



**Construction Sector Transparency Initiative – Ethiopia (CoST – Ethiopia)**

**Assurance Report on Disclosed Project and Contract  
Information of Laboratory and Workshop Building Project  
(Jimma University)**

**October 2015**

**Addis Ababa, Ethiopia**

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# 1. BACKGROUND

Construction Sector Transparency (CoST) Initiative is a multi stakeholder program aimed at Improving Infrastructure through Openness and Accountability using disclosure of project and contract information as a tool. While project and contract information is disclosed by procuring entities, purpose of the assurance process is to validate the information disclosed by procuring entities and interpret it in plain language that helps stakeholders understand the main issues.

In order for transparency of information to be effective in achieving better accountability of government for the quality and efficiency of construction, stakeholders need to be able to understand the disclosed information and to identify issues of interest or potential concern. Hence the assurance process adds value to the disclosures by helping to interpret salient messages of interest to the main stakeholders through intelligible presentation and to assess credibility of the results.

This assurance report is prepared for **Jimma University Kitto Furdissa (Laboratory & Workshop) Building Project** based on the memorandum of understanding signed between Jimma University, the Procuring Entity (PE), and the Construction Sector Transparency (CoST) Initiative of Ethiopia.

The assurance process, as per the CoST program, is designed to have the dual function of first giving assurance that the information disclosed by PEs is valid and complete, and second of interpreting the disclosed information in plain language to detect *matters of interest or potential concern* that could be raised with the project owner. This enhanced accountability is expected to result in improved efficiency and effectiveness in the delivery of infrastructure construction.

This assurance report is, however, prepared for project and contract information collected by the assurance professional himself and not by the procuring entity. Hence validation of completeness and accuracy of disclosure is not covered by this report. The main purpose of this report is, therefore, to disclose information items collected by the assurance professional and to highlight identified areas of inefficiency, mismanagement and other causes of concern throughout the project cycle. The report further provides recommendation to the Multi Stakeholder Group Executive Committee (MSGEC) on key findings of the assurance process.

## 2. KEY FINDINGS

- Jimma University has awarded both the design and supervision contract to Construction Design Share Company without competition, which is against the conditions stipulated in the Public Procurement Directive, 2005, Article 9 (2).
- 2 OUT OF 4 bidders have declined to submit tender proposal, which calls for the PE to assess the situation and attract more number of bidders.
- The tender evaluation criteria didn't define the necessary requirements such as manpower and equipment that are essential for successful completion of the project.
- There was no pre tender estimate of the project that should have been done during procurement planning
- Poor practice of contract administration is observed including failure to allocating reasonable period of time for completing construction works delayed beyond the completion date, providing advice to the client on his contractual right and actions required to be taken, providing timely decision, granting contractually acceptable extensions of time.

### **3. SUMMARY OF INFORMATION DISCLOSED**

#### **3.1 GENERAL**

List of information items disclosed through this report is compiled as per the project and contract information (**PCI**) disclosure template as indicated in the DISCLOSURE STANDARD of CoST ETHIOPIA for disclosure through website. The completed standard template of disclosure is attached with this report as Annex 1.

The standard template presents the information items through the following four categories that are grouped in project and contract phases:-

##### **A. PROJECT INFORMATION (26 Items of Disclosure)**

- i. Preliminary Project Information (18 Items Of Disclosure)
- ii. Project Information At Completion (8 Items Of Disclosure)

##### **B. PROCUREMENT AND CONTRACT INFORMATIONS (44 Items of Disclosure)**

- iii. Procurement Information (30 Items Of Disclosure )
- iv. Contract Implementation & Completion (14 Items Of Disclosure)

The project referred in this assurance report is the Jimma University Kitto Furdissa (Laboratory & Workshop) Building Project. The project incorporates the following three contracts:-

- i. Consultancy Service for the Design of the Laboratory and workshop Building
- ii. Consultancy Service for Construction Supervision of the Laboratory and workshop Building
- iii. Construction Works of the Laboratory and workshop Building

Summary of information disclosed in this section of the report is, therefore, presented in relation to the design, supervision and construction contracts of the project.

