**STANDARD PROCUREMENT DOCUMENT**

**Prequalification for Procurement of Works**

**For use with a Request for Bids (RFB) or a Request for Proposals (RFP)**

**Caribbean Development Bank**

**July 2020**

**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.

If the user has questions regarding the use of this Prequalification Document, the appropriate Bank official should be consulted.

To obtain further information on procurement under CDB-financed projects, contact:

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**Preface**

This Prequalification Document for Procurement of Works (PQD) has been prepared by the Caribbean Development Bank and is consistent with CDB’s Procurement Policy for Projects Financed by CDB and the Procurement Procedures for Projects Financed by CDB (November 2019).

**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.

**Section VI Prohibited Practices and Other Integrity Related Matters**

This Section provides the Applicants with the reference to the Bank’s policy with regard to Prohibited Practices and Other Integrity Related Matters and its applicablility to the prequalification process.

**PART 2. WORKS REQUIREMENTS**

**Section VII Scope of Works**

This Section includes a summary description, delivery and completion schedules, and Site and other Data of the Works subject of this Prequalification. The Scope of Works may also include a summary of the environmental and social (ESHS) requirements, including requirements relating to health and safety (HS), Gender Based Violence (GBV), and Sexual Exploitation and Assault (ESHS), which are to be satisfied by the Contractor in executing the Works.

**PROCUREMENT DOCUMENTS**

**Prequalification Document for**

**Procurement of**

**Issued on:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Invitation for Prequalification No.:** \_\_\_\_

**ICB No.:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**Country:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Prequalification of Works**

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**Section I. Instructions to Applicants**

