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|  | COMUNIDADE ECONOMICA DOS ESTADOS DA FRICA OCIDENTAL |  |
| ECONOMIC COMMUNITY OF  WEST AFRICAN STATES |  | COMMUNAUTE ECONOMIQUE DES ETATS DE L’AFRIQUE DE L’OUEST |

# (NEGOTIATION MINUTES – STANDARD TEMPLATE/DOCUMENT)

**SELECTION OF CONSULTANTS**

**By the method ……… ……. .**

**SELECTION OF AN INDIVIDUAL CONSULTANT/FIRM**

**FOR …………………………………………………**

**Funding: ECOWAS COMMISSION**

**NEGOTIATION**

**MINUTES**

***Place, day, month, 202…***

Negotiation minutes (Standard Template/Document)

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| minutes of the negotiations  The Negotiation Minutes concerns the exchanges undertaken between the Project bearer/Owner and the Consultant (Individual or Company) to reach an agreement or conclude the contract. Stakeholders must then compromise to find solutions in accordance with the indications contained in the request for proposals which was made available to the pre-selected/shortlisted consultants.  **The following points will be discussed during the negotiation sessions:**  **1.**         **Prerequisites for negotiations** :  The Consultant will be invited to confirm his availability to sign a contract with the ECOWAS Commission and to complete the mission assigned to him in the indicated deadline.  **2.**         **Negotiations of the technical proposal** :  The discussions will focus on the following :  · Terms of reference (TOR),  · the proposed methodology,  · services payable by the Client,  · the finalization of the “Description of Services” which will be included in the Contract .  **NB** : these discussions will not modify in a significant manner the initial terms of reference, nor the terms of the contract, so as not to affect the technical quality of the final product, its cost and the relevance of the evaluation of the proposal.  **3.**         **Financial negotiations:**  · The discussions will aim to clarify the tax duties/obligations of the Consultant in the Client's country and how these will be taken into account in the Contract.  · Payment terms for the contract cost will be discussed and agreed.           **4.**         **Conclusion of negotiations:**  · The modalities for kickoff/starting the mission will be fixed.  · The negotiations will end with an examination of the finalized draft Contract, which will then be initialed by the Client and the Consultant.  **NB** : in the case of failure of negotiations, a report of disagreement will be drafted and signed by the parties. This document will indicate all the key points of disagreement. |

**NEGOTIATION MINUTES**

*Indicate in letter the* *date, month, year of …… hours,* took place ( *indicate if it is by physical or videoconference* ) the negotiation meeting between the representatives of the ECOWAS Commission and the Consultant/Firm within the framework to: *indicate the title of the mission* …… ………………… ….

Based on the recommendations of the Evaluation Committee and its validation by the Committee of ………………... the *Consultant/Firm* was invited to the negotiation meeting by email dated…. (Indicate *the date of invitation and attach a copy in Annex 1* ).

The Evaluation committee of the negotiating are indicated in table below

| **No.** | **Name** | **Position/Designation** | **Signature** |
| --- | --- | --- | --- |
| **For the ECOWAS Commission** | | | |
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| **For the Consultant/Firm** | | | |
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After checking the presence of the members of the negotiating committee, the Chairman of the meeting thanked all the participants in this negotiation and then wished to receive the power of attorney from the Consultant (Individual *Consultant/Firm*) to proceed the negotiations.

After this verification he asked the project manager/owner to announce the outlines/key points of this negotiation.

Speaking, the Head of the Procurement Division of the ECOWAS Commission welcomed all participants, reiterated the importance of the project for the ECOWAS region and expressed readiness for the implementation of this mission on time and in accordance with the terms of reference. He congratulated the company for submitting the most qualified and technically conformed proposal and introduced the participants from the client side.

For his part, the representative of the Consultant (*Individual Consultant/Firm*) expressed their gratitude to the ECOWAS Commission for having chosen (*him/their Firm*) to carry out this mission.

Following the representative of the Consultant (*Individual/Firm Consultant*) the head of the procurement Division of the ECOWAS Commission explained the approach to follow for the works and indicated the following points which will be discussed during the negotiation session:

* Prerequisites of negotiations;
* Understanding of the technical aspects of TORs;
* Negotiations of financial aspects;
* AOB

1. **PREREQUISITES OF NEGOTIATIONS:**

The prerequisite for any negotiation being the availability of the Consultant for the mission, the representative of the Consultant (*Individual Consultant/Firm*), has confirmed his full availability to sign a service contract and to carry out successfully the mission assigned to him.