#### **4. DISCLOSURE OF THE JIMMA UNIVERSITY LABORATORY AND WORKSHOP BUILDING PROJECT INFORMATION**

An overview of the project is disclosed under the PRELIMINARY PROJECT INFORMATION heading of the PCI template attached as Annex 1. The disclosed information of the project represents the status of the project as of **July 1/2014**, which is the **date of disclosure** indicated at the first item of the PCI template attached as Annex 1.

The disclosed information indicates that the project is **located** in Jimma. Jimma University has intended to construct Kitto Furdissa (Laboratory & Workshop) Building Project within its premises by allocating sufficient budget from The Government of the Federal Democratic Republic of Ethiopia (FDRE).

The contract for the Design Services and Construction Supervision Contracts are directly awarded to Construction Design Share Company to carry out the design and supervision services as per the scope of the service outlined in the Contract Agreements.

The PE entered Contract Agreement with Construction Design Share Company for Design Services Contract on April 08, 2010 with a contract price of ETB 947,049.15 including VAT and Construction Supervision Contract on Feb 25, 2011 with a contract price of ETB 50,000 per Month including VAT.

The Construction Works Contract was openly tendered to all illegible contractors to submit their proposals for qualifying the Bid Requirements. After the evaluation result, the PE entered Contract Agreement with Afro Tsion Construction on January 24, 2011 for contract prices of ETB 355,925,389.92 including VAT to construct the Building in 730 cal. Days and the project commenced on 07/06/2003. The completion time of the construction works has already passed however the construction works are ongoing and until June, 2014 the contractor has performed about 60 % of out of the total work.

#### **5. DISCLOSURE OF PROCUREMENT AND CONTRACT INFORMATION**

This section of the report covers summary of information disclosed for the procurement, contract implementation and contract closing phases of the following contracts:-

- i. Consultancy Service for the Design of the Laboratory and workshop Building Project

- ii. Consultancy Service for Construction Supervision of the Laboratory and workshop Building Project
- iii. Construction Works of the Laboratory and workshop Building Project

Procurement and contract information items for the above three contracts are listed in the Annexed PCI as per the requirement stipulated in the CoST ETHIOPIA DISCLOSURE STANDARD.

#### **a) PROCUREMENT INFORMATION ITEMS**

The listed procurement information items are designed to provide the public with a general ***overview of the contracts in addition to the following basic issues related to the procurement process of each contract:-***

- i. overview of the contracts***
- ii. Compliance of the process with requirements of public procurement***
- iii. Efficiency of the procurement process (timeliness)***
- iv. Fairness of rules on participation***
- v. Transparency of the tender evaluation process***
- vi. Objectivity the tender evaluation and the award criteria***
- vii. Competitiveness of the award price***
- viii. Contract milestones: original scope, time and cost***

#### **b) INFORMATION ITEMS ON CONTRACT IMPLEMENTATION AND CLOSING**

On the other hand the disclosed information at contract implementation and closing stage are designed to ***measure changes on contract milestones through comparing with the original values*** indicated under the procurement information heading and to ***pose question on the reasons behind the changes***. Some of the issues that may be drawn from the disclosed contract information includes but not limited to the following:-

##### **i. ISSUES RELATED TO CONTRACT PRICE**

- What are the changes as compared to the original contract price?

- What are the reasons that caused changes of the contract price?

**ii. ISSUES RELATED TO CONTRACT DURATION**

- What are changes of contract duration as compared to the original contract duration?
- What are the reasons that caused changes of the contract duration?

**iii. ISSUES RELATED TO CONTRACT SCOPE**

- What are changes of contract scope as compared to the original contract scope?
- What are the reasons that caused changes of the contract scope?

This section of the report presents the disclosed procurement and contract information for each of the three contracts in an intelligible manner. Additional documents are collected upon request from the PE for the purpose of conducting further analysis on the performance of the procurement and the contract implementation phases.



## **5.1 CONSULTANCY SERVICE FOR THE DESIGN OF THE LABORATORY AND WORKSHOP BUILDING PROJECT**

### **5.1.1 INFORMATION ON THE PROCUREMENT PROCESS**

The PE has directly awarded the Design Contract to Construction Design Share Company without making any competition to other Consulting Firms.