## General

|  |  |
| --- | --- |
| 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.** |
| Source of Funds | 2.1 The Recipient of CDB financing indicated in the **PDS** has applied for or received financing (hereinafter called “funds”) from the Caribbean Development Bank (CDB) ((hereinafter called “the Bank” or “CDB”) towards the cost of the project named in the **PDS.** The 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.  2.2 Payment by the Bank will be made only at the request of the Recipient and upon approval by the Bank, and will be subject, in all respects, to the terms and conditions of the Financing Agreement. The Financing Agreement prohibits a withdrawal from the loan or grant account for the purpose of any payment to persons or entities, or for any import of goods, equipment, plant or materials, or services if such payment or import, to the knowledge of the Bank, is prohibited by a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations. No party other than the Recipient shall derive any rights from the Financing Agreement or have any claim to the proceeds of the financing. |
| Prohibited Practices and Other Integrity Related Matters | 3.1 The Bank requires compliance with the Bank’s policy on Prohibited Practices and Other Integrity Related Matters, as set forth in Section VI, Prohibited Practices and Other Integrity Related Matters.  3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, subconsultants, service providers, suppliers, and personnel, to permit the Bank to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, bid submission (in case prequalified), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the Bank. |
| Eligible Applicants | 4.1 Applicants shall meet the eligibility criteria as per this ITA and ITA  5.1 and 5.2.  4.2 An Applicant may be a firm that is a private entity a stated-owned owned enterprise or institution, subject to ITA 4.8, or any combination of them in the form of a 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 joint venture, all partners shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the JV during the prequalification process, bidding (in the event the JV submits a Bid) and during contract execution (in the event the JV is awarded the Contract). Unless specified in the **PDS**, there is no limit on the number of partners in a JV.  4.3 A firm may apply for prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.[[1]](#footnote-1)  4.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to bid for the same contract. All Bids submitted in violation of this procedure will be rejected. |
|  | 4.5 An Applicant or joint venture partners shall have the nationality of an eligible country as detailed in Section V and shall comply with the following:   1. be legally constituted, incorporated or registered in and operates in conformity with the provisions of the laws of an eligible country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be, and have their principal place of business in an eligible country;      1. be more than fifty (50) percent beneficially-owned by a citizen or citizens and/or a bona fide resident or residents of an Eligible Country, or by a body corporate or bodies meeting these requirements, as far as the ownership can be reasonably determined; and 2. shall have no arrangement and undertake not to make any arrangement whereby the majority of the financial benefits of the contract, i.e. more than fifty (50) percent of the value of the contract, will accrue or be paid to sub-contractors or sub-consultants that are not from an Eligible Country. |
|  | 4.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the prequalification documents or design or technical specifications, or have been hired or are proposed to be hired by the Employer or Recipient as Engineer for the preparation of tender documents and/or designs and technical specifications or contract implementation of the Works that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with professional staff of the Recipient (or with the project implementing agency, or a beneficiary of a part of CDB’s Financing, or any other party representing or acting on behalf of the Recipient) who: (i) are directly or indirectly involved in the preparation of the prequalification Document or Bidding Document or specifications of the Contract, and/or the Bid evaluation process of such Contract; or (ii) would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Bank throughout the prequalification, tender process and execution of the Contract. |
|  | 4.7 An Applicant that has been suspended or sanctioned by the Bank under its policy related to Prohibited Practices and Other Integrity Related Matters, as detailed in Section VI, shall be ineligible to be prequalified for, initially selected for, bid for, propose for, or be awarded a Bank-financed contract or benefit from a Bank-financed contract, financially or otherwise, during such period of time as the Bank shall have determined. The list of debarred firms and individuals is available at the electronic address specified in the **PDS**.  4.8 A firm that is under a sanction of debarment by the Recipient from being awarded a contract is eligible to participate in this procurement, unless the Bank, at the Recipient’s request, is satisfied that the debarment; (a) relates to fraud or corruption, and (b) followed a judicial or administrative proceeding that afforded the firm adequate due process. |
|  | 4.9 Applicants that are state-owned enterprise or institutions from an eligible country, as pursuant to Section V, may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable to the Bank, that they:   1. are legally and financially autonomous. “Legally autonomous” means a legal entity separate from the eligible country’s government. "Financially autonomous" means not receiving budget support from any public entity, and not being obliged to pass financial surplus to the same, except through dividends to shareholders; 2. operate under commercial law - Being vested with legal rights and liabilities similar to any commercial enterprise, including, being incorporated or established by statutory charter under local law; having the right:    1. to enter into legally binding contracts;    2. to sue;    3. to be sued; and    4. to borrow money, being liable for the repayment of debts and being able to be declared bankrupt. |
|  | 4.10 An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid–Securing Declaration |
|  | 4.11 An Applicant shall provide such documentary evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request. |
| Eligibility | 5.1 Countries, persons or entities are ineligible if:  (a) as a matter of law or official regulations, the Recipient’s country prohibits commercial relations with that country, provided that the Bank is satisfied that such exclusion does not preclude effective competition for the supply of goods or the contracting of works or services 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 Recipient’s country prohibits any import of goods or contracting of works or services from that country, or any payments to any country, person, or entity in that country.  5.2 When the Works are implemented across jurisdictional boundaries (and more than one country is a Recipient, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1(a) above by any country may be applied to that procurement across other countries involved, if the Bank and the Recipients involved in the procurement agree. |
| B. Contents of the Prequalification Document | |
| Sections of Prequalification Document | 6.1 This 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 * Section V ˗ Eligible Countries * Section VI ˗ Prohibited Practices and Other Integrity ………………Related Matters   **PART 2 Works Requirements**   * Section VII ˗ Scope of Works |
|  | 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.  6.3 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. |
| Clarification of Prequalification Document and Pre-Application Meeting | 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. |
|  | 7.2 If indicated **in the PDS**, the Applicant’s designated representative is invited at the Applicant’s cost to attend a pre-Application meeting at the place, date and time mentioned **in the** **PDS**. During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Prequalification Document |
|  | 7.3 Minutes of the pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any responses prepared after the meeting will be transmitted promptly to all prospective Applicants who have obtained the Prequalification Document. Any modification to the Prequalification Document that may become necessary as a result of the pre-Application meeting shall be made by the Employer exclusively through the use of an Addendum pursuant to ITA 8. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant. |
| 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 in accordance with ITA 17.2. |
| C. Preparation of Applications | |
| 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. |
| 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 the language specified **in the PDS.** 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 the language specified **in the** **PDS,** in which case, for purposes of interpretation of the Application, the translation shall govern. |
| Documents Comprising the Application | 11.1 The application shall comprise the following:  (a) **Application Submission Form**, in accordance with ITA 12.1;  (b) **Eligibility:** documentary evidence establishing the Applicant’s eligibility to prequalify, in accordance with ITA 13.1;  (c) **Qualifications:** documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and  (d) any other document required as specified in the **PDS.**  11.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application. |
| 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. |
| 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. |
| 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.  14.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the USD equivalent using the rate of exchange determined as follows:   1. For construction turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted). 2. Value of single contract - Exchange rate prevailing on the date of the contract.   Exchange rates shall be taken from the publicly available source identified **in the PDS**. Any error in determining the exchange rates in the Application may be corrected by the Employer. |
| 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. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the partners as evidenced by a power of attorney signed by their legally authorized signatories.  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 | |
| 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 in ITA 16.1 above. |
| 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.** |
|  | 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. |
| 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**. |
| Opening of Applications | 19.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 18.1.  19.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS**.  19.3 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 | |
| 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 in accordance with ITA 28. |
|  | 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. |
| 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 from the Applicant shall be in writing. |
|  | 21.2 If an Applicant does not provide clarifications of the information requested and/or documents requested by the date and time set in the Employer’s request for clarification, its application shall be evaluated based on the information and documents available at the time of evaluation of the Application. |
| Responsiveness of Applications | 22.1 The Employer may reject any application which is not responsive to the requirements of the prequalification document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant. |
| 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 processresulting from this prequalification. |
| Subcontractors | 24.1 Unless otherwise stated in the **PDS**, the Employer does not intend to execute any specific elements of the Works by sub-contractors selected in advance by the Employer (so-called “Nominated Subcontractors”).  24.2 The Applicant shall not propose to subcontract the whole of the Works. The Employer, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the work as indicated therein as (“Specialized Subcontractors”). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Form, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience. |
| F. Evaluation of Applications and Prequalification of Applicants | |
| 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 Subcontractors proposed by the Applicant shall be fully qualified for their parts of the Works. The subcontractor’s qualifications shall not be used by the Applicant to qualify for the Works unless their parts of the Works were previously designated by the Employer in the **PDS** as can be met by Specialized Subcontractors, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation. |
|  | 25.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Employer shall prequalify each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements. The qualification criteria and requirements are specified in Section III. |
|  | 25.4 However, with respect to the specific experience under item Section III (Qualification Criteria and Requirements), 4.2 (a) , the Employer will select any one or more of the options as identified below:  **N** is the minimum number of contracts  **V** is the minimum value of a single contract.  **(a) Prequalification for one Contract**:  Option 1: (i) N contracts, each of minimum value V;  **Or**  Option 2: (i) N contracts, each of minimum value V;  **Or**  (ii) Less than or equal to N contracts, each of minimum value V, but with total value of all contracts equal or more than N x V.  **(b)** **Prequalification for Multiple Contracts**  Option 1: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the Applicant has applied for as follows, and N1, N2, N3, etc. shall be different contracts:  **Lot 1:** N1 contracts, each of minimum value V1;  **Lot 2:** N2 contracts, each of minimum value V2;  **Lot 3:** N3 contracts, each of minimum value V3; ----etc.  **Or**  Option 2: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the Applicant has applied for as follows, and N1, N2, N3, etc. shall be different contracts:  **Lot 1**: N1 contracts, each of minimum value V1;  **Lot 2**: N2 contracts, each of minimum value V2;  **Lot 3**: N3 contracts, each of minimum value V3; ----etc,  **Or**  (ii) **Lot 1:** N1 contracts, each of minimum value V1; or number of contracts less than or equal to N1, each of minimum value V1, but with total value of all contracts equal or more than N1 x V1  **Lot 2:** N2 contracts, each of minimum value V2; or number of contracts less than or equal to N2, each of minimum value V2, but with total value of all contracts equal or more than N2 x V2  **Lot 3:** N3 contracts, each of minimum value V3; or number of contracts less than or equal to N3, each of minimum value V3, but with total value of all contracts equal or more than N3 x V3 ----etc.  **Or**  Option 3: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the Applicant has applied for as follows, and N1, N2 ,N3, etc. shall be different contracts:  **Lot 1:** N1 contracts, each of minimum value V1;  **Lot 2:** N2 contracts, each of minimum value V2;  **Lot 3:** N3 contracts, each of minimum value V3; ----etc,  **Or**  (ii) **Lot 1:** N1 contracts, each of minimum value V1; or number of contracts less than or equal to N1, each of minimum value V1, but with total value of all contracts equal or more than N1 x V1;  **Lot 2:** N2 contracts, each of minimum value V2; or number of contracts less than or equal to N2, each of minimum value V2, but with total value of all contracts equal or more than N2 x V2;  **Lot 3:** N3 contracts, each of minimum value V3; or number of contracts less than or equal to N3, each of minimum value V3, but with total value of all contracts equal or more than N3 x V3 –etc;  **Or**  (iii) Subject to compliance as per (ii) above with respect to minimum value of single contract for each lot, total number of contracts is equal or less than N1 + N2 + N3 +--but the total value of all such contracts is equal or more than N1 x V1 + N2 x V2 + N3 x V3 +---.  25.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant’s subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered. |
| Employer’s Right to Accept or Reject Applications | 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. |
| Prequalification of Applicants | 27.1 All Applicants whose Applications have substantially met or exceeded (“passed”) the specified threshold requirements will be prequalified by the Employer.    27.2 An Applicant may be “conditionally prequalified,” that is, qualified subject to the Applicant submitting or correcting certain specified nonmaterial documents or deficiencies to the satisfaction of the Employer.  27.3 Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the Employer before or at the time of submitting their Bids. |
| 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 or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately. |
| Invitation to Bid | 29.1 Promptly after the notification of the results of the prequalification the Employer shall invite bids from all the Applicants that have been prequalified or conditionally 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 as specified in the Bidding Documents.  29.3 Bidders shall usually be required to provide a Code of Conduct which will apply to their employees and sub-contractors that includes the minimum requirements specified in the bidding document. |
|  | 29.4 Bidders shall be required to submit management strategies and implementation plans that address key ESHS risks, including GBV and SEA. |
| 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 (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the Employer prior to the deadline for submission of Bids. Such approval shall be denied if (i) a prequalified Applicant proposes to associate with a disqualified Applicant or in case of a disqualified joint venture, any of its partners; (ii) 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 (iii) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the issuance of the bidding document. |
| Procurement Related Complaint | 31.1 The procedures for making a Procurement-related Complaint are as specified in the **PDS**. |

