates in the international study mission will be covered by MCA-Mongolia. Therefore, any travel-related costs for MCA-Mongolia delegates, including international travel to and from Mongolia, inland travel within Mongolia and the host country(s), accommodation, per diem, visa fees, and any miscellaneous expenses and incidentals (ME&I), should not be included in the financial offer submitted by the Offeror. However, the Consultant will be responsible for organizing and making all necessary travel arrangements and reservations for the delegates.</p> <p>The total price of the financial offer shall include the Consultant's own travel expenses required to provide the services, including those related to Task 2.</p>
Question 8:	<p>With regard to Section V of the RFO - Terms of Reference (ToR). The ToR states:</p> <p><i>Task 2. Draft amendment for legal and regulatory framework on utilization of reclaimed wastewater.</i></p> <p><i>2.1 Gap Analysis Review and Study Trip</i> <i>The Consultant is responsible for researching, identifying, and recommending international locations and host organizations that have successfully established frameworks for reclaimed wastewater management, with a focus on countries that have conditions like those of the Wastewater Recycling Activity, such as climate, production capacity, and treatment technology, and user type.</i></p> <p>Please clarify what exactly meant by "<i>countries that have conditions like those</i>" Does it mean that the consultant only needs to look at countries with CHPPs?</p>
Answer 8:	<p>The phrase "countries that have conditions like those" refers to countries with the similar legislative framework and practice , where reclaimed wastewater is used in energy production industries under specific environmental and operational conditions.</p> <p>For our particular case, reclaimed wastewater will be used to replace groundwater for coal-fired Combined Heat and Power Plants (CHPPs), where the water is utilized for cooling, cleaning, and ash removal processes. As the water conveyance system is expected to operate under extreme continental and harsh climate conditions, the reliability and continuity of the</p>

	<p>water supply—particularly during the cold season—is critical. Therefore, the Consultant should focus on countries with comparable experiences in the use of reclaimed wastewater for similar energy production purposes and under comparable climatic and technological conditions.</p> <p>The final location of the international study mission trip will be determined during the contract implementation stage in close consultation with MCA-Mongolia.</p>
Question 9:	With regard to Section V of the RFO - Terms of Reference (ToR). Task 3 Develop a methodology for setting reclaimed wastewater use tariff for WSRC's implementation - Estimate impact on energy production cost. We believe that the base costs of operating CHPPs shall be made available to the consultants. Please clarify
Answer 9:	Base cost for water related activities will be provided to the selected consultant, and with additional information, that can be obtained after contract implementation begins and start cooperation with the working group.
Question 10:	<p>With regard to Section V of the RFO - Terms of Reference (ToR). Task 3 Develop a methodology for setting reclaimed wastewater use tariff for WSRC's implementation</p> <p>We request the MCA-Mongolia provide costs associated with production of reclaimed water, cost of transmission of the same to CHPPs and any other input costs associated with delivering water to CHPPs.</p>
Answer 10:	<p>Under Task 3.1: Estimation of OPEX for Reclaimed Wastewater Use, the Consultant is required to develop cost estimates for the production and transmission of reclaimed wastewater to the CHPPs. This includes calculating operating expenditures (OPEX) based on a methodology proposed by the Consultant.</p> <p>MCA-Mongolia will facilitate access to relevant background data—such as utility rates, chemical prices, and other necessary inputs—but will not provide a predefined OPEX figure. The Consultant is expected to conduct this cost estimation as part of its technical assignment in accordance with the Terms of Reference.</p>
Question 11:	<p>With regard to Sections VI – VII of the RFO - General Conditions of Contract (“GCC”) ; Special Conditions of Contract (“SCC”) and Contract Forms and Annexes</p> <p>We request that MCA-Mongolia provide us an opportunity to execute the consultancy contract, should we get selected as the preferred Offeror, after the amendments to the contract agreed during contract negotiations are reviewed and approved by our legal and compliance departments.</p>
Answer 11:	<p>No changes to General Conditions of Contract (“GCC”); Special Conditions of Contract (“SCC”) or Contract Forms and Annexes shall be entertained.</p> <p>As stated in the Section III. Qualification and Evaluation Criteria of the RFO:</p> <p><i>The Accountable Entity's determination of an Offer's substantial responsiveness is to be based on the contents of the Offer itself. For purposes of this determination, a substantially responsive Offer is one that materially conforms to the requirements of the RFO without material deviation, reservation, or omission. A material deviation, reservation, or omission</i></p>