#### **5.1.1.1 Analysis on Procurement Stage**

The requirement of Public Procurement Directive, 2005, Article 9 (2), states the following conditions to procure from single source:-

Direct Procurement Method may be used only in one of the following conditions:

- *When in accordance with sub-article 1 (d) and (e) of Article 27, it is believed that advantage could be obtained, if additional goods, consultancy services and works of a similar kind and price are procured from the original supplier. However, such order only be made in cases where the contract price of the additional goods, consultancy services and works doesn't exceed 25% of the value of the original procurement and the additional order is made within the validity period of the original contract or within six months from the date such contract has terminated,*
- *When it is ascertained that the spare parts required for the equipments used by the procuring entity are supplied only by the original supplier,*
- *Where it is technically justified that goods or services procured from a different supplier will not be compatible with existing equipment or services of the procuring entity.*

**However none of the above conditions are applicable to the design service contract under subject. The PE was unable to provide any reason that justifies the use of single source procurement methods.**

### **5.1.2 INFORMATION ON IMPLEMENTATION AND CLOSING OF THE CONTRACT**

The contract for design of the Jimma University laboratory and Workshop Building project has been signed between Jimma University and Construction Design Share Company on April 08, 2010 with a contract price of ETB 947,049.15 including VAT.

***Scope of the contract includes preparation of the following documents:-***

- Preliminary design
- Final design and tender document including preparation of Engineer's Estimate

The agreed duration for completing the preliminary design was 21 calendar days while the duration for completing the Final design and tender document was 60 days from approval of preliminary design.

Hence the total effective period contracted for carrying out the design service was 81 calendar days, which is very short period to deliver quality design.

#### **5.1.2.1 ANALYSIS OF THE CONTRACT IMPLEMENTATION AND CLOSING PHASE**

- The design service is already completed and the construction work is on progress. However as per the consultant's verbal information NO DESIGN REPORT was prepared for this contract and it was not possible to assess whether the contract was completed within the agreed duration and price.
- However it is possible to learn that there was granted Extension of time and variation works ordered to the contractor due to missing elements from the original design and contract document which indicates incompleteness of the original design.

## **5.2 CONSULTANCY SERVICE FOR CONSTRUCTION SUPERVISION OF THE LABORATORY AND WORKSHOP BUILDING PROJECT**

### **5.2.1 INFORMATION ON THE PROCUREMENT PROCESS**

Similar to the design contract Jimma University has directly awarded the construction supervision Contract to Construction Design Share Company without making any competition to other Consulting Firms.

### **5.2.1.1 ANALYSIS OF THE PROCUREMENT PROCESS**

- The procuring entity has applied single source procurement method without fulfilling the conditions stipulated in the proclamation and in the corresponding procurement directive as discussed under section 4.1.1.1. The procuring was also unable to provide document that justify the action.

### **5.2.2 INFORMATION ON IMPLEMENTATION AND CLOSING OF THE CONTRACT**

- The Construction Supervision Contract was signed between Jimma University and the Construction Design Share Company on Feb 25, 2011 with a contract price of ETB 50,000 per Month including VAT.

#### **5.2.2.1 ANALYSIS OF THE CONTRACT IMPLEMENTATION PHASE**

- The contract implementation period is 730 calendar days, which is same to the construction contract. The service was commenced on 14 FEB 2011 and was expected to be completed by 13 FEB 2013. However due to the unjustified delay of the construction period the supervision contract is also delayed for 18 months as of June 13/2014.
- As the contract is time based contract the contract price linearly increases with every single day of delay recorded in the construction contract. As a result there is an increase of the contract price by 900,000 Birr as of June 13/2014. There is no any report that document performance issues of the supervision contract.