|  |  |  |
| --- | --- | --- |
| Section II. Prequalification Data Sheet (PDS) | | |
| **A. General** | | |
| **ITA 1.1** | | The identification of the Invitation for Prequalification is: ***[insert number]*** |
| **ITA 1.1** | | The Employer is: : ***[insert full name, including name of Project Officer, and address]*** |
| **ITA 1.1** | | The list of contracts is: ***[insert number, names and identification numbers. If the works has not been divided into contracts, add the name of the works]*** |
| **ITA 1.1** | | ICB name and number are: ***[insert name and identification number]*** |
| **ITA 2.1** | | The name of the Recipient of CDB Financing is: ***[insert name of Recipient of CDB Financing ]*** |
| **ITA 2.1** | | The name of the Project is: ***[insert name of Project]*** |
| **ITA 4.2** | | Maximum number of partners in the JV shall be: ***[insert a number or insert “not limited”]*** |
| **ITA 4.7** | | A list of debarred firms and individuals is available on the Bank’s external website: ***[insert link or state not applicable]*** |
| **B. Contents of the Prequalification Document** | | |
| **ITA 7.1** | | For **clarification purposes,** the Employer's address is:  ***[insert information or state “same as in ITA 1.1 above”]***  Attention: ***[insert name and room number of Project Officer]***  Address: ***[insert street name and number]***  ***[insert floor and room number, if applicable]***  City: ***[insert name of city or town]***  ZIP Code: ***[insert postal (ZIP) code, if applicable]***  Country: ***[insert name of country]***  Telephone: ***[insert telephone number including country and city codes]***  Facsimile number: ***[insert fax number including country and city codes]***  Electronic mail address: ***[insert e-mail address of Project Officer]*** |
| **ITA 7.2** | | Pre-Application Meeting will be held: ***[Yes/No]***  ***[If Yes, please add the address, date and time of the meeting]*** |
| **C. Preparation of Applications** | | |
| **ITA 10.1** | The language of the application as well as of all correspondence is ***[insert language which should be English unless otherwise agreed with the Bank]*** | |
| **ITA 11.1 (d)** | The Applicant shall submit with its application, the following additional documents: ***[insert list of additional documents, if any]*** | |
| **ITA 14.2** | The source for determining exchange rates is ***[insert a publicly available source]*** | |
| **ITA 15.2** | In addition to the original, the number of copies to be submitted with the application is: ***[insert number of copies]*** | |
| **D. Submission of Applications** | | |
| **ITA 17.1** | **The deadline for Application submission is:**  Date: ***[insert date]***  Time: ***[insert time]***  ***[The time allowed for preparation and submission of the prequalification document should be sufficient for Applicants to gather all the information required—preferably not less than six weeks after the date when the documents are available for distribution or the date of the advertisement, whichever is later. 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.]***  For **Application submission purposes only,** the Employer's address is:  ***[insert information requested below or insert “Employer’s address is the same as that indicated in 1.1]***  Attention: ***[insert name and room number of Project Officer]***  Address: ***[insert street name and number]***  ***[insert floor and room number, if applicable]***  City: ***[insert name of city or town]***  ZIP Code: ***[insert postal (ZIP) code, if applicable]***  Country: ***[insert name of country]***  Telephone: ***[insert telephone number including country and city codes]***  Facsimile number: ***[insert fax number including country and city codes]***  Email address: ***[insert e-mail address of Project Officer]***  Applicants ***[insert “shall” or “shall not”]***have the option of submitting their Applications electronically.  ***[The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]***  The electronic Application submission procedures shall be: ***[insert a description of the electronic Application submission procedures.]*** | |
| **ITA 18.1** | ***[Choose one of the two options below:]***  Late Applications will be returned unopened to the Applicants.  *[or]*  The Employer reserves the right to accept or reject late Applications. | |
| **ITA 19.1** | The opening of the Applications shall be at ***[Insert date, time and address]*** | |
| **ITA 19.2** | ***The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]***  The electronic Application opening procedures shall be: ***[insert a description of the electronic Application opening procedures.]*** | |
| **E. Procedures for Evaluation of Applications** | | |
| **ITA 23.1** | A margin of preference ***[insert “shall not” or “shall”]***apply.  ***[Note: margin of preferences under the CDB procurement framework only applies at a regional level at the full bidding stage so this should state “shall not” unless agreed otherwise with the Bank.]*** | |
| **ITA 24.1** | At this time the Employer ***[insert “intends” or “does not intend”]***to execute certain specific parts of the Works by subcontractors selected in advance (Nominated Subcontractors).  ***[If the above states “intends” list the specific parts of the works and the respective subcontractors.]*** | |
| **ITA 25.2** | ***[Indicate N/A if there are no parts of the Works requiring Specialized Subcontractors]***  The parts of the Works for which the Employer permits Applicants to propose Specialized Subcontractors are designated as follows:   1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation. | |
| **ITA 31.1** | The procedures for making a Procurement-related Complaint are detailed in the Bank’s Procurement Procedures for Projects Financed by CDB (November, 2019), specifically Annex 3, which can be located on CDB’s website. | |

