

STANDARD PROCUREMENT DOCUMENT

**Prequalification Document for
Procurement of Works**



Caribbean Development Bank

September 2007

Foreword

This Standard Procurement Document “Prequalification Document for Procurement of Works has been prepared by the Caribbean Development Bank (CDB) and is based on the Master Procurement Document “Prequalification Document for Procurement of Works and User’s Guide” prepared by the Multilateral Development Banks and International Financing Institutions. This document reflects the majority view of these institutions and is to be used when a prequalification process takes place prior to the bidding process for procurement of works through International Competitive Bidding (ICB) in projects that are financed in whole or in part by CDB.

A User’s Guide for the Prequalification Document for Procurement of Works which is a separate CDB publication, should be used to guide the preparation of this document.

Summary Description

This Standard Procurement Document (SPD) consists of the Prequalification Procedures for Procurement of Works”. A brief description of this document is given below.

Prequalification Document for Procurement of Works

PART 1 – PREQUALIFICATION PROCEDURES

Section I. Instructions to Applicants (ITA)

This Section specifies the procedures to be followed by Applicants in the preparation and submission of their Applications for Prequalification (AFPs). Information is also provided on opening and evaluation of AFPs. **Section I contains provisions that are to be used without modification.**

Section II. Prequalification Data Sheet (PDS)

This Section consists of provisions that are specific to each prequalification and supplement the information or requirements included in Section I, Instructions to Applicants.

Section III. Qualification Criteria and Requirements

This Section contains the methods, criteria, and requirements to be used to determine how Applicants shall be prequalified and later invited to bid.

Section IV. Application Forms

This Section contains the forms for the Application Submission Form and all the forms required to be submitted with the Application.

Section V. Eligible Countries

This Section states the country eligibility policy of the Bank, and provides the list of eligible

countries

PART 2. WORKS REQUIREMENTS

Section VI. Scope of Works

This Section includes a summary description, delivery and completion schedules, technical specifications and drawings of the Works subject of this prequalification.

PROCUREMENT DOCUMENTS

Prequalification Document for Procurement of

[Insert Title of the Works]

Issued on: *[insert date]*

Invitation for Prequalification No.: *[insert number]*

ICB No.: *[insert number]*

Employer: *[insert full legal name of Employer]*

Country: *[insert Country]*

Preface

This Prequalification Document for Procurement of Works (PQD) has been prepared by the Caribbean Development Bank and reflects the structure and the provisions of the Master Procurement Document “Prequalification Document for Procurement of Works” issued by the Multilateral Development Banks and International Financial Institutions, except where specific considerations of the procurement policies of the Caribbean Development Bank have required a change. This PQD incorporates the new features of the January 2006 Guidelines for Procurement.

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PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

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Section I. Instructions to Applicants

A. General

- 1. Scope of Application**
 - 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer, as defined in the **PDS**, issues this Prequalification Document (PQD) to applicants interested in bidding for the works described in Section VI, Scope of Works. The number of contracts and the name and identification of each contract, and the International Competitive Bidding (ICB) number corresponding to this prequalification, are provided in the **PDS**.

- 2. Source of Funds**
 - 2.1 The Recipient of CDB financing indicated in the **PDS** has applied for or received financing (hereinafter called “funds”) from CDB towards the cost of the project named in the **PDS**. The Recipient of CDB financing intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is issued.

- 3. Fraud and Corruption**
 - 3.1 It is CDB’s policy to require that Recipients of CDB Financing as well as bidders, suppliers, and contractors and their subcontractors under Bank-financed contracts, observe the highest standard of ethics during the procurement and execution of such contracts.¹ In pursuance of this policy, CDB:
 - (a) defines, for the purposes of this provision, the terms set forth below as follows:
 - (i) “corrupt practice”² is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;

¹ In this context, any action taken by a bidder, supplier, contractor, or a sub-contractor to influence the procurement process or contract execution for undue advantage is improper.

² “another party” refers to a public official acting in relation to the procurement process or contract execution]. In this context, “public official” includes CDB staff and employees of other organizations taking or reviewing procurement decisions.

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- (ii) “fraudulent practice”³ is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
 - (iii) “collusive practice”⁴ is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
 - (iv) “coercive practice”⁵ is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - (v) "obstructive practice" is
 - (aa) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a CDB investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - (bb) acts intended to materially impede the exercise of CDB’s inspection and audit rights provided for under sub-clause 3.1 (e) below.
- (b) will reject a proposal for award if it determines that the bidder

³ a “party” refers to a public official; the terms “benefit” and “obligation” relate to the procurement process or contract execution; and the “act or omission” is intended to influence the procurement process or contract execution.

⁴ “parties” refers to participants in the procurement process (including public officials) attempting to establish bid prices at artificial, non competitive levels.

