

Questions and Answers from the Webinar, held on May 9, 2019

Q & A from Sint Maarten

1. Is it possible to let a bidder know after the bid has been awarded what went well, and what was missing in one/some of the offers, or at least let the company know when they were disqualified? **A bidder has the right to request a debriefing by the Recipient to understand why its proposal or bid was unsuccessful. The debriefing does not include point-by-point comparisons with another Bidder's/Proposer's/Consultant's proposal or bid.**
2. Hurricane Irma brought this opportunity. There are many new companies formed since the hurricane that don't have a company experience, but as owners and affiliates. Are you saying new companies are not in a position to qualify? **To be awarded a Bank financed contract a company needs to meet commercial, technical and other requirements set up in the tendering document. These requirements are proportional to the value and complexity of procurement: While complex work requires more experience, simple contracts require less. Companies participating in Bank-financed contracts may form joint ventures with domestic and/or foreign firms to enhance their qualifications and capabilities.**
3. Can the presentation be sent out to the participants? **Video: https://1930181.mediaspace.kaltura.com/media/Info+sessions+CuracaoArubaSXM+-+May+9,+2019/1_vibon943/29528271**
4. Will the budget be given for the "Fixed budget-based selection"? **Yes, it is part of the methodology, to give in advance the available budget. In that selection method, the budget is the ceiling.**
5. How will a newly registered company be able to participate in biddings? New companies meaning the experience is there, but there are no previous completed contracts. **Companies need to demonstrate knowledge and experience to perform contracts. Depending on the type of services (example consulting services vs civil works) and the level of complexity of the services, in some contracts the company's experience is the most important requirement, while in others, its personal.**
6. What about the personal consultants? Do they need to register? **Registration is not required prior the submission of a bid/proposal.**
7. What is the percentage of local workers that is agreed upon between the World Bank and the NRPB? What is the procedure for this? **There is no requirement under national law for a certain percentage of local workers. The World Bank and the NRPB have also not agreed to such a percentage.**
8. Will it be made public which companies are selected to complete projects? **Yes, it is mandatory to publish who is being awarded the contract and at which price, along with the other companies that presented a bid in due time.**

Q & A from Curacao

9. Are companies/consultants tendering from abroad able to declare certain costs like for travel, transport, housing, separately to compete with local companies/consultants? **No, it is not possible to declare those costs separately, it will need to be part of the bid.**
10. Will this session also be given in SXM and Aruba. **Yes, we will have interactive session on Curacao (June 5th), Aruba (June 7th) and St Maarten (June 11th).**
11. How is the tax regulated for companies from abroad? **For consulting services and goods all proposals are going to be evaluated without taxes.**
12. The travel costs for a pre-proposal visit (de site visit) indicated in the RFB or RFP will be refund by IRC NRPB for consultants living outside SXM? **Refunding of those costs is not possible. Although it's highly recommended to participate in the pre-proposal visits, it is not mandatory.**
13. It seems to be important to be as specific as possible and not offering a broad service, but if you offer different solutions within a company do you write several proposals per solutions or in one proposal for different solutions. **Alternative solutions could be submitted if allowed in the tendering document. This procurement approach is used when, because of the nature and complexity of the works or services to be procured, the Recipient's business needs are better met by allowing bidders to offer customized solutions that may vary in the way they meet or exceed the requirement of the request for proposals document. In this cases, tendering documents shall clearly indicate when bidders can submit alternative bids, how alternative bids should be submitted, how bid prices should be offered, and the basis on which alternative bids shall be evaluated. On the other hand, if the tendering document doesn't give the option to submit alternative solutions, the bidder is required to substantially meet the technical and commercial requirements detailly specified.**
14. Could a contract financed by the World Bank be my first contract for goods? **Yes, if the company meets the commercial and technical criteria required for this procurement.**
15. Can you provide more information in relation to the project award process how will the participants be informed? **After the evaluation of all bids, all companies that presented a bid are going to be contacted about the result of the evaluation. After that companies that participated can ask for an information meeting to discuss their bid and how it was evaluated. In a later stage it is going to be advertised in the NRPB website who was awarded the contract and at which price.**
16. Is it always required to hand in/submit the bid/proposal in person (hard copy)? **For the moment bids cannot be submitted in electronic form. The bids can be sent by mail or courier. Please plan for the bid to arrive before the deadline for the submission of bids. Bids received after the date and time deadline for receipt cannot be considered.**