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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| **Eligibility and Qualification Criteria** | | | **Compliance Requirements** | | | | **Documentation** |
| **No.** | **Subject** | **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Parties Combined** | **Each Partner** | **One Partner** |
| 1. Eligibility | | | | | | | |
| 1.1 | **Nationality** | Nationality in accordance with ITA 4.5 and Section V | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| 1.2 | **Conflict of Interest** | No conflicts of interest in ITA 4.6 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.3 | **Bank Ineligibility** | Not having been declared ineligible by CDB, as described in ITA 4.7 and 5.1 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.4 | **State Owned Entity** | Applicant required to meet conditions of ITA 4.9 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| 1.5 | **United Nations resolution or Recipient’s country law** | Not having been excluded as a result of prohibition in the Recipient’s country laws or official regulations against commercial relations with the Applicant’s country, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 5.1 and 5.2. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| 2. Historical Contract Non-Performance | | | | | | | |
| 2.1 | **History of Non-Performing Contracts** | Non-performance of a contract[[2]](#footnote-2) did not occur as a result of contractor’s default since 1st January ***[insert year]***. | Must meet requirement | Must meet requirements | Must meet requirement by itself[[3]](#footnote-3) | N/A | Form CON-2 |
| 2.2 | **Suspension Based on Execution of Bid Securing Declaration by the Employer** | Not being under execution of a Bid Securing Declaration pursuant to ITA 4.10 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 2.3 | **Pending Litigation** | Applicant’s financial position and prospective long term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant | Must meet requirement | N/A | Must meet requirement | N/A | Form CON – 2 |
| 2.4 | **Litigation History** | No consistent history of court/arbitral award decisions against the Applicant[[4]](#footnote-4) since 1st January ***[insert year]*** | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form CON – 2 |
| 2.5 | **Declaration: Environmental, Social, Health and Safety (ESHS) Past Performance** | Declare any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, social, health and safety (including Sexual Exploitation and Assault or gender-based violence) contractual obligations in[[5]](#footnote-5) since ***[insert date]*** | Must make declaration: Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make the declaration | N/A | Must make declaration: Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make the declaration | N/A | Form CON – 3 |
| 3. Financial Situation | | | | | | | |
| 3.1 | **Financial Performance** | (i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as USD ***[insert amount in USD]***for the subject contract(s) net of the Applicants other commitments | (i) Must meet requirement | (i) Must meet requirement | (i) N/A | 1. N/A | Form FIN – 3.1 with attachments |
|  |  | (ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments. | (ii) Must meet requirement | (ii) Must meet requirement | (ii) N/A | (ii) N/A |  |
|  |  | (iii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Employer, for the last ***[insert number]***years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability. | (iii) Must meet requirement | (iii) N/A | (iii) Must meet requirement | (iii) N/A |  |
| 3.2 | **Average Annual Construction Turnover** | Minimum average annual construction turnover of USD ***[insert amount in USD equivalent in words and figures]***, calculated as total certified payments received for contracts in progress and/or completed within the last ***[insert number]*** years, divided by ***[insert number of years in words]*** years | Must meet requirement | Must meet requirement | Must meet *[insert number]* %, *[insert percentage in words]* of the requirement | Must meet *[insert number]* %, *[insert percentage in words]* of the requirement | Form FIN – 3.2 |
| 4. Experience | | | | | | | |
| 4.1 | **General Construction Experience** | Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last ***[insert number]*** years prior to the application submission deadline, starting 1st January \_\_\_\_\_ ***[insert year]***. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |
| 4.2 (a) | **Specific Construction and Contract Management Experience** | (i) A minimum number of ***[state the number]*** similar contracts specified below that have been satisfactorily and substantially[[6]](#footnote-6) completed as a prime contractor, joint venture member [[7]](#footnote-7), management contractor or subcontractor between 1st January ***[insert year]***and Application submission deadline: | Must meet requirement | Must meet requirement[[8]](#footnote-8) | N/A | Must meet the following requirement for for the key activities listed below *[list key activities and the corresponding minimum requirements to be met by one member otherwise state: ”N/A”]* | Form EXP 4.2(a) |
| 4.2 (b) |  | For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January ***[insert year]*** and Application submission deadline, a minimum construction experience in the following key activities successfully completed[[9]](#footnote-9): ***[list key activities indicating volume, number or rate of production as applicable]****.* **4.2 (c)**  *Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12 month period in the specified period****,*** *][[10]](#footnote-10)* | Must meet requirements [Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2] | Must meet requirements [Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2] | N/A | Must meet the following requirements for key activities listed below [if applicable, out of the key activities in the first column of this 4.2 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: “N/A”.] | Form EXP – 4.2 (b) |
| 4.2 (c) |  | For the contracts in 4.2 (a) above and/or any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or Subcontractor between 1st January ***[insert year]*** and Application submission deadline, experience in managing ESHS risks and impacts in the following aspects: *[Based on assessments, specify, as appropriate, specific experience requirements to manage ES aspects.]* | Must meet requirements | Must meet requirements | Must meet the following requirements: [list key requirements to be met by each member otherwise state: ”N/A”] | Must meet the following requirements: [list key requirements to be met by each member otherwise state: ”N/A”] | Form EXP – 4.2 (c) |