⁵ a “party” refers to a participant in the procurement process or contract execution.

recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for the contract in question;

- (c) will cancel the portion of CDB Financing allocated to a contract if it determines at any time that representatives of the Recipient of CDB Financing or of a beneficiary of the CDB financing engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices during the procurement or the execution of that contract, without the Recipient of CDB Financing having taken timely and appropriate action satisfactory to CDB to address such practices when they occur;
- (d) will sanction a firm or individual, including declaring ineligible, either indefinitely or for a stated period of time, to be awarded a CDB-financed contract if it at any time determines that the firm has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for, or in executing, a CDB-financed contract; and
- (e) will have the right to require that a provision be included in bidding documents and in contracts financed by CDB, requiring bidders, suppliers, and contractors and their sub-contractors to permit CDB to inspect their accounts and records and other documents relating to the bid submission and contract performance and to have them audited by auditors appointed by CDB.

4. Eligible Applicants

4.1 An Applicant shall be a private, public or government owned legal entity, subject to ITA 4.8, or any combination of them in the form of association(s) including Joint Venture (JV) with the formal intent, as evidenced by a letter of intent, to enter into an agreement or under an existing agreement. In the case of a JV, unless otherwise specified in the **PDS**, (i) all parties shall be jointly and severally liable, and (ii) there shall be no limit on the number of partners.

4.2 The eligibility criteria listed in this Clause 4 shall apply to the

Applicant, including the parties constituting the Applicant, i.e., its proposed partners, subcontractors or suppliers for any part of the Contract including related services.

- 4.3 Subject of Sub-Clause 4.11, an Applicant shall be eligible for procurement if:
- (a) in the case of a body corporate, it is legally incorporated or otherwise organised in an eligible country, has its principle place of business in an eligible country and is either:
 - (i) more than 50% beneficially owned by a citizen or citizens and/or a bona fide resident or residents of an eligible country or countries or by a body corporate or bodies corporate meeting these requirements; or
 - (ii) owned or controlled by the government of an eligible country provided that it can establish that:
 - (aa) it is legally and financially autonomous;
 - (bb) operates under commercial law; and
 - (cc) are not dependent agencies of the eligible country,
 - (b) in the case of individuals, the person or persons is or are a citizen or citizens or bona fide resident or residents of an eligible country; and
 - (c) in all cases, the bidder has no arrangement and undertakes not to make any arrangement whereby any substantial part of the net profits or other tangible benefits of the contract will accrue or be paid to a person not a citizen or bona fide resident of an eligible country.
- 4.4 Applicants and all parties constituting the Applicant shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they participated as a consultant in the preparation of

the design or technical specifications of the Works that are the subject of this prequalification. Where a firm, or a firm from the same economic or financial group, in addition to consulting, also has the capability to manufacture or supply goods or to construct works, that firm, or a firm from the same economic or financial group, cannot normally be a supplier of goods or works, if it provided consulting services for the contract corresponding to this prequalification, unless it can be demonstrated that there is not a significant degree of common ownership, influence or control.

- 4.5 An Applicant shall submit only one application in the same Prequalification process, either individually as an Applicant or as a partner of a joint venture. No Applicant can be a subcontractor while submitting an application individually or as a partner of a joint venture in the same Prequalification process. A Subcontractor in any application may participate in more than one application, but only in that capacity. An Applicant who submits, or participates in, more than one application will cause all the applications in which the Applicant has participated to be disqualified.
- 4.6 A firm that has been determined to be ineligible by the Bank in relation to the Bank guidelines on preventing and combating Fraud and Corruption in CDB-financed projects shall be not be eligible to be awarded a contract.
- 4.7 An Applicant that is under a declaration of ineligibility by CDB in accordance with ITA 3, at the date of submission of the application or thereafter, shall be disqualified. CDB maintains a list of firms and individuals that have been sanctioned by the Bank pursuant to Sub-Clause 3.1 (d) and are not eligible to participate in procurement financed by the Bank.
- 4.8 Government-owned entities in an eligible country shall be eligible only if they can establish that they are legally and financially autonomous, and operate under commercial law, and that they are not dependent agencies of the eligible country.

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- 4.9 Applicants shall not be under suspension for violation of a Bid–Securing Declaration in the Employer’s Country.
- 4.10 Applicants and all parties constituting the Applicant shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.
- 4.11 Applicants from an eligible country may be excluded if, (a) as a matter of law or official regulations the country of the Recipient of CDB Financing prohibits commercial relations with that country, provided that CDB is satisfied that such exclusion does not preclude effective competition for the supply of goods or the contracting of works required; or (b) by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the country of the Recipient of CDB Financing prohibits any import of goods or contracting of works or services from that country, or any payments to persons or entities in that country. Section VI, Eligible Countries provide a list of ineligible countries pursuant to this Sub Clause 4.11.

- 5. Eligible Goods and Related Services** 5.1 All goods and related services to be supplied under the Contract to be financed by CDB shall have as their origin in any eligible country in accordance with Section V, Eligible Countries.

B. Contents of the Prequalification Document

- 6. Sections of Prequalification Document** 6.1 The document for the prequalification of Applicants (hereinafter - “prequalification document”) consists of parts 1 and 2 which comprise all the sections indicated below, and should be read in conjunction with any Addendum issued in accordance with ITA 8.

