

CURRICULUM VITAE (CV)

NAME: NARAYAN D. SHARMA
PROFESSION: *Engineer – Advocate;
Member, Supreme Court Bar Association, Nepal;
Procurement, Contract Management and
Dispute Resolution/Arbitration Consultant*
DATE OF BIRTH: June 9, 1937
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NATIONALITY: Nepali

KEY QUALIFICATIONS

- Possess about 53 years of experience in the field of civil engineering, in particular highways, contract procurement, contract management/administration and settlement of the disputes, including adjudication and arbitration. Started as a bridge designer and survey team leader in a consulting firm (Brixton & Brixton) in Bangladesh (the then East Pakistan) in 1960.
- From 1961 to 1980, while with Department of Roads (DOR), Government of Nepal ((GON) was deputed as Executive Engineer to Central Public Works Department, Government of India, operating in Nepal, for 8 years (1964-72). During this period, handled procurement and contract management function for 200 km highway construction project and about a half a dozen Arbitration cases in Nepal.
- During 1973 – 79, worked and Project Director/ SE. Regional Chief in DOR, Nepal.
- Joined (1980) the National Construction Company Nepal (a govt. Owned entity) as General Manager cum Director. Was personally responsible for winning contract awards participating in ICB and NCB competitive bidding. Managed large and medium size construction contracts including bridges, roads and other infrastructures. Was instrumental in obtaining amicable settlement of the disputes and finalization of the several Arbitration cases. Company, in red for years, was able to earn profit during 3 consecutive years from the following year of my joining the company.
- Again from 1987 to 1991 was with Department of Roads, Government of Nepal as the Chief Engineer (Head of the department) and Director - General.
- During 1991- 93, was actively involved in the consulting assignments. Carried out three studies/assignments for the World Bank, two for Swiss Development Cooperation and three of Asian Development Bank (ADB) all in Nepal.
- From December 1, 1993 to June 30, 1999, worked in the World Bank Resident Mission, Nepal as Infrastructure (2 years) and Procurement (4 years) Specialist and was responsible for, inter alia, advising the government and IDA, HQs on the matters related to infrastructure, procurement and contracting.
- During 1996-97 was involved in carrying out the first Nepal Country Procurement Assessment Report (CPAR) and in drafting country specific International Competitive Bidding (ICB) Documents for Works, Goods and Consulting Services (based on FIDIC-WB versions) and National Competitive Bidding (NCB) documents for works and goods, for Nepal which were mandated for use by GON.

- During 1997/98 joined three World Bank Supervision Missions (including one mid-term review), as Procurement/ Implementation Specialist, for Population and Family Planning Project in Papua New Guinea. Resolved a number of procurement and contracts related outstanding issues. Carried out ex-post review of a few contracts.
- During 1998, worked in the RPA's office in the Bank HQ (Washington D. C.) for about six weeks, during this period was assigned, inter alia, to identify the "Misprocurement" cases in South Asia following post reviews and reports thereof.
- Carried out Agency's Capacity Assessment for Procurement and contract management of Nepal's public sector organizations responsible for implementation of several WB financed projects. Post-review of contracts was prime tool to assess the capacity.
- Since July 1, 1999 have been working as Consultant in the Nepal Country Office of the World Bank involved in the preparation of the second Country Procurement Assessment Report (CPAR), including coverage of legal aspects, in particular study of current laws, rules and regulations for procurement and contracting and recommended reforms. The WB took up the reform agenda with the government. Was also involved in implementing the CPAR recommendations through an IDF Grant, including in drafting/reviewing Public Procurement Law and Regulations.
- Carried out review of documentation including prior and post review of contracts awards in all sectors of WB Nepal Portfolio, including transport, health, education water supply, irrigation, power, rural infrastructure and poverty alleviation.
- Carried out (in 2002) Sri Lanka CPAR in association with Bank retiree colleague and ADB mission.
- During June-July, 2003, worked as International Procurement Specialist in Bangladesh to assess the procurement capacity of the Bangladesh Water Development Board, under the WB financed PHRD grant.
- During 2004, hired by the World Bank Dhaka Office, carried out a study to establish pre-reform procurement performance benchmarks with baseline indicators for procurement activities to compare post-reform procurement environment vis-à-vis pre-reform period in Public Procurement for providing input to the **Public Procurement Reform Project, Cr.3639-BD**. During the same period as part of assignment compared the costs of major civil engineering construction items within South Asia, for WB Bangladesh office.
- Worked as the World Bank Consultant to conduct a two-day Workshop organized for Kerala Government Officials on August 18 and 19, 2004. The aim of the workshop was to examine the system of, inter alia, payment to the Contractors set up in the FIDIC based contracts that the Kerala government has with its Contractors under Kerala State Transport Project financed by the World Bank.
- Worked as SNV (an entity of The Netherlands) Procurement Consultant in Bhutan to develop Arbitration mechanism and Contract Administration Manual also reviewed Bhutan Construction Manual.
- During 2005- 2006, worked as consultant with Sudan World Bank office – reviewed procurement related documentation, carried out Procurement Capacity Assessment of several program-implementing agencies – namely Sudan Central bank, Railways, Highway Authority and Waterways. Also worked as team member for carrying out Sudan Procurement Assessment as a part of CIFA.
- During 2000 – 2009, worked in India, Pakistan, Bangladesh, Sri Lanka, Bhutan and Sudan in the capacity of an International Procurement and Contract Management Specialist of the World Bank.
- During the same period also worked in India and Bhutan as a hill road specialist (International).
- Was associated in conducting several training programs. Worked as Visiting Lecturer to the Nepal Engineering College, for M. Sc. Engineering Program, for - Contract Law, ADR and Procurement.
- Provided expert's services in the Procurement, Contract Management and Legal fields to national and international (SDC, Nepal) agencies on specific issues related to above areas. This included providing legal advice to NEA on, claims, contract management and support for amicable settlement of disputes in the 144 MW, Kali - Gandaki project executed through FIDIC based contracts with