Section IV. Application 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) **No Reservations:** we have examined and have no reservations to the Prequalification Documents, including Addendum(s) No(s)., issued in accordance with Instructions to Applicants (ITA) 8: ***[insert the number and issuing date of each addendum]****;*

(b) **No conflict of interest:** we have no conflicts of interest in accordance with ITA 4;

(c) **Eligibility**: we meet the eligibility requirements stated in ITA 4 and have not been suspended by the Employer based on execution of a Bid-Securing Declaration in accordance with ITA 4.10;

(d) **Suspension and Debarment:** we, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Caribbean Development Bank (CDB). Further, we are not ineligible under the Employer’s country laws or official regulations or pursuant to a decision of the United Nations Security Council;

(e)**State-owned enterprise or institution:** ***[insert either "we are not a******state-owned entity" or "we are a state-owned entity, but meet the requirements of ITA 4.9]****;*

(f) **Subcontractors and Specialized Subcontractors:** we, in accordance with ITA 24.2 and 25.2, we 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 (a) or (b) which the Employer has permitted under the Prequalification Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]****;*

(g) **Commissions, gratuities, fees:** 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:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Recipient** | **Address** | **Reason** | **Amount** |
| *[insert full name for each occurrence]* | *[insert street/ number/city/country]* | *[indicate reason]* | *[specify amount currency, value, exchange rate and US$ equivalent]* |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

*[****If no payments are made or promised, add the following statement****: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application].*

(h) **Not bound to accept:** 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 process, without incurring any liability to the Applicants, in accordance with ITA Clause 26; and

(i) **True and Correct:** All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

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]***

***[For a joint venture, either all partners shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all partners shall be attached]***

**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  ***[insert full legal name]*** |
| In case of Joint Venture (JV), legal name of each partner:  ***[insert full legal name of each partner in JV]*** |
| Applicant's Actual or Intended country of constitution:  ***[indicate country of Constitution]*** |
| Applicant's actual or Intended year of constitution:  ***[indicate year of Constitution]*** |
| Applicant's legal address in country of registration:  ***[insert street/ number/ town or city/ country]*** |
| Applicant's authorized representative information  Name: ***[insert full legal name]***  Address: ***[insert street/ number/ town or city/ country]***  Telephone/Fax numbers: ***[insert telephone/fax numbers, including country and city codes]***  E-mail address: ***[indicate e-mail address]*** |
| 1. Attached are copies of original documents of:  🞎 Articles of Incorporation or Documents of Constitution, and documents of registration of the legal entity named above, in accordance with ITA 4.5.  🞎 In case of state-owned enterprise or institution, in accordance with ITA 4.9 documents establishing:   * Legal and financial autonomy * Operation under commercial law   2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

**Form ELI -1.2**

Applicant's Party Information Form

***[The following form is additional to Form ELI – 1.1., and shall be completed to provide information relating to each JV member (in case the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification.]***

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:  *[insert full legal name]* |
| Applicant's Party legal name:  *[insert full legal name of Applicant's Party]* |
| Applicant's Party country of registration:  *[indicate country of registration]* |
| Applicant Party's year of constitution:  *[indicate year of constitution]* |
| Applicant Party's legal address in country of registration:  *[insert street/ number/ town or city/ country]* |
| Applicant Party's authorized representative information  Name: *[insert full legal name]*  Address: *[insert street/ number/ town or city/ country]*  Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*  E-mail address: *[indicate e-mail address]* |
| 1. Attached are copies of original documents of:  * Articles of Incorporation or Documents of Constitution, and documents of registration of the legal entity named above, in accordance with ITA 4.5.   🞎 In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.2.  🞎 In case of state-owned enterprise or institution, in accordance with ITA 4.9 documents establishing:   * Legal and financial autonomy * Operation under commercial law   2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

**Form CON – 2**

Historical Contract Non-Performance and Pending Litigation and Litigation History

*[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 | | | |
| 🞎 Contract non-performance did not occur since 1st January *[insert year]* specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.  🞎 Contract(s) not performed 1st January [insert year]specified in Section III, Qualification Criteria and Requirements, requirement 2.1 | | | |
| **Year** | **Non- performed Portion of Contract** | **Contract Identification** | **Total Contract Amount (current value, USD equivalent)** |
| ***[insert year]*** | ***[insert amount and percentage]*** | Contract Identification: ***[indicate complete contract name/number, and any other identification]***  Name of Employer: ***[insert full name]***  Address of Employer: ***[insert street/city/country]***  Reason(s) for non-performance: ***[indicate main reason(s)]*** | ***[insert amount]*** |
| Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements | | | |
| 🞎 No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. | | | |
| 🞎 Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below. | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **Year of Dispute** | **Amount in dispute (currency)** | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
| ***[insert year]*** | ***[insert amount]*** | Contract Identification: ***[indicate complete contract name, number, and any other identification]***  Name of Employer: ***[insert full name]***  Address of Employer: ***[insert street/city/country]***  Matter in dispute: ***[indicate main issues in dispute]***  Party who initiated the dispute: ***[indicate “Employer” or “Contractor”]***  Status of dispute***: [Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]*** | ***[insert amount]*** |
| Litigation History in accordance with Section III, Qualification Criteria and Requirements | | | |
| 🞎 No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4.  🞎 Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below. | | | |
| **Year of Award** | **Outcome as Percentage of Net Worth** | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
| **[*insert year*]** | ***[insert percentage]*** | Contract Identification: ***[indicate complete contract name, number, and any other identification]***  Name of Employer: ***[insert full name]***  Address of Employer: ***[insert street/city/country]***  Matter in dispute: ***[indicate main issues in dispute]***  Party who initiated the dispute: ***[indicate “Employer” or “Contractor”]***  Reason(s) for Litigation and award decision ***[indicate main reason(s)]*** | ***[insert amount]*** |