PART 1 Prequalification Procedures

- Section I. Instructions to Applicants (ITA)
- Section II. Prequalification Data Sheet (PDS)
- Section III. Qualification Criteria and Requirements
- Section IV. Application Forms

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- Section V. Eligible Countries

PART 2 Works Requirements

- Section VI. Scope of Works

6.2 The “Invitation for Prequalification Applications” issued by the Employer is not part of the prequalification document. A sample form is provided as an attachment to this Prequalification Document for information only.

6.3 The Employer accepts no responsibility for the completeness of the prequalification document and its addenda unless they were obtained directly from the Employer.

6.4 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish all information or documentation required by the Prequalification Document.

**7. Clarification
of
Prequalification
Document**

7.1 A prospective Applicant requiring any clarification of the Prequalification Document shall contact the Employer in writing at the Employer’s address indicated in the **PDS**. The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of applications. The Employer shall forward copies of its response to all applicants who have acquired the prequalification document directly from the Employer including a description of the inquiry but without identifying its source. Should the Employer deem it necessary to amend the prequalification document as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.

**8. Amendment
of
Prequalification
Document**

8.1 At any time prior to the deadline for submission of applications, the Employer may amend the Prequalification Document by issuing addenda.

8.2 Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all who have obtained the prequalification document from the Employer.

8.3 To give prospective Applicants reasonable time to take an addendum into account in preparing their applications, the Employer may, at its

discretion, extend the deadline for the submission of applications.

C. Preparation of Applications

9. Cost of Applications

- 9.1 The Applicant shall bear all costs associated with the preparation and submission of its application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

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- 10. Language of Application** 10.1 The application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in English. Supporting documents and printed literature that are part of the application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in English, in which case, for purposes of interpretation of the application, the translation shall govern.
- 11. Documents Comprising the Application** 11.1 The application shall comprise the following:
- (a) Application Submission Form, in accordance with ITA 12;
 - (b) documentary evidence establishing the Applicant's eligibility to prequalify, in accordance with ITA 13;
 - (c) documentary evidence establishing the Applicant's qualifications, in accordance with ITA 14; and
 - (d) any other document required as specified in the **PDS**.
- 12. Application Submission Form** 12.1 The Applicant shall prepare an Application Submission Sheet using the form furnished in Section IV, Application Forms. This Form must be completed without any alteration to its format.
- 13. Documents Establishing the Eligibility of the Applicant** 13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Form and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV, Application Forms.
- 14. Documents Establishing the Qualifications of the Applicant** 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.

15. Signing of the Application and Number of Copies

- 15.1 The Applicant shall prepare one original of the documents comprising the application as described in ITA 11 and clearly mark it “ORIGINAL”. The original of the application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant.
- 15.2 The Applicant shall submit copies of the signed original application, in the number specified in the **PDS**, and clearly mark them “COPY”. In the event of any discrepancy between the original and the copies, the original shall prevail

D. Submission of Applications

16. Sealing and Identification of Applications

- 16.1 The Applicant shall enclose the original and the copies of the application in a sealed envelope that shall:
- (a) bear the name and address of the Applicant;
 - (b) be addressed to the Employer, in accordance with ITA 17.1; and
 - (c) bear the specific identification of this prequalification process indicated in the PDS 1.1.
- 16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required.

17. Deadline for Submission of Applications

- 17.1 Applicants may always submit their applications by mail or by hand. When so specified in the **PDS**, applicants shall have the option of submitting their applications electronically, in accordance with electronic application submission procedures specified in the **PDS**. Applications shall be received by the Employer at the address and no later than the deadline indicated in the **PDS**. A receipt will be given for all applications submitted.
- 17.2 The Employer may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification

Document in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

18. Late Applications

18.1 Any application received by the Employer after the deadline for submission of applications prescribed in accordance with ITA 17 will be treated as indicated in the PDS.

19. Opening of Applications

19.1 Any specific electronic application opening procedures required if electronic submission of applications is permitted pursuant to Sub Clause 17.1 shall be as specified in the **PDS**. Employer shall prepare a record of the opening of applications that shall include, as a minimum, the name of the Applicant. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications

- 20. Confidentiality**
- 20.1 Information relating to the evaluation of applications, and recommendation for prequalification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of prequalification is made to all Applicants.
- 20.2 From the deadline for submission of applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process, may do so but only in writing.
- 21. Clarification of Applications**
- 21.1 To assist in the evaluation of applications, the Employer may, at its discretion, ask any Applicant for a clarification of its application which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing.
- 21.2 If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer's request for clarification, its application may be rejected.
- 22. Responsiveness of Applications**
- 22.1 The Employer may reject any application which is not responsive to the requirements of the prequalification document.
- 23. Regional Bidder Price Preference**
- 23.1 Unless otherwise specified in the **PDS**, a margin of preference for regional bidders shall not apply in the bidding process resulting from this prequalification.
- 24. Subcontractors**
- 24.1 Applicants planning to subcontract any of the key activities indicated in Section III, Qualification Criteria, shall specify the activity(ies) or parts of the works to be subcontracted in the Application Submission Form. Applicants shall clearly identify the proposed specialist

subcontractors in Forms ELI-1.2 and EXP (experience)-4.2(b) in Section IV. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in Section III, Qualification Criteria and Requirements.

