



MILLENNIUM CHALLENGE ACCOUNT NEPAL

(MCA-Nepal)

MILLENNIUM CHALLENGE ACCOUNT NEPAL (“MCA-Nepal”)

Synopsis of Minutes of 20th Meeting of the Board of Directors of Millennium Challenge Account Nepal

Nature: Regular Meeting

MCA-N/BOD-M-20/27-11-2020

Date: 27 November, 2020 (2077/08/12 BS)
Time: 12:00 Noon
Place: Through Video Conferencing
Notice Served 20 November, 2020 (2077/08/05 BS)

1. PRESENT

1.1. Members

- **Sishir Kumar Dhungana**, Chairperson
And, Secretary, Government of Nepal, Ministry of Finance
- **Gopal Sigdel**, Member
And, Joint Secretary, Ministry of Physical Infrastructure and Transport
- **Madhu Prasad Bhetuwal**, Member
And, Joint Secretary, Ministry of Energy, Water Resources and Irrigation
- **Hitendra Dev Shakya**, Member
And, Acting Managing Director, Nepal Electricity Authority
- **Kumar Pandey**, Member representing the Private Sector
And, Chairman of the Board, National Hydro Power Company (NHPC)
- **Khadga Bahadur Bisht**, Member Secretary
And, Executive Director, MCA-Nepal

1.2. Invitees

- **Shreekrishna Nepal**, Invitee
And, Joint Secretary, Government of Nepal, Ministry of Finance, International Economic Cooperation and Coordination Division (IECCD)
- **Troy E. Kofroth**, Invitee
Resident Country Director – Nepal, Millennium Challenge Corporation

*The Government of Nepal has established MCA-Nepal on 18th April 2018
under Development Board Act, 2013 as the accountable entity to implement the Compact with Millennium Challenge Corporation, USA.*

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- **Sanjay Poudyal**, Invitee
Deputy Resident Country Director – Nepal, Millennium Challenge Corporation
- **Devesh Mani Tripathi**, Invitee
Deputy Director General, Department of Forests and Soil Conservation
- **Shubhash Kumar Sharma**, Invitee
Asst. Forest Officer, Environment and Biodiversity Division, Ministry of Forests and Environment

1.3. Others Attending

- **Rajib Dahal**
Chief Legal Officer, Millennium Challenge Account Nepal
- **Satyam Pathak**
Legal Advisor, Millennium Challenge Account Nepal

2. PRELIMINARY

- 2.1. The meeting of the Board of Directors was duly constituted on 27 November, 2020 (2077/08/12 BS) after the notice was served in writing on 20 November, 2020 (2077/08/05 BS).
- 2.2. The Chairperson welcomed all the members of the Board of Directors and other invitees attending the meeting.
- 2.3. The Chairperson reported that a quorum was present in accordance with Millennium Challenge Account Nepal Development Board Formation Order, 2074 (2018). The Chairperson apprised the board members on the latest situation at MCA – Nepal.
- 2.4. Mr. Khadga Bahadur Bisht, Executive Director, Millennium Challenge Account Nepal updated on current activities of MCA-Nepal and presented the agendas to MCA-Nepal Board of Directors.

3. UPDATE ABOUT CURRENT ACTIVITIES OF MILLENIUM CHALLENGE ACCOUNT NEPAL

- Mr. Khadga Bahadur Bisht, Executive Director briefed MCA-Nepal Board of Directors on status of current activities of MCA-Nepal. He highlighted the major activities undertaken by MCA-Nepal despite difficult COVID-19 situation in the country.

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- Executive Director also briefed MCA-Nepal Board of Directors on the possible need to revise target dates for few activities due to COVID-19 situation.

4. AGENDA ITEMS AND BOARD'S DECISIONS/RESOLUTIONS

4.1. The Chairperson requested the members to consider and, if thought fit, pass a resolution on the following matter:

(A) Agenda One: Approval of Terms of Reference (ToR) for advisors to be appointed to support Electricity Regulatory Commission (ERC),

(B) Agenda Two: Approval of Social and Gender Integration Plan (SGIP) Document

(C) Agenda Three: Extension of Time/duration for the performance of services in certain contracts entered by MCA-Nepal

(D) Agenda Four: Approval of Amendment of Employees Bylaws as per MCA-Nepal HR Manual to include provisions for Performance Based Incentives for MCA-Nepal Employees

(E) Agenda Five: Approval for the Amendment of Employment Agreements

4.2. Agenda One: Approval of Terms of Reference (ToR) for advisors to be appointed to support Electricity Regulatory Commission (ERC)

4.2.1. The Board of Directors took note of the developments after the last Board meeting and perused the Minutes of the sub-committee formed to suggest the changes on the ToR. The Sub-committee members presented their views on four areas where the amendments to previous draft ToR were made. Thereafter, the Board approved the ToR with such changes.

4.3. Agenda Two: Approval of Social and Gender Integration Plan (SGIP) Document

4.3.1. The Board of Directors perused the Social and Gender Integration Plan (SGIP) Document.

4.3.2. The Executive Director of MCA-Nepal highlighted the requirement of preparation of SGIP document as per provisions of the Compact and Program Implementation Agreement ("PIA") signed between the MCC and GoN.



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4.3.3. The Board of Directors approved the SGIP Document with suggestions to update the Plan with the most recent data obtained from Central Bureau of Statistics (CBS), Nepal.

4.4. Agenda Three: Extension of Time/duration for the performance of services in certain contracts entered by MCA-Nepal

4.4.1. The Executive Director of MCA-Nepal presented the list of contracts with the Consultants and Contractors where the performance has been delayed due to COVID-19 pandemic

4.4.2. After perusing the summary of Contracts and taking into account the impacts of COVID-19 pandemic on the implementation of the project, Board of Directors approved the extension of time for the performance of the contractual obligations.

4.5. Agenda Four: Approval of Amendment of Employees Bylaws as per MCA-Nepal HR Manual to include provisions for Performance Based Incentives for MCA-Nepal Employees (Further discussed through Circulation)

4.5.1. Executive Director of MCA-Nepal presented the agenda on amendment of Employees Administration Bylaws to incorporate provisions for annual performance evaluation of MCA-Nepal employees. The Board was apprised that MCA-Nepal also follows the practice which is applied to all MCAs, and approved by MCC.

4.5.2. The Board of Directors authorized Executive Director of MCA-Nepal to implement the adjustments based on third party independent performance results as per amended Employees Administration Bylaws. The Board of Directors also authorized Executive Director to issue necessary amendments to the Employment Agreements to effect the adjustments.

4.6. Agenda Five: Approval for the Amendment of Employment Agreements (Further discussed through Circulation)

4.6.1. Executive Director of MCA-Nepal presented the agenda on renewal of Employment Agreements for employees whose Employment Agreement expires after completion of the term. The Executive Director proposed to renew the Employment by providing a notice to employees as per the list presented to the Board.

4.6.2. The Board of Directors approved the renewal of Employment Agreement whose Employment Agreement expires, and authorized the Executive Director to issue renewal



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letter before expiry of each Employment Agreement.

5. RECORDING OF THE DISCUSSIONS AND DECISIONS

5.1. RESOLVED THAT the Board of Directors directs the Executive Director to record these minutes with the minute book of Millennium Challenge Account Nepal and to submit the synopsis of such minutes for publication on the website of Millennium Challenge Account Nepal within two (2) weeks from the date of these Minutes.

6. CLOSE

There being no further business the meeting was then closed at 1:30 PM.

This minute is prepared and signed on 10 December 2020

Minutes Prepared by:

Rajib Dahal, Chief Legal Officer, Millennium Challenge Account Nepal