**Form CON – 3**

ESHS Performance Declaration

***[The following table shall be filled in for the Applicant, each member of a Joint Venture and each Specialized Subcontractor]***

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Environmental, Social, Health and Safety (ESHS) Performance Declaration**  **in accordance with Section III, Qualification Criteria, and Requirements** | | | |
| 🞎 **No suspension or termination of contract**: An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental, Social, Health and Safety (ESHS) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5.  🞎 **Declaration of suspension or termination of contract**: The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental, Social, Health and Safety (ESHS) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below: | | | |
| **Year** | **Suspended or Terminated Portion of Contract** | **Contract Identification** | **Total Contract Amount (current value, currency, exchange rate and USD equivalent)** |
| ***[insert year]*** | ***[insert amount and percentage]*** | Contract Identification: ***[indicate complete contract name/ number, and any other identification.]***  Name of Employer: ***[insert full name]***  Address of Employer: ***[insert street/city/country]***  Reason(s) for suspension or termination: ***[indicate main reason(s) e.g. gender based violence; sexual exploitation or assault breaches; safety breaches]*** | ***[insert amount]*** |
| ***[insert year]*** | ***[insert amount and percentage]*** | Contract Identification: ***[indicate complete contract name/ number, and any other identification.]***  Name of Employer: ***[insert full name]***  Address of Employer: ***[insert street/city/country]***  Reason(s) for suspension or termination: ***[indicate main reason(s)]*** | ***[insert amount]*** |
| *…* | *…* | *[list all applicable contracts]* |  |
| **Performance Security called by an Employer(s) for reasons related to ESHS Performance** | | | |
| **Year** | **Contract Identification** | | **Total Contract Amount (current value, currency, exchange rate and USD equivalent)** |
| ***[insert year]*** | Contract Identification: ***[indicate complete contract name/ number, and any other identification.]***  Name of Employer: ***[insert full name]***  Address of Employer: ***[insert street/city/country]***  Reason(s) for calling of performance security: ***[indicate main reason(s) e.g. gender-based violence; sexual exploitation or assault breaches.]*** | | ***[insert amount]*** |

**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**  **(USD equivalent in 000s)** | **Historic information for previous *[insert number]*****years**, ***[insert in words]***  **(Amount in currency, currency, exchange rate\*, USD equivalent)** | | | | |
| **Year 1** | **Year 2** | **Year 3** | **Year 4** | **Year 5** |
| **Statement of Financial Position (Information from Balance Sheet)** | | | | | |
| Total Assets (TA) |  |  |  |  |  |
| Total Liabilities (TL) |  |  |  |  |  |
| Total Equity/Net Worth (NW) |  |  |  |  |  |
| Current Assets (CA) |  |  |  |  |  |
| Current Liabilities (CL) |  |  |  |  |  |
| Working Capital (WC) |  |  |  |  |  |
| **Information from Income Statement** | | | | | |
| Total Revenue (TR) |  |  |  |  |  |
| Profits Before Taxes (PBT) |  |  |  |  |  |
| **Cash Flow Information** | | | | | |
| Cash Flow from Operating Activities |  |  |  |  |  |

**\*** Refer to ITA 14 for the date and source of the exchange rate.

**2. Sources of Finance**

***[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]***

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

|  |  |  |
| --- | --- | --- |
| **No.** | **Source of Finance** | **Amount (USD equivalent)** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
|  |  |  |

**3. Financial documents**

The Applicant and its parties shall provide copies of 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 in case of JV member, and not an affiliated entity (such as parent company or group member).

(b) be independently audited or certified in accordance with local legislation.

(c) be complete, including all notes to the financial statements.

(d) correspond to accounting periods already completed and audited.

🞎 Attached are copies of financial statements[[11]](#footnote-11) 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** | **Exchange Rate\*** | **USD Equivalent** |
| ***[insert year]*** | ***[insert amount and indicate currency]*** |  | ***[insert amount in USD equivalent]*** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| Average Annual Construction Turnover \*\* |  |  |  |

\* Refer to ITA 14 for the date and source of exchange rate.

\*\* 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** |
| ***[indicate month/ year]*** | ***[indicate month/ year]*** | Contract name: ***[insert full name]***  Brief Description of the Works performed by the Applicant**: *[describe works performed briefly]***  Amount of contract: ***[insert amount in currency, mention currency used, exchange rate and USD equivalent\*]***  Name of Employer: ***[indicate full name]***  Address: ***[indicate street/number/town or city/country]*** | ***[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]*** |
|  |  | Contract name: ***[insert full name]***  Brief Description of the Works performed by the Applicant: ***[describe works performed briefly]***  Amount of contract: ***[insert amount in currency, mention currency used, exchange rate and US$ equivalent\*]***  Name of Employer: ***[indicate full name]***  Address: ***[indicate street/number/town or city/country]*** | ***[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]*** |
|  |  | Contract name: ***[insert full name]***  Brief Description of the Works performed by the Applicant: ***[describe works performed briefly]***  Amount of contract: ***[insert amount in currency, mention currency used, exchange rate and USD equivalent\*]***  Name of Employer: ***[indicate full name]***  Address: ***[indicate street/number/town or city/country]*** | ***[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]*** |

\*Refer ITA 14 for date and source of exchange rate.