- 24.2 At this time, the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance by the Employer (Nominated Subcontractors) unless otherwise stated in the **PDS**.

F. Evaluation of Applications and Prequalification of Applicants

25. Evaluation of Applications

- 25.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants. The use of other methods, criteria, or requirements shall not be permitted. The Employer reserves the right to waive minor deviations in the qualification criteria if they do not materially affect the capability of an Applicant to perform the contract.
- 25.2 Only the qualifications of subcontractors that have been identified in the application may be considered in the evaluation of an Applicant. However, the general experience and financial resources of subcontractors may not be added to those of the Applicant for purposes of prequalification of the Applicant.
- 25.3 In case of multiple contracts, the Employer shall prequalify each Applicant for the maximum number and types of contracts for which the Applicant meets the appropriate aggregate requirements of such contracts, as specified in Section III, Qualification Criteria and Requirements.

26. Employer's Right to Accept or Reject

- 26.1 The Employer reserves the right to accept or reject any application, and to annul the prequalification process and reject all applications at any time, without thereby incurring any liability to Applicants.

Applications

- 27. Prequalification of Applicants** 27.1 All Applicants whose applications have met or exceeded (“passed”) the specified threshold requirements will, to the exclusion of all others, be prequalified by the Employer.
- 28. Notification of Prequalification** 28.1 Once the Employer has completed the evaluation of the applications it shall notify all Applicants in writing of the names of those applicants who have been prequalified.
- 29. Invitation to Bid** 29.1 Promptly⁶ after the notification of the results of the prequalification the Employer shall invite bids from all the Applicants that have been prequalified.

⁶ Except as CDB shall otherwise agree, within 30 days of prequalification, the Employer shall invite bids from all the Applicants that have been prequalified

29.2 Bidders may be required to provide a Bid Security or a Bid Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security to be specified in the Bidding Documents.

**30. Changes in
Qualifications
of Applicants**

30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid shall be subject to a written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if as a consequence of the change the Applicant no longer substantially meets the qualification criteria set forth in Section III, Qualification Criteria and Requirements, or if in the opinion of the Employer, a substantial reduction in competition may result. Any such changes shall be submitted to the Employer not later than 14 days after the date of the Invitation for Bids.

Section II. Prequalification Data Sheet (PDS)

A. General

| | |
|---------|---|
| ITA 1.1 | The Employer is: : [<i>insert full name, including name of Project Officer, and address</i>] |
| ITA 1.1 | The list of contracts is: [<i>insert number, names and identification numbers</i>] |
| ITA 1.1 | ICB name and number are: [<i>insert name and identification number</i>] |
| ITA 2.1 | The name of the Recipient of CDB Financing is: [<i>insert name of Recipient of CDB Financing</i>] |
| ITA 2.1 | The name of the Project is: [<i>insert name of Project</i>] |
| ITA 4.1 | (i) The parties in a JV [<i>insert “shall” or “shall not”</i>] be jointly and severally liable. (ii) Maximum number of partners in the JV shall be: [<i>insert a number or insert “not limited”</i>] |

B. Contents of the Prequalification Document

| | |
|---------|---|
| ITA 7.1 | For clarification purposes , the Employer's address is: <i>[insert information _or state “same as in 1.1 above”]</i> Attention: [<i>insert name and room number of Project Officer</i>] Address: [<i>insert street name and number</i>] <i>[insert floor and room number, if applicable]</i> City: [<i>insert name of city or town</i>] ZIP Code: [<i>insert postal (ZIP) code, if applicable</i>] |
|---------|---|

| | |
|--|---|
| | Country: <i>[insert name of country]</i> Telephone: <i>[insert telephone number including country and city codes]</i> Facsimile number: <i>[insert fax number including country and city codes]</i> Electronic mail address: <i>[insert e-mail address of Project Officer]</i> |
|--|---|

C. Preparation of Applications

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|---------------------|---|
| ITA 10.1 | The language of the application as well as of all correspondence is English |
| ITA 11.1 (d) | The Applicant shall submit with its application, the following additional documents: <i>[insert list of additional documents, if any]</i> |
| ITA 15.2 | In addition to the original, the number of copies to be submitted with the application is: <i>[insert number of copies]</i> |