ADB assistance. Also provided legal advice to Civil Aviation Authority of Nepal (CAAN) and Nepal Oil Corporation (NOC) on Contractor's claims arising out of the FIDIC based international contracts for the upgrading of Tribhuvan International Airport and construction of NOC facilities.

- Starting from 1968 was directly involved in the Arbitration in several capacities including Defendant, Claimant, Pleader and the Arbitrator. Since then, handled over two dozen arbitration cases; acted as co-arbitrator/presiding arbitrator in over a dozen cases, including Eight International cases. Also worked as a defense lawyer in a couple of cases including one major ICC arbitration case. Currently an arbitration tribunal member in 2 international cases.
- Have worked as an Adjudicator several contracts including 4 FIDIC based international ones and resolved the disputes.
- Have written and published about over a dozen of articles on Engineering, Management, Arbitration and Construction Industry.
- Reviewed and provide comments on the draft Arbitration Act, 1999, at the request of the Ministry of Law and Justice. Subsequently have, on invitation, commented upon the problems raised by the Act at legal forums organized by Nepal Sections of ILA and ICJ and Supreme Court Bar participated by the eminent jurists of the country.
- Reviewed Nepal draft SBDs including FIDIC based for works, goods and consultancy services in the capacity of the Bank consultant and offered comments.
- Was involved in construction industry related studies and several interactions with the contractor's associations and federation (FCAN).
- Was active member, from WB side, of the DFID- WB- GON team reviewing cases of collusion and intimidation in public procurement – a way forward to mitigate risks of collusion and intimidation, (2009).
- Worked as consultant, teamed with another consultant (international), to DFID for carrying out Procurement Capacity Assessment of Departments of Health, (DoH), Roads (DoR) and Rural Roads, GON, Nepal during 2009
- Was also involved, as WB international consultant, for:
 - Carrying out preliminary study to find out if there was possible collusion amongst the bidders in Nepal - RSDP (case now with INT); and
 - Lucknow – Muzzefarpur National Highway Project 12 FIDIC based major contracts of about \$80 million each, in India.
- Starting from January 2010 till date - am engaged as an International Procurement Expert in Bangladesh working as member of the bid evaluation committee, carrying out evaluation of Consulate's proposals and Contractor's bids. Also conducting prior and post review of procurement decisions of major contracts and auditing quality of works. The clients in Bangladesh are: BWDB (WMIP and ECRRP), EGCB (hired by Power Cell of the Ministry), CWASA and LGED.
- During 2011 – 12, worked as the World Bank Consultant (providing backup) carrying out reviews of bid evaluation and contract awards and ex-post review of contracts in sectors – health, education, poverty alleviation, roads, irrigation, rural roads and water supply and sanitation, all financed by the World Bank in Nepal.
- During the above period, provided training on contract administration, including for FIDIC based contracts, and dispute resolution to PWD Engineers of Orissa, India as World Banks International Consultant. Also on the same topic in Nepal to engineers of Department of roads and the Contractors.
- Also am currently engaged as Procurement and Contract Management expert in the World Bank financed Projects:
 - i) in Bangladesh in Water, Power, local development, Revenue and National ID (EC) – 7 projects
 - ii) in Pakistan, Tarbela Fourth Extension Hydro Power Project in the capacity of a Panel Member of the Independent Panel of Experts (7 members from different countries).

