



**MILLENNIUM CHALLENGE ACCOUNT NEPAL DEVELOPMENT
BOARD
(MCA-NEPAL)**

MILLENNIUM CHALLENGE ACCOUNT NEPAL (“MCA-Nepal”)

**Synopsis of Minutes of
25th Meeting of the Board of Directors of Millennium Challenge Account Nepal**

Nature: Decision by Circulation/Decision without Meeting

MCA-N/BOD-M-25/15-12-2021

Date: 15 December, 2021 (2078/08/29 BS)

Notice Served: 03 December 2021 (2078/08/17 BS)

1. NOTICE SERVED (VOTING MEMBERS)

1.1. Members

- **Madhu Kumar Marasini**, Chairperson
And, Secretary, Government of Nepal, Ministry of Finance
- **Madhu Prasad Bhetuwal**, Member
And, Joint Secretary, Ministry of Energy, Water Resources and Irrigation
- **Keshab Kumar Sharma**, Member
And, Joint Secretary at Ministry of Physical Infrastructure and Transport
- **Kul Man Ghising**, Member
And, Managing Director, Nepal Electricity Authority
Durbarmarg, Kathmandu
- **Kumar Pandey**, Member representing the Private Sector
And, Chairman, National Hydro Power Company
Binayak Nagar, Kathmandu, Nepal
- **Gopal Khanal**, Member representing Civil Society
And, Journalist, Kathmandu
- **Khadga Bahadur Bisht**, Member Secretary

*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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And Executive Director, MCA-Nepal

1.2. NOTICE SERVED TO NON-VOTING MEMBERS (INVITEES)

- **Ishwori Prasad Aryal**, Invitee
And, Joint Secretary, Government of Nepal, Ministry of Finance, International Economic Cooperation and Coordination Division (IECCD)
- **Sanjay Poudyal**, Invitee
And, MCC Resident Country Director, Nepal (Acting) , Millennium Challenge Corporation

2. PRELIMINARY

- 2.1. The meeting of the Board of Directors through email circulation was duly constituted on 15 December, 2021 (2078/08/29 BS) after the notice was served on 03 December 2021 (2078/08/17) BS).
- 2.2. The quorum was present in accordance with Millennium Challenge Account Nepal Development Board Formation Order, 2074 (2018).
- 2.3. Section 3.12(b)(iv) of MCA-Nepal Bylaws states that urgent decisions may be taken by the Board without a formal meeting if (a) a written draft resolution is circulated to all members of the Board and (b) at least a majority of the Voting Members consent in writing to the resolution, provided however, that if at least 2 Board Members request that such action be delayed until it can be further considered at a meeting of the Board, such matter will be deferred until the next Board meeting for action. Any action approved by written consent will be filed with the minutes of the proceeding Board meeting.

3. AGENDA ITEMS

- 3.1. The Board of Directors (“Board”) of the Millennium Challenge Account-Nepal (“MCA-Nepal”) hereby approves the following resolutions (“Resolutions”) in accordance with the –Millennium Challenge Account - Nepal Internal Conduct Bylaws, 2075 (2019)

(A) Agenda One: Approval of MCA-Nepal Procurement Plan version 5.3

(B) Agenda Two: Approval of Contract Amendment for Procurement Agent Agreement (PA

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Agreement)

(C) Agenda Three: Approval of budget reallocation from MCA-Nepal Program Administration Activity (Program Admin) to Procurement, Fiscal, and Audit Services Activity (PA, FA, Audit)

4. DECISIONS/RESOLUTIONS

4.1. Agenda One: Approval to the amended MCA-Nepal Procurement Plan version 5.3

4.1.1. The procurement plan is based on the procurement plan currently in place for the Millennium Challenge Account Nepal (“MCA-Nepal”). MCA-Nepal must submit any amendment to the procurement plan to MCA-Nepal Board of Directors for approval, and also needs to get approval for new Procurement Plan for each year.

4.1.2. MCC Program Procurement Guidelines (MCC PPG) states that MCA-Nepal shall periodically prepare a Procurement Plan for acquiring goods, works, consultant and non-consultant services needed to implement the Compact. Compliance, satisfactory to MCC, with the approved Procurement Plan shall be a condition precedent to MCC disbursements or payments.

4.1.3. The approved Procurement Plans require periodic revisions and amendments due to ongoing procurement for various projects. Therefore, Procurement Plan Version 5.3 is submitted for Board’s approval.

4.1.4. As request received from two board members, the Board of Directors decided to further discuss Agenda #1 in forthcoming meeting of the Board of Directors.

4.2. Agenda Two: Approval of Contract Amendment for Procurement Agent Agreement (PA Agreement)

4.2.1. MCA Nepal intends to extend the base period of the Procurement Agent Agreement for 6 months.

4.2.2. MCC Program Procurement Guidelines (PPG) P4.1.2 necessitates MCA Nepal Board approval for any modifications to material agreements as noted under the specific MCA

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Entity's Program Implementation Agreement (PIA). Procurement Agent Agreements is a Material Agreement.

4.2.3. The MCC Program Procurement Guidelines (PPG) P4.1.1 necessitates MCA Entity to ensure that all procurement actions described in PPG Attachment A for goods, works, consulting services, and non-consulting services (including information systems) shall be subject to the prior approval of MCA Nepal board of directors

4.2.4. The Board of Directors approve the extension of Procurement Agent Agreement until 30/06/2021.

4.3. Agenda Three: Approval of budget reallocation from MCA-Nepal Program Administration Activity (Program Admin) to Procurement, Fiscal, and Audit Services Activity (PA, FA, Audit).

4.3.1. Annex II of The Compact provides Activity level multi-year financial budget for MCA-Nepal. Compact Development Fund (CDF) is budget allocation prior to EIF. There is a set budget before EIF and after EIF; rest of the Compact Fund is available. MCA-Nepal Board approval is needed for any budget reallocations between Activities listed in the Annex II per MCA-Nepal Fiscal Accountability Plan.

4.4.2. Procurement base period services need to be extended and fiscal option period 4 needs to be exercised.

4.4.4. The Board of Directors approve the budget relocation from MCA-Nepal Program Administration Activity (Program Admin) to Procurement, Fiscal, and Audit Services Activity (PA, FA, and Audit).

5. RECORDING OF THE DISCUSSIONS AND DECISIONS

5.1. RESOLVED THAT the Board of Directors direct 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 this meeting.

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6. CLOSE

No other agendas were circulated and discussed by Board Members. Their Consent on the Resolutions have been recorded and filed for future record purposes.

This minute is prepared and signed on 22 December, 2021.

Minutes Prepared by:

Rajib Dahal,
Chief Legal Officer