D. Submission of Applications

| | |
|-----------------|--|
| ITA 17.1 | <p>Applicants <i>[insert "shall" or "shall not"]</i> have the option of submitting their applications electronically.</p> <p>If electronic submission of applications shall be permitted, the electronic application submission procedures shall be: <i>[insert description of the procedures]</i></p> <p>For application submission purposes only, the Employer's address is: <i>[insert information requested below or insert "Employer's address is the same as that indicated in 1.1]</i></p> |
|-----------------|--|

| | |
|-----------------|--|
| | <p>Attention: <i>[insert name and room number of Project Officer]</i></p> <p>Address: <i>[insert street name and number]</i></p> <p><i>[insert floor and room number, if applicable]</i></p> <p>City: <i>[insert name of city or town]</i></p> <p>ZIP Code: <i>[insert postal (ZIP) code, if applicable]</i></p> <p>Country: <i>[insert name of country]</i></p> <p>Telephone: <i>[insert telephone number including country and city codes]</i></p> <p>Facsimile number: <i>[insert fax number including country and city codes]</i></p> <p>Electronic mail address: <i>[insert e-mail address of Project Officer]</i></p> <p>The deadline for application submission is:</p> <p>Date: <i>[insert date]</i></p> <p>Time: <i>[insert time]</i></p> <p><i>[The time allowed for preparation and submission of the prequalification document should be sufficient for applicants to gather all the information required—preferably eight weeks, but in any case not less than six weeks after the dates when the documents are available for distribution or the date of the advertisement. This period may be longer for very large projects, where time should be allowed for the formation of joint ventures and assembly of the necessary resources.]</i></p> |
| ITA 18.1 | <p><i>[Choose one of the two options below:]</i></p> <p>Late applications will be returned unopened to the Applicants.</p> <p><i>[or]</i></p> <p>The Employer reserves the right to accept or reject late applications.</p> |

| | |
|---|--|
| ITA 19.1 | If electronic submission of applications shall be permitted, electronic application opening procedures are: <i>[insert description of the procedures]</i> |
| E. Procedures for Evaluation of Applications | |
| ITA 23.1 | A margin of preference <i>[insert “shall not” or “shall”]</i> apply for eligible regional bidders. |
| ITA 24.2 | At this time the Employer <i>[insert “intends” or “does not intend”]</i> to execute certain specific parts of the Works by subcontractors selected in advance (Nominated Subcontractors). <i>[If the above states “intends” list the specific parts of the works and the respective subcontractors]</i> |

Section III. Qualification Criteria and Requirements

This Section contains all the methods, criteria, and requirements that the Employer shall use to evaluate applications. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the respective Application Forms.

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| 4. Experience | 1-23 |

| No. | Subject | Requirement | Single Entity | Joint Venture | | |
|---|--|---|--|---|--|-------------|
| | | | | All Parties Combined | Each Partner | One Partner |
| 1. Eligibility | | | | | | |
| 1.1 | Nationality | Nationality in accordance with ITA Sub-Clause 4.2 | Must meet requirement | Existing or intended JV must meet requirement | Must meet requirement | N/A |
| 1.2 | Conflict of Interest | No conflicts of interest in ITA Sub-Clause 4.4 | Must meet requirement | Existing or intended JV must meet requirement | Must meet requirement | N/A |
| 1.3 | Bank Ineligibility | Not having been declared ineligible by CDB, as described in ITA Sub-Clause 4.7 | Must meet requirement | Existing JV must meet requirement | Must meet requirement | N/A |
| 1.4 | Government Owned Entity | Applicant required to meet conditions of ITA Sub-Clause 4.8 | Must meet requirement | Must meet requirement | Must meet requirement | N/A |
| 1.5 | United Nations resolution or law of the country of the Recipient of CDB Financing | Not having been excluded as a result of the laws of the country of the Recipient of CDB Financing or official regulations, or by an act of compliance with UN Security Council resolution, in accordance with ITA 4.11 | Must meet requirement | Must meet requirement | Must meet requirement | N/A |
| 2. Historical Contract Non-Performance | | | | | | |
| 2.1 | History of Non-Performing Contracts | Non-performance of a contract did not occur within the last <i>[insert number]</i> years prior to the deadline for application submission based on all information on fully settled disputes or litigation. A fully settled dispute or litigation | Must meet requirement by itself or as partner to past or existing JV | N/A | Must meet requirement by itself or as partner to past or existing JV | N/A |

| | | | | | | |
|-------------------------------|---|--|---|---|--|--|
| | | is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted. | | | | |
| 2.2 | Failure to Sign Contract | Not being under execution of a Bid Securing Declaration pursuant to Sub-Clause 4.9 for <i>[insert number]</i> years | Must meet requirement | Must meet requirement | Must meet requirement | N/A |
| 2.3 | Pending Litigation | All pending litigation shall in total not represent more than <i>[insert number]</i> %, <i>[insert percentage in words]</i> of the Applicant's net worth and shall be treated as resolved against the Applicant | Must meet requirement by itself or as a partner to past or existing JV | N/A | Must meet requirement by itself or as a partner to past or existing JV | N/A |
| 3. Financial Situation | | | | | | |
| 3.1 | Financial Performance | Submission of audited balance sheets or if not required by the law of the Applicant's country, other financial statements acceptable to the Employer, for the last <i>[insert number]</i> years to demonstrate: (a) the current soundness of the applicant's financial position and its prospective long term profitability, and (b) capacity to have a cash flow amount of US\$ <i>[insert number]</i> equivalent | Must meet requirement (a) Must meet requirement (b) Must meet requirement | N/A (a) N/A (b) Must meet requirement | Must meet requirement (a) Must meet requirement (b) N/A | N/A (a) N/A (b) N/A |
| 3.2 | Average Annual Construction Turnover | Minimum average annual construction turnover of US\$ <i>[insert amount in US\$ equivalent in words and figures]</i> , calculated as total | Must meet requirement | Must meet requirement | Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of the | Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of t |

