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**Government of Jamaica**

 PUBLIC PROCUREMENT STANDARD BIDDING DOCUMENT

**ANNEX W14**

**Prequalification**

**International Competitive Bidding**

April 2019

**Foreword**

This standard bidding document (SBD) for “Procurement of Works” has been prepared by the Ministry of Finance (MOF). Its use is mandatory for the procurement of works through international competitive bidding.

This SBD shall at all times be read in conjunction with the Public Procurement Act and Regulations. Further edits to ensure compliance with the Act may be required by the Procuring Entity.

Those wishing to submit comments or questions on this document or to obtain additional information should contact:

Chief Public Procurement Policy Officer,

Office of Public Procurement Policy,

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Kingston 4

Jamaica

**opppcustomercare@mof.gov.jm**

BIDDING DOCUMENTS

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

**for**

**Prequalification for the Procurement of**

*[insert identification of the works]* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Ref No:** *[insert reference number]*

**Procuring entity:** *[insert name of procuring entity]*

**Abbreviations and Acronyms**

Act Public Procurement Act, 2015

Commission Public Procurement Commission

e-GP electronic Government Procurement System

ICB International Competitive Bidding

ITA Instructions to Applicants

JV Joint Venture

MOF Ministry of Finance

Office Office of Public Procurement Policy

PDS Prequalification Data Sheet

regulations The Public Procurement Regulations

SBD Standard Bidding Document

TCL Tax Compliance Letter

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| GeneralA. Contents of the Prequalification Document**1. Sections of Prequalification Document**1.1 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 Clause 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

PART 2 Works RequirementsSection V. Scope of Works1.2 The “Invitation for Prequalification Applications” issued by the procuring entity is not part of the prequalification document. 1.3 The procuring entity accepts no responsibility for the completeness of the prequalification document and its addenda unless they were obtained directly from the procuring entity.1.4 The Applicant is expected to examine all instructions, forms, terms, and specifications in the prequalification document. Failure to furnish all mandatory information or documentation required by the prequalification documents may result in the rejection of the Application.2. Scope of Application2.1 The procuring entity **specified in the Prequalification Data Sheet (PDS),** issues these standard prequalification documents (SPD) for the prequalification of the works thereto as specified in Section V, Works Requirements. The name and identification number of this international competitive bidding (ICB) procurement are **specified in the PDS.** The name, identification, and number of lots are **provided in the PDS.**2.2 Throughout these prequalification documents:the term “in writing” means a communication in hand or machine written type and includes messages by facsimile, e-mail and other electronic forms of communications with proof of receipt. “Electronic communications” means the transfer of information using electronic or similar media and the recording of information using electronic media.if the context so requires, “singular” means “plural” and vice versa; and “day” means calendar day.* 1. Bidding will be conducted either in hard copy or using the electronic Government Procurement (e-GP) System as specified in the PDS.

3. Source of Funds3.1 The procuring entity has received public funds toward the cost of the project named in the **PDS** for the execution of this procurement. 4. **Fraud, Corruption and Other Prohibited Practices**

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| * 1. The Government of Jamaica requires that all parties involved in the procurement proceedings and execution of such contracts observe the highest standard of ethics.
	2. For the purposes of this provision, offences of fraud and corruption are defined in Part VII of the Public Procurement Act, 2015 (Act) and any other Act relating to corrupt activities in Jamaica.
	3. A person who commits an offence under the Act or any other Act relating to corrupt activities in Jamaica shall ---
		1. be liable for conviction under the provisions of the Act or any other Act relating to corrupt activities in Jamaica;
		2. have their bid rejected if it is determined that the bidder is not in compliance with the provisions of the Act, the regulations or any other Act relating to corrupt activities in Jamaica;
		3. risk other sanctions provided for in the Act or the regulations.
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| 1. Eligible bidders
	1. In accordance with the Public Procurement Regulations, 2018, Section 17, bidders shall have to demonstrate that they have paid all taxes, duties, fees and other impositions as may be levied in Jamaica at the time of award of contract provided that the procurement contract requires the contractor to be physically located in Jamaica.
	2. In accordance with the Public Procurement Regulations, 2018, Section 17, bidders shall have to demonstrate their compliance with Section 15 of the Act at the time of award of contract provided that the procurement contract requires the contractor to be physically located in Jamaica.