17. Can you please describe 1 rfb/rfp procedure from start to contract with time frame? What payment modalities / procedures? **We will do so during the interactive sessions in June (Curacao on June 5th, you can subscribe yourself to this session via het chamber of commerce).**
18. How does the qualification criteria for work or goods work out for new companies **To be awarded a Bank financed contract a company needs to meet commercial, technical and other requirements set up in the tendering documents. These requirements are proportional to the value and complexity of procurement.**
19. Do World Bank projects also include consultancy services aimed at leadership and management development to ensure projects are sustainably implemented in local context? **For certain projects those consultancy services are hired to ensure contractors compliance with agreed terms and conditions (technical specifications, time, cost, etc.).**
20. Selikor is an SOE in Curacao, experienced in waste management, would it be able to bid/participate? **State-owned enterprises (SOEs) or institutions of the Recipient's country may be eligible to compete and be awarded contracts in the Recipient's country only if they can establish, in a manner acceptable to the Bank, that they: (a) are legally and financially autonomous; (b) operate under commercial law; and (c) are not under supervision by the agency contracting them. If you are interested in participating, this is something which can be discussed more in-depth during the interactive session on Curacao on June 5th.**
21. What types of projects are exemplary when considering projects stimulating good governance? **World Bank procurement is governed by and are consistent with Core Procurement Principles, including, efficiency, integrity, transparency and fairness. These principles reflect international good practices in procurement promoting good corporate and public governance.**
22. Are heritage projects considered? restoration of monuments? **At this moment, no such projects are foreseen.**
23. Does a company have to register in the chamber of commerce of St. Maarten? **Registration is not required prior the submission of a bid/proposal.**
24. Are there any projects for architects? **The Bank finances civil works/infrastructure contracts where this profession may be required.**
25. The local market consists of mostly small companies. How can they fit into the procurement system of the World Bank? In the past Curacao was always unsuccessful in bidding into e.g. the EU procurement system. **As above reported, small companies could participate in World Bank financed contracts either as a single bidder, in cases of non-complex projects; through joint venture; or as sub-contractors. This can be further discussed in the interactive sessions to be held in June (Curacao on the 5th, Aruba on the 7th and Sint Maarten on the 11th).**

26. What is the timeline to execute to different projects? How soon can we start? **That depends on the project. Specific information including timelines can be found in the procurement notices or in the expressions of interest. Those can be found on the NRPB website: www.nrpbsxm.org**
27. What is the requirement for an electrical company to participate for bidding on any project in Sint Maarten? **As previously discussed, to be awarded a Bank financed contract a company needs to meet commercial, technical and other requirements set up in the tendering document. These requirements are proportional to the value and complexity of procurement.**
28. Are there opportunities in the software branch? Are there opportunities for small companies or are these projects only for very big enterprises? **As previously discussed, to be awarded a Bank financed contract a company needs to meet commercial, technical and other requirements set up in the tendering document. These requirements are proportional to the value and complexity of procurement.**
29. In the event of submission as a joint venture which company provides the proposal? **Firms comprising a joint venture should designate who will represent this joint venture. Having said that, all the partners in a joint venture are jointly and liable for the entire contract.**
30. What are the typical payment terms for purchase of goods? **For goods is 10% advance payment at the signing, 80% of the contract price on Shipment of goods and the remaining 10% of the contract price paid within thirty (30) days after the date of the Acceptance Certificate for the respective delivery issued by the Purchaser.**
31. Can bids for goods be submitted digitally? **No, all bids need to be submitted by mail or hand delivered.**
32. Do we have to be present when bids are opened for goods? **It is allowed and recommended, but not mandatory. Also, everything will be recorded and sent to all companies that present bids.**
33. Why the lowest price? Is not quality and professionalism the most important? **Depending of the level of complexity of procurement, a contract could be awarded to a bidder who responds well to the tendering document and who offered the lowest evaluated cost; or to a bidder whose proposal is evaluated considering criteria beyond price. The former (lowest price) is used for simple procurement; while the latter, for complex procurement.**
34. Has any tender process been finalized as yet? In other words have any tenders been granted yet post Irma? **Yes many, like for the repair of the Police Stations phase 1, private home repairs, procurement of equipment, hiring of staff and consultants.**
35. Do we have to register as suppliers or service providers? if so where do we register? **Registration is not required prior the submission of a bid/proposal.**