| | | | | | | |
|----------------------|---|---|------------------------|------------------------|-----------------------|---|
| | | certified payments received for contracts in progress or completed, within the last <i>[insert number]</i> years, <i>[insert number in words]</i> years | | | requirement | requirement |
| 4. Experience | | | | | | |
| 4.1 | General Construction Experience | Experience under construction contracts in the role of contractor, subcontractor, or management contractor for at least the last <i>[insert number]</i> years prior to the application submission deadline, and with activity in at least nine (9) months in each year. | Must meet requirement | N/A | Must meet requirement | N/A |
| 4.2 (a) | Specific Construction Experience | Participation as contractor, management contractor or subcontractor, in at least <i>[insert number]</i> contracts within the last <i>[insert number]</i> years, each with a value of at least <i>[insert amount]</i> , that have been successfully and substantially completed and that are similar to the proposed works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Scope of Works | Must meet requirement | Must meet requirement | N/A | Must meet requirement for contract (or a specialist subcontractor) |
| 4.2 (b) | | For the above or other contracts executed during the period stipulated in 4.2 (a) above, a minimum construction experience in the following key activities: | Must meet requirements | Must meet requirements | N/A | Must meet following requirements for the key activities listed below (can be met by subcontractors) |

| | | | | | | |
|--|--|--------------------------|--|--|--|---|
| | | <i>[list activities]</i> | | | | specialist subcontractor <i>[list key activities for partner and corresponding minimum requirements]</i> |
|--|--|--------------------------|--|--|--|---|

Section IV. Application Forms

Table of Forms

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Application Submission Form

Date: *[insert day, month, year]*

ICB No. and title: *[insert ICB number and title]*

To: *[insert full name of Employer]*

We, the undersigned, apply to be prequalified for the referenced ICB and declare that:

- (a) we have examined and have no reservations to the Prequalification Documents, including Addendum(s) No(s)., issued in accordance with Instructions to Applicants (ITA) Clause 8: *[insert the number and issuing date of each addendum]*.
- (b) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification process, have nationalities from eligible countries, in accordance with ITA Sub-Clause 4.2: *[insert the nationality of the Applicant, including that of all partners in case of a Joint Venture, and the nationality of each already identified subcontractor and supplier of related services, if applicable]*;
- (c) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, do not have any conflict of interest, in accordance with ITA Sub-Clause 4.4;
- (d) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, have not been declared ineligible by the Bank, or under the Employer's country laws, official regulations, or under execution of a Bid Securing Declaration in the Employer's Country, or by an act of compliance with a decision of the United Nations Security Council, in accordance with ITA Sub-Clauses 4.7, 4.9 and 4.11;
- (e) *[insert either "we are not a Government owned entity" or "we are a Government entity, and we meet the requirements of ITA Sub-Clause 4.8]*;
- (f) we, in accordance with ITA Sub-Clause 24.1, plan to subcontract the following key activities and/or parts of the works:

[insert any of the key activities identified in Section III- 4.2 (b) which the Applicant intends to subcontract]

(g) we declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding bidding process or execution of the Contract:

| <u>Name of Recipient</u> | <u>Address</u> | <u>Reason</u> | <u>Amount</u> |
|---|--|--------------------------|--|
| <i>[insert full name for each occurrence]</i> | <i>[insert street/number/city/country]</i> | <i>[indicate reason]</i> | <i>[specify amount in US\$ equivalent]</i> |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

[If none has been paid or is to be paid, indicate "none".]

- (h) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any application that you may receive nor to invite the prequalified applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA Clause 26.

Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

Name *[insert full name of person signing the application]*

In the Capacity of *[insert capacity of person signing the application]*

Duly authorized to sign the application for and on behalf of:

Applicant's Name *[insert full name of Applicant]* Address
[insert street number/town or city/country address]

Dated on *[insert day number]* day of *[insert month]*, *[insert year]*

Form ELI -1.1
Applicant Information Form

Date: *[insert day, month, year]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

| |
|--|
| Applicant's legal name <i>[insert full legal name]</i> |
| In case of Joint Venture (JV), legal name of each partner: <i>[insert full legal name of each partner in JV]</i> |
| Applicant's Actual or Intended country of constitution: <i>[indicate country of Constitution]</i> |
| Applicant's actual or Intended year of constitution: <i>[indicate year of Constitution]</i> |
| Applicant's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i> |
| Applicant's authorized representative information Name: <i>[insert full legal name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i> |
| Attached are copies of original documents of <ul style="list-style-type: none"><input type="checkbox"/> Articles of Incorporation or Documents of Constitution, and documents of registration of the legal entity named above, in accordance with ITA 4.2.<input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1.<input type="checkbox"/> In case of Government owned entity, documents establishing legal and financial |

autonomy and compliance with commercial law, in accordance with ITA 4.8.