## **5.3 CONSTRUCTION WORKS OF THE LABORATORY AND WORKSHOP BUILDING PROJECT**

### **5.3.1 PROCUREMENT INFORMATION**

The Jimma University Workshop & Laboratory Building project Bid Documents are prepared by Construction Design S.Co. the bid is advertised for **local contractors of Category GC/BC class 1** to submit qualification information and competitive bids for the construction of the above mentioned project. Out of the 4 bidders who have collected the bid documents only 2 bidders submitted their bid offers.

AFRO TSION Construction and YOTEK are the two candidates evaluated in the technical evaluation of the tender. The evaluation criteria used in the evaluation report are:-

- i. Completeness in signing and sealing the proposal
- ii. Furnishing bid security of amount 100,000.00 Birr
- iii. Experience in similar nature of work Over the last five Years at least 100,000,000.00 Birr
- iv. Annual volume of construction work over the past five years of at least 100,000.000.00 Birr
- v. Bidders who undertook contracts in Phase II & III of higher education projects must produce good (quality & timely completion) performance letter from ministry of education, failure to do will result automatic rejection

Both of the bidders have fulfilled the above listed criteria and passed for financial evaluation. Based on the financial tender evaluation result AFRO TSION construction is the winner with ETB 355,925,389.92 INCLUDING 15% VAT to complete it in 730 calendar days.

#### **5.3.1.1 ANALYSIS OF THE PROCUREMENT INFORMATION**

***The following issues are identified in relation to the procurement process:-***

- 2 OUT OF 4 bidders have declined to submit tender proposal, which calls for the PE to assess the situation and attract more number of bidders.
- The tender evaluation criteria didn't define the necessary requirements such as manpower and equipment that are essential for successful completion of the project.
- There was no pre tender estimate of the project that should have been done during procurement planning

### **5.3.2 INFORMATION ON CONTRACT IMPLEMENTATION**

The Construction Works for the project has started on 07/06/2003 after the PE has entered into a Contract with Afro Tsion Construction on January 24, 2011. The contractor has performed 60.20 % out of the total Construction works until the end of June, 2014. The construction works were expected to be completed on 07/07/2005 as per the revised completion schedule.

#### **5.3.2.1 ANALYSIS OF THE CONTRACT IMPLEMENTATION PHASE**

The contract price has increased with 14,357,717.40 Birr due to three variation orders issued for item of works, such as PVC water stop, Retaining wall and Flexible duct, that was missed in the original design and contract document and one more variation due to client request for Masonry, Aluminum window and Marble chips. The contract time is extended by 30 days allocated for the three variations. However no extension of time is granted so far and the recorded delay as of June 13.2014 is 18 months.

### **ISSUES RELATED TO CONTRACT IMPLEMENTATION**

- **MALPRACTICE OF PROVIDING ADDITIONAL TIME FOR VARIATIONS**

Article 28 of the general conditions of contract stipulates that extension of time will be granted for contractor's claim on variations or compensation events that cause completion impossible. However there is a malpractice of allocating additional number of days, with issuing variation, through by the consultant himself, which is against the conditions defined in the contract.

- **TIME AT LARGE**

The revised completion date has expired on 13<sup>th</sup> march 2013. However no reasonable period of time is allocated for executing the remaining 40% of the work. Failure to do by the PE may affect his right of claiming liquidated damage, as the PE neither terminated the contract at the 100<sup>th</sup> day of the delay which is the day of deducting the maximum liquidated damage, 10% of the contract amount.

## 6. RECOMMENDATION

*The following issues are recommended for actions of the MSG:-*

- The procuring entity should be advised to accomplish pre tender estimate of projects prior to proceeding to tender.
- There is no any report that document performance issues of the supervision contract. However it is possible to learn, from the few documents collected, that there is a very poor practice of contract administration that include failure to allocating reasonable period of time for completing construction works delayed beyond the completion date, providing advice to the client on his contractual right and actions required to be taken, providing timely decision, granting contractually acceptable extensions of time. As a result it is suggested for the MSG to communicate the PE and/or the consultant for devising mechanism that effectively monitor performance of the supervision contract.
- Construction Design Share Company is a public owned company that usually handles the procurement process of projects for most universities. However poor tender evaluation criteria and evaluation procedure is observed in this project. It is therefore suggested to conduct further review on the procurement activities of the consultant and recommend improvement on the areas of inefficiency and mismanagement. Alternatively the efficiency of the procurement process can be assessed specific to Jimma University projects that are handled by in-house and those handled by external consultant.
- The practice of direct award to publicly owned consultants, such as CDSCo, do reduce competitiveness of the consultant and lead to poor quality service. Moreover it is against the provisions stated in the public procurement proclamation. Hence the MSG needs to think ways of addressing various public entities from committing similar mistakes.