EDUCATION

- B. Sc. Egg. (Civil), 1960

- Bachelor of Law (B. L.), 1974
- MBA (Engineering Management), 1985

PROFESSIONAL QUALIFICATION :

Life member: Nepal Engineer's Association (NEA), Indian Road Congress (IRC) and Founder-Member Nepal Council of Arbitration (NEPCA); Member: SAARC Law (Nepal), Bar Association, Supreme Court of Nepal, International Law Association (ILA) Nepal Chapter, Nepal Law Society. Past Chairman of the Nepal Council of Arbitration (NEPCA); FIE (I) and FICA (Fellow of Indian Council of Arbitration); and Member of Panel of Arbitrators of: 1) Nepal Council of Arbitration; and 2) Indian Council of Arbitration.

TRAINING AND SEMINAR

- Three Months Training in Development Planning and Administration – Tribhuvan University Nepal, 1972
- One month Training on Highway Engineering, Australia (1971)
- One Month's training on Highway Engg. Japan, (1974)
- **Procurement of Goods/Consulting Services, Bank sponsored Training, NIFM, at Faridabad, India. (1995)**
- **Procurement and Contract Management Training, ILO. ITC, Turin, Italy (1996)**

Some others are:

- Course on Corporate Financial Management Program AIMA-ICIA/Nepal, 1982.
- EDI Seminar for Senior Officials in Transport Sector, Katmandu, 1976.
- Participated in ICC 29th Congress in India, 1987, Theme "International Arbitration".
- Participated in ICC 29th Congress in New Delhi, India, 1987, Theme "International Arbitration".
- FIDIC Training. Kathmandu organized by the BANK, 2011, (also presented on the last day of the training WB procedures on Procurement)

EXPERIENCE RECORD

➤ **September 2012 -till date: International Procurement Consultant**

Working with:

- CWASA – as a member of proposal evaluation committee of two large size consultancy contracts, procured under QCBS method; (assignment almost completed)
- ECRRP - as a member proposal evaluation committee for a major contract being procured through QBS method; and
- LGED – Advisor to the proposal evaluation committee for procurement of a large value consultancy contract under QBS selection method.
- WAPDA, Pakistan – As one of the 7 Independent Panel of Experts (IOPE) for Tarbela Power Project – role- International Procurement and Contract Management Expert

➤ **July 2010 to September 2012: International Procurement Consultant**

In Bangladesh:

- Starting from January 2010 till date working with Bangladesh Water Development Board as International Procurement Expert providing intermittent input to the IDA and Netherlands co-financed Water Management Improvement Project's Institutional Improvement component helping the organization in respect of procurement capacity building, including through conducting ex-post reviews and quality assurance aspects of civil works.
- During the same period also worked as a member of Bid Evaluation Committee for Siddhirganj 450 MW Power Project for a single contract of about \$400 million value.

With the World Bank:

- During 2011 – 12, worked as the World Bank Consultant carrying out reviews of bid evaluation and contract awards and ex-post review of contracts in sectors – health, education, poverty alleviation, roads, irrigation, rural roads and water supply and sanitation, all financed by the World Bank in Nepal.
- During the above period, provided training on contract administration and dispute resolution to PWD Engineers of Orissa, India as World Banks International Consultant. Also on the same topic in Nepal to engineers of Department of roads and the Contractors.