Form ELI -1.2

Applicant's Party Information Form

[The following form shall be filled in for the Applicant's parties including partner(s) of a joint venture, subcontractors, suppliers and other parties]

Date: *[insert day, month, year]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

| |
|--|
| JV applicant legal name: <i>[insert full legal name]</i> |
| Applicant's Party legal name: <i>[insert full legal name of Applicant's Party]</i> |
| Applicant's Party country of registration: <i>[indicate country of registration]</i> |
| Applicant Party's year of constitution: <i>[indicate year of constitution]</i> |
| Applicant Party's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i> |
| Applicant Party's authorized representative information Name: <i>[insert full legal name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i> |
| Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation or Documents of Constitution, and Registration Documents of the legal entity named above, in accordance with ITA 4.2. <input type="checkbox"/> In case of a Government owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA 4.8. |

Form CON – 2

Historical Contract Non-Performance

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Party Legal Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

| Non-Performing Contracts in accordance with Section III, Qualification Criteria and Requirements | | | |
|---|---------------------------------------|---|--|
| <input type="checkbox"/> Contract non-performance did not occur during the <i>[number]</i> years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1. | | | |
| <input type="checkbox"/> Contract(s) not performed during the <i>[number]</i> years specified in Section III, Qualification Criteria and Requirements, requirement 2.1 | | | |
| Year | Non performed portion of contract | Contract Identification | Total Contract Amount (current value, US\$ equivalent) |
| <i>[insert year]</i> | <i>[insert amount and percentage]</i> | Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for non performance: <i>[indicate main reason(s)]</i> | <i>[insert amount]</i> |
| Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements | | | |
| <input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and | | | |

Requirements, Sub-Factor 2.2.

- Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 as indicated below.

| Year | Outcome as Percentage of Total Assets | Contract Identification | Total Contract Amount (current value, US\$ equivalent) |
|----------------------|--|--|---|
| <i>[insert year]</i> | <i>[insert percentage]</i> | Contract Identification: [indicate complete contract name, number, and any other identification] Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> | <i>[insert amount]</i> |
| | | | |

Form FIN – 3.1 Financial Situation

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's Party Legal Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

1. Financial data

| Financial information in (US\$ equivalent in 000s) | Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (US\$ equivalent in 000s) | | | | |
|---|---|--------|--------|----------|--------|
| | Year 1 | Year 2 | Year 3 | Year ... | Year n |
| Information from Balance Sheet | | | | | |
| Total Assets (TA) | | | | | |
| Total Liabilities (TL) | | | | | |
| Net Worth (NW) | | | | | |
| Current Assets (CA) | | | | | |
| Current Liabilities (CL) | | | | | |
| Information from Income Statement | | | | | |
| Total Revenue (TR) | | | | | |

| | | | | | |
|----------------------------|--|--|--|--|--|
| Profits Before Taxes (PBT) | | | | | |
|----------------------------|--|--|--|--|--|

2. Financial documents

The Applicant and its parties shall provide copies of the balance sheets and/or financial statements for *[number]* years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- (a) reflect the financial situation of the Applicant or partner to a JV, and not sister or parent companies.
 - (b) be audited by a certified accountant.
 - (c) be complete, including all notes to the financial statements.
 - (d) correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).
- Attached are copies of financial statements (balance sheets, including all related notes, and income statements) for the *[number]* years required above; and complying with the requirements

Form FIN - 3.2
Average Annual Construction Turnover

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's Party Legal Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

| Annual turnover data (construction only) | | |
|---|--|---------------------------------------|
| Year | Amount and Currency | US\$ equivalent |
| <i>[indicate year]</i> | <i>[insert amount and indicate currency]</i> | <i>[insert amount in US\$ equiv.]</i> |
| | | |
| | | |
| | | |
| | | |
| Average Annual Construction Turnover * | | |

* Average annual construction turnover calculated as total certified payments received for work in progress or completed, divided by the number of years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 3.2.

Form EXP - 4.1

General Construction Experience

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant JV Party Legal Name: *[insert full name]*

ICB No. and title: *[insert ICB number]*

Page *[insert page number]* of *[insert total number]* pages

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

| Starting Month / Year | Ending Month / Year | Contract Identification | Role of Applicant |
|-------------------------------|-------------------------------|---|---|
| <i>[indicate month/ year]</i> | <i>[indicate month/ year]</i> | Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in US\$ equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i> | <i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i> |
| | | Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in US\$ equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i> | <i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i> |

| | | | |
|--|--|---|---|
| | | Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in US\$ equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i> | <i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i> |
|--|--|---|---|

Form EXP - 4.2(a) Similar Construction Experience

[The following table shall be filled in for contracts performed by the Applicant, each partner of a Joint Venture, and specialist sub contractors]

Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

JV Party Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

| Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i> | Information | | |
|---|--|---|---|
| Contract Identification | <i>[insert contract name and number, if applicable]</i> | | |
| Award date | <i>[insert day, month, year, i. e., 15 June, 2015]</i> | | |
| Completion date | <i>[insert day, month, year, i.e., 03 October, 2017]</i> | | |
| Role in Contract <i>[check the appropriate box]</i> | Contractor <input type="checkbox"/> | Management Contractor <input type="checkbox"/> | Subcontractor <input type="checkbox"/> |
| Total Contract Amount | <i>[insert total contract amount in local currency]</i> | | US\$ <i>[insert total contract amount in US\$ equivalent]</i> |
| If partner in a JV, or subcontractor, specify | <i>[insert a percentage amount]</i> | <i>[insert total contract amount in local]</i> | <i>[insert total contract amount in US\$]</i> |

| | | | |
|--|--|------------------|--------------------|
| participation in total contract amount | | <i>currency]</i> | <i>equivalent]</i> |
| Employer's Name: | <i>[insert full name]</i> | | |
| Address: | <i>[indicate street / number / town or city / country]</i> | | |
| Telephone/fax number | <i>[insert telephone/fax numbers, including country and city area codes]</i> | | |
| E-mail: | <i>[insert e-mail address, if available]</i> | | |

Form EXP - 4.2(a) (cont.)
Similar Construction Experience (cont.)

| Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i> | Information |
|--|---|
| Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III: | |
| 1. Amount | <i>[insert amount in US\$ in words and in Figures]</i> |
| 2. Physical size | <i>[insert physical size of activities]</i> |
| 3. Complexity | <i>[insert description of complexity]</i> |
| 4. Methods/Technology | <i>[insert specific aspects of the methods/technology involved in the contract]</i> |
| 5. Other Characteristics | <i>[insert other characteristics as described in Section V, Scope of Works]</i> |

Form EXP - 4.2(b)

Construction Experience in Key Activities

Applicant's Legal Name: *[insert full name]*
 Date: *[insert day, month, year]*
 Applicant's Party Legal Name: *[insert full name]*
 Nominated Subcontractor's Legal Name (as per ITA 24.2): *[insert full name]*
 ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

All Subcontractors for key activities must complete the information in this form as per ITA 24.2 and Section III, Qualification Criteria and Requirements, Sub-Factor 4.2.

1. Key Activity No One: *[insert brief description of the Activity, emphasizing its specificity]*

| | Information | | |
|--|--|---|---|
| Contract Identification | <i>[insert contract name and number, if applicable]</i> | | |
| Award date | <i>[insert day, month, year, i. e., 15 June, 2015]</i> | | |
| Completion date | <i>[insert day, month, year, i.e., 03 October, 2017]</i> | | |
| Role in Contract <i>[check the appropriate box]</i> | Contractor <input type="checkbox"/> | Management Contractor <input type="checkbox"/> | Subcontractor <input type="checkbox"/> |
| Total Contract Amount | <i>[insert total contract amount in local currency]</i> | | US\$ <i>[insert Total contract amount in US\$ equivalent]</i> |

| | | | |
|--|-------------------------------------|---|--|
| If party in a JV, specify participation of total contract amount | <i>[insert a percentage amount]</i> | <i>[insert total contract amount in local currency]</i> | <i>[insert total contract amount in US\$ equivalent]</i> |
|--|-------------------------------------|---|--|

| | Information |
|----------------------|--|
| Employer's Name: | <i>[insert full name]</i> |
| Address: | <i>[indicate street / number / town or city / country]</i> |
| Telephone/fax number | <i>[insert telephone/fax numbers, including country and city area codes]</i> |
| E-mail: | <i>[insert e-mail address, if available]</i> |

2. Activity No Two

3.

| | Information |
|--|--|
| Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III: | |
| | <i>[insert response to inquiry indicated in left column]</i> |
| | |
| | |
| | |
| | |

Section V. Eligible Countries

Eligibility for the Provision of Goods, Works and Services in CDB-Financed Procurement

1. In accordance with Para 1.08 of CDB's Guidelines for Procurement dated January 2006, CDB permits firms and individuals from its member countries to offer goods, works and services for CDB-financed projects. As an exception, firms of a Country or goods manufactured in a Country may be excluded if:

Para 1.08 (a) (i): as a matter of law or official regulation, the Recipient of CDB Financing prohibits commercial relations with that Country, provided that CDB is satisfied that such exclusion does not preclude effective competition for the supply of the Goods or Works required, or

Para 1.08 (a) (ii): by an Act of Compliance with a Decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Recipient of CDB Financing Country prohibits any import of goods from that Country or any payments to persons or entities in that Country.

2. For the information of Recipients of CDB Financing and bidders, at the present time firms, goods and services from the following countries are excluded from this bidding:

(a) With reference to paragraph 1.08 (a) (i) of the Guidelines:

[insert list of countries prohibited under official regulations of the country]

(b) With reference to paragraph 1.08 (a) (ii) of the Guidelines:

[insert list of countries which are banned under UN Security Council Chapter VII]

PART 2 – Works Requirements

Section VI. Scope of Works

Contents

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1. Description of the Works

2. Construction Period

3. Site and Other Data