## ANNEX 1: DISCLOSURE OF PROJECT AND CONTRACT INFORMATION

DISCLOSURE OF PROCUREMENT & CONTRACT INFORMATION				
PHASE	ITEMS OF DISCLOSURE	DESIGN	SUPERVISION	CONSTRUCTION
PROCUREMENT INFORMATION (30 ITEMS)	Date of disclosure	June 30, 2014		
	Contract title	Design of Construction works of Workshop & Laboratory Building.	Supervision and Contract Administration of Jimma University Workshop & Laboratory	Jimma University KittoFurdissa (Laboratory & Workshop) Project
	Location	Jimma		
	Procuring entity	Jimma University		
	Source for further information	Jimma University – Jimma: P.O.B 378, Tel, 251-047 111 14 58/59/60, Email – jihs@telecom.net.et		
	Date of procurement notice	NA	NA	November 06,2010
	Floating period of the procurement notice	NA	NA	33 days
	Media used for procurement notice	NA	NA	Ethiopian Herald
	Method of procurement	Direct procurement	Direct procurement	Open bidding
	Type of Procurement	NCB	NCB	NCB
	Procurement procedure	Single stage	Single stage	Two Stage
	Evaluation criteria	QBS	QBS	QCBS

Type of contract & project delivery method	Lump Sum	Time Based	Admeasurements (unit price)/ Design bid build
Type & Amount of bid security	NA	NA	Unconditional, 100,000 Birr
Content of any complaint lodged	NA	NA	Null
Engineer's estimate	No Estimate was done	No Estimate was done	No Estimate was done
Date of bid opening	NA	NA	December 9, 2010
Number of bidders: Interested, Participated, rejected and declined to submit	NA	NA	4 bidders collected bid document and only two has submitted proposal
Awarded firm/contracting firm	Construction Design S. Co.	Construction Design S. Co.	Afro Tsion Construction
Date of contract award	NA	NA	January 13, 2011
Award price/original contract price	ETB 947,049.15 including VAT	ETB 50,000 PER MONTH including VAT	ETB 355,925,389.92 including VAT
Contract security type and amount	DNA	DNA	Insurance Bond, 35,592,538.99 Birr
Date of contract signing	April 08, 2010	Feb 25, 2011	January 24, 2011
Contract scope	<ul style="list-style-type: none"> <li>• Schematic design</li> <li>• Preliminary design</li> <li>• Final design</li> <li>• Draft tender document</li> <li>• Final tender document</li> </ul>	<ul style="list-style-type: none"> <li>• Supervision and quality control</li> <li>• Contract administration</li> <li>• Evaluating contractor's claim disputes and time extension</li> <li>• Monitor progress of work, prepare monthly and quarterly progress report</li> <li>• Conduct regular meetings</li> </ul>	<p>Construction of</p> <ul style="list-style-type: none"> <li>-Six G+3 Laboratory blocks.</li> <li>-Two G+1 workshop blocks</li> <li>-Two G+3 office blocks</li> <li>- Other auxiliary functions</li> </ul>