**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. *[insert number]* of *[insert number of similar contracts required]*** | **Information** | | | |
| Contract Identification | ***[insert contract name and number, if applicable]*** | | | |
| Award Date | ***[insert day, month, year, i.e., 15 June, 2015]*** | | | |
| Completion Date | ***[insert day, month, year, i.e., 03 October, 2017]*** | | | |
| Role in Contract  ***[check the appropriate box]*** | Prime Contractor  🞎 | Member  in JV  🞎 | Management Contractor  🞎 | Subcontractor  🞎 |
| Total Contract Amount | ***[insert total contract amount in local currency]*** | | ***[insert Exchange rate and total contract amount in USD equivalent]\**** | |
| If partner in a JV, or subcontractor, specify share in value in total Contract amount and roles and responsibilities | ***[insert a percentage amount]*** | ***[insert total contract amount in local currency]*** | ***[insert exchange rate and total contract amount in USD equivalent]\**** | |
| ***[Insert roles and responsibilities]*** | | | |
| Employer's Name: | ***[insert full name]*** | | | |
| Address:  Telephone/fax number  E-mail: | ***[indicate street / number / town or city / country]***  ***[insert telephone/fax numbers, including country and city area codes]***  ***[insert e-mail address, if available]*** | | | |

\*Refer ITA 14 for date and source of exchange rate.

**Form EXP - 4.2(a) (cont.)**

**Similar Construction Experience (cont.)**

|  |  |
| --- | --- |
| **Similar Contract No. *[insert number]* of *[insert number of similar contracts required]*** | **Information** |
| Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III: |  |
| Amount | ***[insert amount in local currency, exchange rate, USD in words and in figures]*** |
| Physical size of required works items | ***[insert physical size of activities]*** |
| Complexity | ***[insert description of complexity]*** |
| Methods/Technology | ***[insert specific aspects of the methods/technology involved in the contract]*** |
| Construction Rate for Key Activities | ***[insert rates and items*]** |
| Other Characteristics | ***[insert other characteristics as described in Section  VII, Scope of Works]*** |

**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]***

Total Quantity of Activity under the contract: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Item** | **Information** | | | | | |
| Contract Identification | ***[insert contract name and number, if applicable]*** | | | | | |
| Award Date | ***[insert day, month, year, e.g., 15 June, 2017]*** | | | | | |
| Completion Date | ***[insert day, month, year, e.g., 03 October, 2019]*** | | | | | |
| Role in Contract  ***[check the appropriate box]*** | Prime Contractor  🞎 | Member in JV  🞎 | | Management Contractor  🞎 | | Sub-contractor  🞎 |
| Total Contract Amount | ***[insert total contract amount in contract currency(ies)]*** | | | | ***[insert exchange rate and total contract amount in USD equivalent]*** | |
| Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year.  ***[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]*** | Total Quantity in the Contract  (i) | | Percentage Participation  (ii) | | | Actual Quantity Performed  (i) x (ii) |
| Year 1 |  | |  | | |  |
| Year 2 |  | |  | | |  |
| Year 3 |  | |  | | |  |
| Year 4 |  | |  | | |  |
| Employer’s Name:  Address:  Telephone/fax number  E-mail: | ***[insert full name]***  ***[indicate street / number / town or city / country]***  ***[insert telephone/fax numbers, including country and city area codes]***  ***[insert e-mail address, if available]*** | | | | | | |

1. **Activity No. Two**

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

**Form EXP - 4.2(c)**

**Specific Experience in Managing ESHS Aspects**

***[The following table shall be filled in for contracts performed by the Bidder,***

***and each member of a Joint Venture]***

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

* + - 1. **Key Requirement No. 1 in accordance with 4.2 (c)**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Contract Identification |  | | | |
| Award Date |  | | | |
| Completion Date |  | | | |
| Role in Contract | Prime Contractor  🞎 | Member in  JV  🞎 | Management Contractor  🞎 | Subcontractor  🞎 |
| Total Contract Amount |  | | USD | |
| Details of relevant experience |  | | | |

* + - 1. **Key Requirement No. 2 in accordance with 4.2 (c): *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***
      2. **Key Requirement No. 3 in accordance with 4.2 (c): *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***
      3. …

Section V. Eligible Countries

1. In reference to ITA 4.5 eligible countries are ***[insert eligible countries which unless stated otherwise in the financing agreement will be CDB member countries]***

2. In reference to ITA 5.1 and 5.2, for the information of the Applicants, at the present time firms and individuals, supply of goods, or contracting of works or services, from the following countries are excluded from this prequalification process:

Under ITA 5.1 (a): ***[insert a list of the countries following approval by the Bank to apply the restriction or state “none”]***