➤ **July 1, 1999 to June 30 2012 (2010- 2012 overlapping): Consultant**

- Till June 2012, worked with the World bank as Procurement Specialist carrying out review of bid evaluation reports and contract award decisions by the borrower and prior and ex-post review of contracts in sectors – health, education, poverty alleviation, roads, irrigation, rural transport and water supply and sanitation related World Bank financed projects in Nepal.
- Conducted and provided inputs to construction industry studies and also participated in interaction with industry.
- Was involved in preliminary studies to find out if there was possible collusion amongst the bidders in Nepal - RSDP (case was also with INT) and in India Lucknow – Muzzefarpur National Highway Project 12 contracts, in the capacity of International Procurement and contract management expert (Consultant).
- Worked as a team member for carrying out Sudan Procurement Assessment as a part of CIFA mission.
- Worked as SNV Procurement Consultant in Bhutan to develop Arbitration mechanism and contract administration Manual.
- Conducted several training workshop programs on **Contract Management** (FIDIC Based), including one in Kerala State of India under State Highway Project financed by the WB.
- Provided legal advice to Nepal Electricity Authority on contract management and support for amicable settlement of disputes in 144 MW, Kali - Gandaki multi-million dollars project executed through FIDIC based contracts with ADB assistance.
- Have also provided legal advice to Civil Aviation Authority of Nepal and Nepal Oil Corporation on claims related to the contract administration of international contracts.
- Provided consulting services to the World Bank for Bhutan and Mizoram (India) Projects as International Procurement and Road Sector Specialist.
- Provided Procurement Specialist support and carried out Agency's Capacity Assessment for Procurement and Contracting Function for four projects implemented/proposed to be implemented by over a dozen organizations.
- Carried out prior and post-review of procurement actions including bid evaluations and contract award related decisions of the borrower for Nepal Portfolio.
- Conducted training seminar courses for the officials of the borrower and the private sector (contractors and consultants) personnel on procurement and contract management.
- Teamed with a former WB staff, internationally known legal expert on procurement and contract management, carried out the Nepal CPAR (second). Reviewed all country laws, rules and regulations related to procurement and contracting. Presented a report for reform, with specific recommendations, including short and long-term strategies, to the stakeholders for their comments and implementation.
- Was hired in 2002 by the World Bank for carrying out Sri Lanka CPAR. Co-authored Sri Lanka CPAR report teamed with another Bank retiree colleague from India having conducted the study jointly with ADB mission (one man).
- Worked as International Procurement Specialist in Bangladesh for assessing the procurement capacity of Bangladesh Water Development Board (BWDB), under the World Bank financed (PHRD Grant) project.

- Worked as SNV Procurement Consultant in Bhutan to develop Arbitration mechanism and contract administration Manual also reviewed construction Manual.
 - Visiting Lecturer, on Contract Law and Procurement, to Nepal Engineering College for M. Sc. Program on Construction Management.
- **December 1, 1993 to June 30, 1999: Transport Sector Coordinator and Procurement Specialist, The World Bank**
- The responsibilities for the first assignment included identification of new projects, review of designs and contract documents.
 - In the capacity of Procurement Specialist, was responsible for procurement functions including reviews and advising the Bank HQ and His Majesty's Government of Nepal GON(N). Between 1996/7 was instrumental in drafting country specific ICB and NCB, SBDS which were since mandated for use by His Majesty's Government of Nepal.
 - During 1996 assisted in carrying out first Nepal CPAR. Studied country's legal system related to the procurement function, including contract laws, rules and the procedures.
 - During July – September 1998 worked in the World Bank's headquarters, Washington D.C., as the procurement specialist.
- **June – November 1993: Staff Consultant to Asian Development Bank, Manila**
- Worked as consultant for three assignments including as ADB staff consultant for one.
- **Nov. 1991 - April 1993: Consultant, The World Bank, Asian Development Bank and the Swiss Development Cooperation Nepal (SDC/N)**
- Worked on five consultancy assignments (3 each for the World Bank and ADB and 2 for Swiss government), including as Team Leader for three assignments.
- **1987 – 1991: Chief Engineer & Director General, Department of Roads, GON/Nepal.**
- In discharging major responsibilities, established quality control system; Training Programs introduced; planning process for maintenance and rehabilitation of Road Network by activity improved. Was actively involved in the procurement of large value of contracts including QBS consultancy contracts and settlement of a number of claims and handling several arbitration cases.
- **1980 – 1987: General Manager cum Director of the Board of Directors, National Construction Company Nepal Ltd. (NCCN)**
- Procured and managed contracts and completed several works, including procured under ICB, in water, transport and housing sectors. Handled over six arbitration cases and secured favorable arbitration Awards.
 - During 1986, as chairman of Construction faculty of the National Skill Testing Authority, Nepal visited and studied the Technical Education and Vocational Training programs in the South East Asian Countries. Countries visited included Malaysia, the Philippine, Singapore and South Korea. Following the study-visit submitted a report to the Education Ministry for developing appropriate strategy for Nepal.
- **1972 – 1980: Department of Roads**
- In the capacity of a Superintending Engineer, was responsible for managing three large size projects and all works of Eastern region of Nepal. Carried out, inter alia, procurement function and handled of arbitration cases.
- **1964 – 1972: Surveyor of Works & Executive Engineer, Indian Cooperation Mission (CPWD, India), on deputation from DOR, GON.**