	Description of contract & Contract components	Preparation of Design and Tender Document	Supervision Contract Administration	Construction of Laboratory & Workshop Buildings and Site Works
	Contract administration entity	Jimma University		Construction Design S. Co.
	Contract duration	80 cal. days	730 cal. Days	730 cal. Days
	Contract start date	April 15, 2010	14 FEB 2011	14 FEB 2011
	Intended completion date	July 05, 2010	13 FEB 2013	13 FEB 2013
<b>CONTRACT IMPLEMENTATION &amp; COMPLETION</b>	Contract status (ongoing (% progress), terminated, completed)	Completed	Ongoing	Ongoing, 60.20%
	completion date (Revised, projected, Actual)	DNA	NA	13 MARCH 2013
	Changes to contract duration with Reason	DNA	Until June 13/2014 there is a delay of 18 months which is caused by the delay of construction works	Additional 30 days is granted for the three variations. However no extension of time is granted so far. The recorded delay as of June 13.2014 is 18 months.
	Amount of Liquidated Damage if applied (Penalty for delay)	NA	NA	NA
	Contract price (Revised, projected, Actual)	DNA	No change	ETB 370,243,958.30 including VAT
	Changes to contract price with reason	DNA	The change in price due to extended period of the construction is 50,000 birr for every month. Hence as of June 13/2014 the additional contract price is 900, 000 Birr	TOTAL: ETB 14,357,717.40 VO No.1 – VO No.3: due to design problem for PVC water stop, Retaining wall and Flexible duct respectively, VO No.4: due to client request for Masonry, Aluminum window and Marble chips

	Scope at completion	NA	NA	- Six G+3 Laboratory blocks. -Two G+1 workshop blocks -Two G+3 office blocks - Other auxiliary functions -Variation for Asphalt Site work and Retaining walls and walk ways
	Changes to contract scope with reason	DNA	No change	Variations shown above
	Total payment effected	DNA	DNA	ETB 120,625,825.55 including VAT
	warranty type and description	NA	NA	NA
	Details of Termination if applied	NA	NA	NA
	Safety Measures (accident & death)	NA	NA	DNA
	Disputed issues & Award details	NA	NA	NA

**Note:**

NA – Note Applicable

DNA – Documents not Available

## DISCLOSURE OF PROJECT INFORMATION

PRELIMINARY PROJECT INFORMATION (18 ITEMS)	Date of disclosure	June 30, 2014
	Project owner	Jimma University
	Project name	Jimma University KittoFurdissa (Laboratory & Workshop) Project
	Sector, subsector	Building
	Source for further information	Jimma University – Jimma: P.O.B 378, Tel, 251-047 111 14 58/59/60, Email – <a href="mailto:jihs@telecom.net.et">jihs@telecom.net.et</a>
	Project Location	Jimma
	Purpose	To produce qualified and efficient manpower of technology and engineering
	Project description	Design, Supervision and Contract Administration, Construction.
	Original Project Scope	To construct Laboratory & Workshop building for college of Technology & Engineering in Jimma university
	Project Components	Design Service, Supervision and Contract Administration, Construction Works.
	Environmental impact	DNA
	land & settlement impact	DNA
	Estimated budget of the project with breakdown of components	<ul style="list-style-type: none"> <li>• Design service - ETB 947,049.15 including VAT</li> <li>• Supervision and Contract Administration - ETB 50,000/MONTH including VAT</li> <li>• Construction - ETB 355,925,389.92 including VAT</li> </ul>
	Funding sources	The Government of Federal Democratic Republic of Ethiopia
Project budget approval date	DNA	

	Project start date (planned, actual)	DNA
	Planned/ Original duration for completing the whole project	DNA
	Planned/Original cost of the project	DNA
PROJECT INFORMATION AT COMPLETION	Cost of the project at completion	NA
	changes of project cost with reason	TOTAL: ETB 14,357,717.40 VO No.1 – VO No.3: due to design problem for PVC water stop, Retaining wall and Flexible duct respectively, VO No.4: due to client request for Masonry, Aluminum window and Marble chips
	Project completion date (Revised, projected, actual)	NA
	Actual duration for completing the whole project	NA
	changes of project duration with reason	Time extension is given due to variation orders
	Project Scope at completion	NA
	changes of project scope with reason	No change
	Reference to documents for disclosure upon request (reactive disclosure)	1. Design Service Contract Agreement, 2. Supervision and Contract Administration Contract Agreement, 3. Consultants Monthly Report for Sene, 2006EC 4. Variation Orders: VO No.1, 2, 3& 4. 5. Contract document for construction

**Note:**

NA – Note Applicable

DNA – Documents not Available