At the request of the representatives of the project owner in relation to the Power of Attorney to negotiate

The representative of the Consultant (Individual *Consultant/Firm*) presented the appropriate power of attorney giving him the authority to act (negotiate, decide, initial and sign) on behalf of the Consortium (copy attached as Annex 2).

1. **UNDERSTANDING OF THE TECHNICAL ASPECTS OF TORS:**

The representatives of the Commission asked the Consultant to express his understanding of the content of the terms of reference for the mission and any comments and observations on his part.

Discussions were opened on the questions that required clarification and agreement.

* Availability of keys expertes;
* Technical approach and methodology;
* Work plan and duration of the mission;
* Reporting requirements (language and translation) ;
* Organization and Staffing/Staff Contributions.

These discussions allowed both parties to reach the following conclusions:

*( Indicate in the following table all those that were discussed on the different points raised as well as the agreements reached ).*

|  |  |  |
| --- | --- | --- |
| **No.** | **QUESTIONS/COMMENTS RAISED** | **AGREEMENT** |
| 1 | Availability of key experts |  |
| 2 | Technical approach and methodology |  |
| 3 | Work plan and duration of the mission |  |
| 4 | Reporting requirements (language and translation) |  |
| 5 | Organization and Staffing/Staff Contributions |  |

1. **NEGOTIATION OF FINANCIAL ASPECTS**

With reference to the clauses listed in the request for proposal, the exchanges linked to the financial aspects between the representatives of the project owner/Manager and the Consultant ( *Individual Consultant/Firm* ) took place on the following points hereinafter :

* Distribution of remuneration (Fin-4 form) *for Firm;*
* Revised financial proposals;
* Taxes;
* Validity period of the financial proposal;
* Terms of payment of the contract cost.

Following these discussions, the both parties concluded and agreed on the following points:

*( Indicate in the following table all those that were discussed on the different points raised as well as the agreements reached ).*

|  |  |  |
| --- | --- | --- |
| **No.** | **QUESTIONS/COMMENTS RAISED** | **AGREEMENT** |
| 1 | Distribution of remuneration (Fin-4 form) *for Firm* |  |
| 2 | Revised financial proposals |  |
| 3 | Taxes |  |
| 4 | Validity period of the financial proposal |  |
| 5 | Terms of payment of the contract cost |  |

1. **MISCELLANEOUS/AOB**

* Payment terms and schedule;
* Bank account details;
* Draft contract (terms and conditions);
* Kick-off meeting, launch and mobilization;
* signatory for negotiation and draft contract
* Conditions for starting the mission .

*( Indicate in the following table all those that were discussed on the different points raised as well as the agreements reached ).*

|  |  |  |
| --- | --- | --- |
| **No.** | **QUESTIONS/COMMENTS RAISED** | **AGREEMENT** |
| 1 | Payment terms and schedule |  |
| 2 | Bank account details |  |
| 3 | Draft contract (terms and conditions) |  |
| 4 | Kick-off meeting, launch and mobilization |  |
| 5 | signatory for negotiation and draft contract |  |
| 6 | Conditions for starting the mission | The mission will begin after the signing of the contract by both parties, on the basis of a service order notifying the start date of the mission |

Both parties have agreed that a draft minutes of the negotiation will be submitted to the Consultant for agreement before its signature by the participants. Based on the power of attorney submitted, the consultant/Firm has indicated that the *signatory's Name and First Name* , *Title* , will sign the contract while the negotiation representatives will all sign the negotiation minutes.

**CONCLUSION / RECOMMENDATION**

Based on the above, it is recommended that: *indicate the name of the successful contractor* to be engaged to carry out the mission *Indicate the title of the mission* for a total amount not exceeding *Indicate the negotiated amount* US$ covering a total period of *indicate the agreed mission deadline* .

The negotiations ended with an examination of the draft Contract which will be finalized and then initialed by the Client and the Consultant.

Finally, the Chairman of the session thanked all the participants in this negotiation and congratulated the Consultant ……………………… ……. , proposed awardee of the contract. The negotiations were concluded to the satisfaction of both parties.

Have signed:

( *Indicate first and last name* *of all members who participated in the negotiations).*

| **S/N.** | **Name** | **Position** | **Signature** |
| --- | --- | --- | --- |
| **For the ECOWAS Commission** | | | |
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| **For the Consultant/Firm** | | | |
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1. **Annexes:**

Annex 1: ………………………………… …..

Annex 2: ……………………………………… …..

Annex 3: ……………………………………… …..

Annex 4: ……………………………………… …..

**Appendix 1**

**Appendix 2**

**Appendix 3**

**Appendix 4**