	<p><i>is one that:</i></p> <p><i>(a) if accepted, would:</i></p> <p><i>(i) affect in any substantial way the scope, quality, or performance of the Services specified in the RFO; or</i></p> <p><i>(ii) limit in any substantial way, inconsistent with the RFO, the Accountable Entity's rights or the Offeror's obligations under the proposed Contract; or</i></p> <p><i>(b) if rectified, would unfairly affect the competitive position of other Offerors presenting substantially responsive Offers.</i></p>
Question 12:	What is the output quality of the WWTP? Does this have Ultra Filtration and RO as well? Does the water suitability for CHPs is already undertaken?
Answer 12:	The required output quality of the WWTP must comply with MNS 4943:2015. The current treatment process does not include ultrafiltration or reverse osmosis (RO). However, the reclaimed wastewater from the Wastewater Recycling Plant (WRP) will meet the standards specified in MNS 6734:2025, which permits its use by Combined Heat and Power Plants (CHPs). For further details, please refer to the relevant slide in the PowerPoint presentation titled "Wastewater Recycling Activity Overview."
Question 13:	The RFO document states the deadline for "draft provincial regulations" to be submitted within 120 days from commencement while "draft amendments for policy, laws, and legislation" needs to be submitted within 180 days from commencement. The presentation shows differently. Please clarify.
Answer 13:	The timelines outlined in the RFO document are final and binding. Specifically, draft provincial regulations must be submitted within 120 days from the commencement date, while draft amendments to policies, laws, and legislation must be submitted within 180 days from commencement.
Question 14:	Will the following be deemed as a Conflict of Interest (CoI)? If an expert, who is part of a consulting consortium already executing another MCA-Mongolia assignment, is positioned as a key expert for this assignment.
Answer 14:	Any possible conflict of Interest will be determined during the evaluation of the submitted Offer as per the requirements of sub-clauses 5.8 to 5.11 of the Section I of the RFO document. However, as set forth in Section I of the RFO -Instructions to Offerors (ITO) – ITO 5.5 (Eligible Consultants): <i>"No full-time key professional personnel of a consultant currently contracted by any Accountable Entity shall be proposed to work as, or on behalf of, any Offeror. In the case where an Offeror seeks to engage such full-time key professional personnel, it should seek the written approval from the Accountable Entity for the inclusion of such a person, prior to the Offeror's submission of its Offer."</i>
Question 15:	<p>For the Team Leader, is it required that the expert should have at least 15 years of more experience of working with public utilities.</p> <p>We understand that this includes experience as an employee of the utility and/or providing advisory services to utilities as a consultant? Kindly confirm.</p>
Answer 15:	Please refer to the response to Question 3.

Question 16:	What is the status of taxes applicable for a sub-consultant from Mongolia associated with a prime contractor outside of Mongolia?
Answer 16:	For the legal entities formed under the laws of Mongolia, corporate income taxes and social insurance contribution will not be exempted. For further details please refer to 2.8 of the Compact https://mca-mongolia.gov.mn/en/compact-agreement
Question 17:	<p>With regard to Section V of the RFO - Terms of Reference (ToR). The ToR indicates that the Team Leader must reside in Ulaanbaatar during the project period.</p> <p>To ensure an efficient and well-adapted organizational setup, we are considering a leadership duo consisting of:</p> <ul style="list-style-type: none"> • A Team Leader providing overall technical direction and leading engagement with key stakeholders, working partially remotely. • A Deputy Team Leader based full-time in Ulaanbaatar, responsible for overseeing day-to-day operations on the ground. <p>We would appreciate your confirmation on whether such an organizational setup would be deemed acceptable during the evaluation of proposals.</p>
Answer 17:	<p>The minimum requirements for the composition of the Offeror's team are outlined under the paragraph entitled "Personnel Requirements" in Section V. Terms of Reference of the RFO. The personnel listed in the Terms of Reference represent the minimum required staff, and the Consultant is obligated to fully staff the team accordingly.</p> <p>In accordance with the RFO, the CVs of the following Key Personnel will be evaluated strictly based on the Evaluation Criteria provided in Section III. Qualification and Evaluation Criteria of the RFO:</p> <ul style="list-style-type: none"> • Team Leader; • Financial Analyst; • Utility and water sector policy, regulatory expert. <p>Pursuant to Section I. Instructions to Offerors, Clause 12.4 (e) of the RFO: "Alternative Key Professional Personnel shall not be proposed, and only one curriculum vitae ("CV") may be submitted for each position indicated in the TOR. Failure to comply with this requirement may result in the rejection of the Offer as non-responsive."</p> <p>As stated in the Terms of Reference: "The Team Leader will be involved in all tasks of the project, providing overarching guidance and ensuring that each task aligns with consultancy services overall policy objectives and give expert opinion on the deliverables. The Team leader must reside in Ulaanbaatar during the project period."</p> <p>Furthermore, please note that, as stated in the Section III. Qualification and Evaluation Criteria of the RFO:</p> <p><i>"The Accountable Entity's determination of an Offer's substantial responsiveness is to be based on the contents of the Offer itself. For purposes of this determination, a substantially responsive Offer is one that materially conforms to the requirements of the RFO without</i></p>

	<p><i>material deviation, reservation, or omission. A material deviation, reservation, or omission is one that:</i></p> <p><i>(a) if accepted, would:</i></p> <p><i>(iii) affect in any substantial way the scope, quality, or performance of the Services specified in the RFO; or</i></p> <p><i>(iv) limit in any substantial way, inconsistent with the RFO, the Accountable Entity's rights or the Offeror's obligations under the proposed Contract; or</i></p> <p><i>(b) if rectified, would unfairly affect the competitive</i></p>
Question 18:	We request a postponement of the submittal date to July 14, 2025.
Answer 18:	As empathized in the Pre-Offer Conference of June 4, 2025, the implementation timelines for this assignment are extremely tight and must be adhered to. This in turn flows through the complete procurement process, as any delay in the pre-award stage can have significant downstream affects. As such, no extension to the Offer Submission date can be entertained.