36. Will there be the best experts available on site to control the extension of the construction works so that the best and hurricane proof construction is guaranteed? It was noticed that zink roofs are being used again for example. Will the WB ensure that this is totally banned? **All construction contracts have a supervision contract in place. The supervision company is responsible that the contractor is doing its job the correct way, with the proper materials and quality.**
37. What kind of bidding standards & bidding conditions will be used? viar/vav? fidic/copia? **WB standard bidding documents tailored to Sint Maarten and agreed upon with Government, that comply with the WB procurement principles. For the Airport WB/FIDIC contracts are going to be used.**
38. Will all documents (proposals etc.) be in English? **Yes, all documents will be provided in English, also submitted documents/bids must be in English.**
39. When will the project for the reconstruction on the princess Juliana international airport go out for tender (releasing bid documents)? How long will the process take from releasing the bid documents to awarding the contract? **Bidding documents are being finalized. The timelines for awarding the contract will be specified in the tender documents.**
40. Are all the organizations involved doing enough to ensure that all companies who are awarded are professional and competent in the highest degree and can deliver perfect anti hurricane work? **Hurricane resistant requirements are reflected in the technical specifications of the tender documents, they will be part of the bid evaluation before awarding the contract and be supervised closely during implementation.**
41. What/ who is "IRC"? What does "IRC" stand for? what/ who is "NRPB"? what does "NRPB" stand for? **IRC stands for Interim Recovery Committee which is a group of civil servants appointed by the Council of Ministers in setting up the institutional arrangements of the WB project. In addition, this group prepared as well implemented the start of projects funded under the TF. The NRPB, or National Recovery Program Bureau is the institute responsible for project implementation and will assume the responsibilities of the IRC, after which the latter is dissolved. The NRPB is then the Project Implementation Unit for all TF projects.**
42. Contract is with the borrower, not the Bank what is definition of borrower? Can bids be made for sub-contracting activities? **It is better to refer to Recipient, since no funds are being borrowed from the Trust Fund to Sint Maarten. The Recipient is the Government of Sint Maarten. Bids for sub-contracting activities are only in very specific cases allowed.**
43. If an international/ market leading party wins a construction bid, does this include that this party can bring own employment material from abroad or is this party required to use employee/ heavy equipment from regional parties? (who submitted bid to supply equipment? **If there are certain specific requirements as to the nationality of workers, or for the use of equipment this will be spelled out in the bidding documents. In general, whether bidding is national (i.e. everyone who is bidding is established in SXM), or international (companies may bid from all over the Word) the**

composition of the workforce is up to the bidder and needs to be in compliance with the legislation of the country. Under the law of Sint Maarten, there is no specific requirement to use a certain percentage of local workers.