- While working as the Surveyor of Works (XEN), designed road and bridges and prepared tender documents and schedule of rates for the project and reviewed procurement and contract implementation decisions of 3 divisional offices responsible for about half of the 200 km road construction project. Was solely responsible (as executive engineer HO) for the centrally managed procurement of goods and materials for the entire 200 km. of road construction and maintenance project during last five of the above eight years. Handled about half a dozen arbitration cases as defendant, and secured very favorable Awards/results.
- **1961 – 1964:**
 - Worked with Department of Roads, GON in the capacity of an Assistant and Divisional Engineer.
- **1960:**
 - Worked as Assistant Engineer, with Brixton and Brixton Pvt. (Ltd.) Bangladesh (then East Pakistan)

OTHER PROFESSIONAL ACTIVITIES:

- Member, C.E. Curriculum Committee, Institute of Engineering, T U. 1972 – 1975, and Executive Member, Board of Engg. Faculty, Institute of Engineering, T. U. 1976 – ‘83
- General Secretary, Nepal Engineers' Association, 1976
- Visiting Lecturer, Institute of Engineering, Tribhuvan University., and Nepal Engineering College, Pokhara University Nepal. Topics: Supervisory Techniques and Cost Control and Contract Law and Procurement
- Chairman, Civil Engineering Faculty of National Skill Testing Authority 1986 - 88.
- Advisor to the above Faculty (NSTA), 1988 to 1993.
- Member, Various Research works evaluating and personnel recruiting Committees of Tribhuvan University (TU) and PSC, GON/N.
- Resource person for Training Workshops and Seminars for Nepal Administrative Staff College and CEDA, TU.
- Arbitrator for settlement of disputes, including in six international cases.
- Resource person (local expert), Arbitrators Training Workshop Seminar, organized by NEPCA, Oct. 1992, 1994 (in collaboration with AAA) and 2005.
- Resource person; Asian Development Bank Sponsored Training Program for GON officials, (topic; Contract Law)
- Resource person for WB and GON organized workshops and seminars on procurement and contract management.
- Past Chairman, Nepal Council of Arbitration (NEPCA), Nepal, organized several programs on procurement and contracting.

PAPERS PRESENTED:

Papers presented and lectures delivered in seminars, workshops cum seminars and training workshops and conferences organized by:

- Nepal Administrative Staff College – (on procurement related topics)
- Center for Economic Development and Administration, Tribhuvan University, Nepal – (on Contract Administration)
- Nepal Engineers Association (NEA), World Congress on Engineering – (Development projects)
- ICIMOD - (Hill Roads related topic)
- Auditor General's Office, GON – (on procurement)
- Nepal Council of Arbitration (NEPCA) –(on FIDIC contracts and Arbitration)
- FREEDERAL; A Law Research Organization – (on Arbitration)

- Skill Testing Authority of Nepal - (Construction related topics)
- WB and ADB organized programs – (procurement related topics)
- SAARC Law, 8th Conference (paper presented on Legal Reforms in Banking and non-Banking Financial Sector)
- Judiciary Administration Training Center, Nepal – (on arbitration)
- Revenue Administration Training Center, Nepal - (on procurement)
- DIFID organized Workshop (topic: Arbitration in Nepal)
- Bank Financed Projects Implementing Agencies organized workshops – (Procurement including contract administration)
- Construction Industry Training Center, Nepal – (on construction management)
- Judicial Academy, Nepal – (International arbitration)
- Presented a paper on “ Contractual Aspects in New FIDIC v. old FIDIC” in a workshop organized by NEPCA
- Training on Contract management provided to Odisha PWD Engineers, (2012) organized by the WB and the State of Odisa (Orissa), India
- Provided training on dispute resolution to DOR Engineers and Contractors in Nepal
- Several other presentations on procurement related topics

LANGUAGES: Nepali, English, Hindustani and Bengali (understand and can speak a bit)



(Narayan D. Sharma)

Dated: August 19, 2013