Under ITA 5.1 (b): ***[list the countries or state “none”]***

**Section VI. Prohibited Practices and Other Integrity Related Matters**

***[Notes to the Client: This Section VI shall not be modified.]***

1. CDBhas a Strategic Framework for Integrity, Compliance and Accountability that articulates CDB’s adherence to the highest standards of integrity, ethics and accountability with zero tolerance for fraud, corruption money laundering, terrorist financing and similarly corrosive conduct. CDB requires that recipients, as well as bidders, proposers, firms, suppliers, service providers, contractors, sub-contractors, Consultants, sub-consultants, project promoters, sponsors, beneficiaries of CDB financing and parties bound by special provisions pursuant to CDB financed contracts, as well as their respective officers, employees and agents, observe the highest standard of integrity during the procurement and/or the execution of CDB-financed contracts and refrain from integrity violations, particularly Prohibited Practices (as defined below). In pursuance of this requirement, CDB:
2. defines, for the purposes of this provision, Prohibited Practices as follows:
3. **“corrupt practice”** is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the action of another party;
4. **“fraudulent practice”** 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;
5. **“collusive practice”** is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
6. **“coercive practice”** 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; and
7. **“obstructive practice”** is:
8. deliberately destroying, falsifying, altering, or concealing of evidence related to an investigation or making false statements or false allegation to CDB in order to impede a CDB investigation into allegations of an integrity violation particularly Prohibited Practices; and/or threatening, harassing, or intimidating any party to delay or prevent it from sharing evidence or disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
9. acts which impede the exercise of CDB’s access, inspection and audit rights provided for under Paragraph 1. (f) below.
10. will not provide a no-objection and will reject a Proposal for award if it determines that the Bidder or Proposer recommended for award has, directly or through an agent, engaged in any Prohibited Practice in competing for the contract in question;
11. may temporarily suspend an individual or entity from: (a) receiving a payment in respect of a CDB-financed project, to the extent contractually permissible, where to make the payment could result in harm to CDB; or (b) participating in or being awarded a contract for a project financed by CDB;
12. will usually impose such sanctions as applicable including to cancel all or a portion of the CDB Financing allocated to a contract if it determines at any time that representatives of the Recipient or the Recipient engaged in Prohibited Practices during the procurement or the execution of that contract, without the Recipient having taken timely and appropriate action satisfactory to CDB to remedy the situation;
13. may maintain on its website or other publicly accessible platforms a list of Firms and individuals sanctioned by CDB; and
14. will have the right to require that a provision be included in the tender or RFP documents, and similar associated documents, and in contracts to be financed by CDB; requiring Bidders, Proposers, Firms, Suppliers, service providers, Contractors, sub-contractors, Consultants, sub-consultants, suppliers, project promoters, sponsors, beneficiaries of CDB financing and parties bound by special provisions pursuant to CDB financed contracts, as well as their respective officers, employees and agents to: (i) cooperate promptly, fully and in good faith with any audit or investigation conducted by CDB to determine whether any wrongdoing or integrity violation, specifically a Prohibited Practice has occurred, (ii) respond promptly and in reasonable detail to any notice from CDB, (iii) furnish documentary support for such response upon CDB’s request; (iv) make available to CDB for interviews their employees and agents to respond to questions from any investigator, agent, auditor or consultant designated by the CDB to conduct an investigation; and (v) provide access to, inspect and make copies of their accounts and records and other documents relating to the Bid/Proposal submission, contract performance and to have them audited by auditors appointed by CDB and/or subjected to investigation by CDB’s Office of Integrity, Compliance and Accountability.
15. With the specific agreement of CDB, a Recipient may introduce, into Bid forms for contracts financed by CDB, an undertaking of the Bidder/Proposer to observe, in competing for and executing a contract, the laws of the country in which the Project is being carried out against Prohibited Practices, as listed in the tender or RFP documents, and similar associated documents[[12]](#footnote-12). CDB will accept the introduction of such undertaking at the request of a BMC, provided the arrangements governing such undertaking are satisfactory to CDB.
16. When conducting the evaluation of Bids/Proposals, the Recipient shall conduct integrity due diligence on Bidders/Proposers including to assess and mitigate any risks related to Prohibited Practices they may present and to check the eligibility of Bidders/Proposers against the lists of Firms and individuals temporarily suspended or sanctioned, pursuant to Paragraphs 1. (c) and (d) above. The Recipient shall apply additional due diligence by closely supervising and monitoring any on-going contract (whether under prior or post review) executed by a Firm or individual which has been suspended or sanctioned by CDB after such contract was signed. The Recipient shall neither sign any new contracts nor sign any amendment, including any extension of time for completion, to an on-going contract with a temporarily suspended or sanctioned Firm or individual after the effective date of the suspension or sanction without CDB’s prior review and no-objection (whether under prior or post review).

PART 2 – Works Requirements

Section VII. Scope of Works

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1. Description of the Works

2. Construction Period

**3. Site and Other Data**

4. Environment, Social, Health and Safety (ESHS) Requirements

***[The Employer’s team preparing the ESHS requirements should include a suitably qualified Environmental and Social specialist/s to assess the likely risks. Based on the ESHS assessment, the Employer shall provide key ES risks and impacts and expectations on contractors to manage the risks and impacts. This may include as appropriate, but not limited to a summary of: key expectations in addressing Sexual Exploitation and Assault (SEA) risks and impacts, managing labor and working conditions, protection of the environment, security of the site, community health and safety, management of safety of hazardous materials, resource efficiency and pollution prevention and management, biodiversity conservation and sustainable management of living natural resources etc. Any summary (key) information provided here shall not be inconsistent with the more detailed requirements in the bidding document.]***

1. If this Document is being used to prequalify Applicants for the Procurement of Plant, modify this provision in the PDS to reflect the “One Bid per Bidder” provision in the relevant Bank’s Standard Procurement Document for plant. [↑](#footnote-ref-1)
2. Nonperformance, as decided by the Employer, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation 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. [↑](#footnote-ref-2)
3. This requirement also applies to contracts executed by the Applicant as JV member. [↑](#footnote-ref-3)
4. The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application. [↑](#footnote-ref-4)
5. Information should be provided for the past five years. The Employer may use this information to seek further information or clarifications during the bidding stage and the associated due diligence. [↑](#footnote-ref-5)
6. Substantial completion shall be based on 80% or more works completed under the contract. [↑](#footnote-ref-6)
7. For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant’s share, by value, and role and responsibilities shall be considered to meet this requirement. [↑](#footnote-ref-7)
8. In the case of JV, the value of contracts completed by its partners shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all partners each of value equal or more than the minimum value required shall be aggregated. [↑](#footnote-ref-8)
9. Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.  [↑](#footnote-ref-9)
10. The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise. [↑](#footnote-ref-10)
11. If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified. [↑](#footnote-ref-11)
12. As an example, such an undertaking might read as follows: “We undertake that, in competing for (and, if the award is made to us, in executing) the above contract, we will strictly observe the laws against Prohibited Practices in force in the country of the [Purchaser or Employer], as such laws have been listed by the [Purchaser or Employer] in the Procurement Documents for this contract.” [↑](#footnote-ref-12)