44. What standards will be applied when executing contracts e.g. local SXM/Dutch FIDIC. **WB standard bidding documents tailored to Sint Maarten and agreed upon with Government, that comply with the WB procurement principles.**
45. Is there a partner website where we can partner with Dutch companies? **RVO has a network of Dutch companies (sectors: waste, infrastructure, utilities) interested in St. Maarten that they can reach out too. Moreover, RVO can reach out to companies through RVO newsletters (subscribers include companies interested in Caribbean part of the Kingdom and ambition in general for international business).**
46. Besides construction projects, will there be IT related opportunities too? like computer network setups, wireless projects, cyber security project **There are no such projects under implementation yet, but could be part of a next round of projects.**
47. Which way bios should be submitted by mail or hard copy. **That depends on the situation; if the bio is part of a bid, this should be submitted in hard copy. In case of clarification it can be submitted by email.**
48. Will the bidders be present at the time the proposals are opened? **Yes, they are invited, and it is advised to be present, but not mandatory. All bidders, also the ones who were not present, will receive a copy of the meeting minutes.**
49. Do local firms (consulting or contractors) have any advantage above foreign companies because of the bad economic situation on the islands? **No, there is no preferential treatment, the selection is based on the type and scale of works. The Bank promotes equal opportunity and treatment for bidders and consultants from all countries to offer goods, works, non-consulting services, and consulting services for Bank-financed projects. In connection with any procurement to be financed in whole or in part by the Bank, the Recipient shall not deny participation of, or award to, bidder for reasons unrelated to its capability and resources to successfully perform the contract. Smaller contracts attract bids from the local market, bigger contracts can interest international bidders, who can decide to use local labor. It also depends on the contractor how he proposed to organize the project activity.**
50. Based on the project, a company abroad might be required to register at the Chamber of Commerce of Sint Maarten. Would this company then need to have an address in Sint Maarten? **Registration is not required prior the submission of a bid/proposal.** Would this company then need to have a representative (employed) in Sint Maarten? **If registration is required for contract award (for example for large/complex civil works), the tendering documents explain how the registration process should take place.** Will this be a regular registration at the Chamber of Commerce of Sint Maarten or will this be a special kind of registration? Because I might not want to unregister at the

Chamber of Commerce in my base country. **Registration is not required prior the submission of a bid/proposal.**

51. It is being said that all kind of employees of the World Bank and the Netherlands are constantly travelling to SXM without any real and proportional added value. Their cost of travelling etc. seems to be disproportioned and seems to be charged to the account of the Recovery monies. Is this true and will their costs be presented in a transparent way to the public? **To fulfill its obligations of managing the trust fund, preparing projects, and supervising their implementation, the World Bank sends task teams to Sint Maarten as needed. Yearly budgets for the Trust Fund are approved by the Trust Fund Steering Committee. For these types of expenses, these budgets follow World Bank norms for the Latin American and Caribbean region. The frequency of traveling by employees from the Netherlands to Sint Maarten is limited to (approximately) two regular meetings of the Steering Committee of the Trust Fund and two regular meetings with government, local NGO's and private sector to discuss progress and possible future recovery projects, funded by The Netherlands. Travel expenses for employees are paid by and justified within The Netherlands.**
52. Control of quality and hurricane work is essential. Will the world bank ensure that this control is executed in every step of the construction by two outside experts from the USA, two from the Netherlands, two from SXM, with exceeded academic credentials technical know-how in several fields and noncorrupt? **For all construction contracts a supervision contract will be in place. The supervision firm is being selected based on its experience and key personnel and is responsible to control the quality of the work and materials. This is in its turn supervised by the NRPB, which is being supervised by a task team of the World Bank.**
53. Is it the NRPB that writes the project dossiers of projects that are proposed, approved and executed, or is this a responsibility of the Sint Maarten Government departments? **The NRPB, with support of WB task teams, develops all dossiers in close coordination with the relevant Ministries and their departments.**
54. Is it possible for other parties than governmental departments, for instance government NVs (overheids-nv's), to hand in requests for proposals through the NRPB? **In general, proposals from state owned enterprises can be considered for support through the Trust Fund. Such proposal have to be submitted through the responsible Ministry rather than the NRPB.**
55. With regards to rebuilding of the hospital in St. Maarten will the tender be for both construction & furnishing / equipment in one tender to be executed by the same company or will there be separate tenders one for construction of building and one for furnishing / equipment? **For specific information related to a project/activity, please check the NRPB website and – in the case of the hospital project also – the SMMC website. All procurement information is being advertised on those websites: www.nrpbsxm.org , <https://www.smmc.sx/Renovation-Reconstruction/Projects> .**

Q & A from Aruba

56. Can a startup take part in any of your procurement processes? I.E. can it submit proposals, bid, request for financing etc. If so, is there a particular process/procedure for that. **It depends on the procurement method and approach to procurement. For example, if prequalification applies only prequalified bidders (startup or established) can participate. If post qualification applies all bidders that consider they meet the qualification criteria, clearly spelled out in the bidding documents can apply. Again, meeting the criteria spelled out in the bidding documents is what opens the opportunity of winning a contract for any bidder. Please notice that the World Bank (IBRD and IDA) provides financing only to governments and not to contractors or individuals.**
57. Manpower can be expats or only locals? **It is up to the firm presenting the bid to organize their workforce. Under the law of Sint Maarten, there is no specific requirement to use a certain percentage of local workers.**
58. Is it possible to submit a project to NRPB for funding via World Bank? E.G a high impact social-economic infrastructure project that fits the objectives of the trust funds/NRPB. How does one go about submitting such a project? **Submission of projects should go via relevant Ministries, as these propose potential projects to the Steering Committee of the TF.**
59. In case of a new company or a company that has been inactive for the past years. If said company has an experienced team and a better offer but cannot send successfully completed contracts. Is the company disqualified? Do you recommend smaller projects? Is a Joint Venture the only option? **Qualification criteria seek a balance between the size and nature of the contract and the real possibilities of the targeted market as a whole. Bidders that do not meet the qualification criteria are disqualified. If allowed by the bidding documents evaluators may waive minor deviations not affecting the performance of the contract.**
60. Through which commercial bank will the World Bank channel the development funds (US\$550MM) and whether there would be any special requirement the bank comply with! **The NRPB currently has project bank accounts with the Windward Island Bank (WIB), but also the Central Bank of Sint Maarten and Curacao for purposes of advances to designated accounts. However, reimbursements, direct payments and special commitments could also be made, besides advances to designated accounts. This means that the 550M may be disbursed to any account the Government of Sint Maarten choses for reimbursement purposes, any supplier/contractor/vendor for direct payments and special commitments. Payments to and opening of designated accounts when using the advance method also entail a FIDD-financial institution due diligence.**
61. If a bank has not been selected yet would there be a tendering taking place to select/choose a commercial bank to facilitate payments? **There is no tendering process, see also the answer to question 60.**
62. Are participating companies in the procurement process allowed to be reimbursed pre-bid costs, in the event it is not awarded the contract? Or partial re-imbursement? **No reimbursement is provided.**

63. In the event additional time is requested, thus for bid validity extension and bid security periods that may have additional potential cost, will these be added to the contracted amount? In the event these can be shown by the procurement awarded contractor? **No, they are not be added. For this reason, the Bank works together with the Recipient to ensure that either an appropriate alternative (different from bid validities) are considered or avoid delays in the contract award and execution of contracts.**
64. For companies looking into registration in St. Maarten, is there a more concise way to go through. The process to obtain the business license? Any F.I. Helpdesk for investors? **Registration is not required prior the submission of a bid/proposal. Work permits are to be obtained via the Department of Labor Affairs at the Ministry of VSA.**
65. What about tax exemptions? **So far, projects under the Emergency Recovery Project 1 are exempted from the 5% Turnover Tax.**
66. What is the procedure to obtain work permit. **Work permits are to be obtained via the Department of Labor Affairs at the Ministry of VSA. For further questions on work permits, please contact the Department of Labor Affairs.**
67. Do we need to establish a company or branch in St. Maarten, if yes what are the requirements? **Not to present a bid and participate in the process. Maybe later depending on the contract.**
68. Is there a limitation on xx amount of expats **No there is not. Whether bidding is national (i.e. everyone who is bidding is established in SXM), or international (companies may bid from all over the World) the composition of the workforce is up to the bidder.**
69. What steps do Aruban contractors need to take in order to participate in projects? **There are no special steps to be undertaken: monitor the tenders that are being published by NRPB (www.nrpbsxm.org), prepare a good and complete bid and submit on time.**
70. Will lodging be provided by SXM? **No, it is the responsibility of the firm to find and provide lodging to their employees.**
71. How can I go into a joint venture with another company? **Firms participating in Bank-financed contracts may form joint ventures with domestic and/or foreign firms to enhance their qualifications and capabilities. A joint venture may be for the long term (independent of any particular procurement), or for a specific procurement. The Bank does not accept conditions of participation in a procurement process that require mandatory joint ventures or other forms of mandatory association between firms.**
72. For how many years will be this opportunity of job on Sint Maarten? **The Trust Fund will remain in existence until 2025.**

73. What is the requirement for outside company to have the possibility to get a chance to work on Sint Maarten. **Preparing a good and complete bid and submit on time. Contracts will be awarded according to the criteria set up in the tendering documents.**