4.3 Bidders shall provide such evidence of their continued eligibility as the procuring entity may reasonably request. 1. **Disqualified Bidders**
	1. Failure to directly **obtain** the bidding documents from the procuring entity will result in d**isqualification from the procurement proceedings.**
	2. A bidder shall not have a conflict of interest. All bidders found to have a conflict of interest shall be disqualified. Bidders may be considered to have a conflict of interest with one or more parties in this bidding process, if they are or have been associated in the past, with a firm or any of its affiliates which have been engaged by the procuring entity to provide consulting services for the preparation of the design, specifications, and other documents to be used for the procurement of the goods to be purchased under this bidding document; or that has been hired (or is proposed to be hired) by the procuring entity as Project Manager for the Contract.
	3. A bidder that is ineligible in accordance with ITB Clause 3, at the date of contract award, shall be disqualified.
	4. A Bidder falling in any of the disqualification grounds in sections 18 and 19 of The Public Procurement Regulations 2018 shall be disqualified
2. **Joint Venture**

6.1 Bidders shall not submit more than one bid in this bidding process, except for alternative bids permitted under ITB Clause 14. This does not limit the participation of Subcontractors in more than one bid. * 1. A bidder may be a firm that is a private entity or the combination of such entities in the form of a joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members 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 members of the JV during the bidding process and, in the event the JV is awarded the Contract, during contract execution. Unless specified **in the BDS**, there is no limit on the number of members in a JV.
	2. Except as provided in ITB Sub-Clauses 5.2 and 6.1, this bidding process is open to:
		1. if a pre-qualification process has been undertaken for the Contract(s) for which these bidding documents have been issued, those firms - in case of JV with the same partner(s) and JV - that have been pre-qualified. The **BDS** specifies whether pre-qualified bidders may submit joint bids; or
		2. if a pre-qualification process has not been undertaken for the Contract(s) for which these bidding documents have been issued, then the provision of sub-clauses 5.3 and 47.1 apply.
1. Eligible goods and related services
	1. The term “goods” means (a) things of every kind and description, whether tangible or intangible, including (i) commodities, agricultural crops, raw materials, products and equipment; (ii) matter in solid, liquid or gaseous form; and (b) services incidental to the supply of such things.

7.2 For the purpose of this Clause, origin means, but is not limited to, the country where the goods have been grown, mined, cultivated, produced, manufactured, processed or services provided; or through manufacture, processing, or assembly, another commercially recognized article results that differs substantially in its basic characteristics from its components. |

**5.4 Furthermore, bidders shall be aware of the provision stated in Sub-Clause 34.1 (a) (iii) of the General Conditions of Contract** |
| 6. Applicant(s)* 1. An Applicant may be: a person, firm, a person or firm in joint venture that is a private entity or the combination of such entities in the form of a joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members 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 members of the JV during the bidding process and, in the event the JV is awarded the contract, during contract execution. Unless specified in the PDS, there is no limit on the number of members in a JV.

6.2 An Applicant shall be deemed to have the nationality of a country if the Applicant is a citizen or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed Subcontractors for any part of the contract including related services. * 1. 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 Application for the same contract. All Applications submitted in violation of this procedure will be rejected.
	2. All Applicants found to have a conflict of interest shall be disqualified if:

i. they are or have been associated in the past, with a firm or any of its affiliates which have been engaged by the procuring entity to provide consulting services for the preparation of the design, specifications, and other documents to be used for the procurement of works to be purchased under these prequalification documents. ii. one or more parties in this prequalification process, have been associated in the past, with a firm or any of its affiliates which have been engaged by the procuring entity to provide consulting services for the preparation of the design, or that has been hired (or is proposed to be hired) by the procuring entity as Engineer for the contract;  specifications, and other documents to be used for the procurement of works to be purchased under these prequalification documents;C. they have controlling partners in common;D they receive or have received any direct or indirect subsidy from any of them; they have E. the same legal representative for purposes of this Application; F. they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the Application of another Applicant, or influence the decisions of the procuring entity regarding this prequalification process;  6.5 Participation by an Applicant in more than one Application will result in the disqualification of all Applications in which the party is involved. However, this does not limit the inclusion of the same Subcontractor in more than one Application. An Applicant that is ineligible in accordance with ITA Clause 3, at the date of contract award, shall be disqualified.6.6 An applicant has the right to a reconsideration or review of an action or decision of the procuring entity in accordance with the reconsideration and review procedures.  |
| 7. Materials, Equipment, and Services * 1. The materials, equipment and services to be supplied under the contract may have their origin in any country. At the procuring entity’s request, Applicants may be required to provide evidence of the origin of materials, equipment and services.
	2. For the purpose of this Clause, origin means, but is not limited to the country where the goods have been grown, mined, cultivated, produced, manufactured, processed or services provided; or through manufacture, processing, or assembly, another commercially recognized article results that differs substantially in its basic characteristics from its components.

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|  .8. Clarification of Prequalification Document* 1. A prospective Applicant requiring any clarification of the prequalification documents shall contact the procuring entity in writing at the procuring entity’s address specified in the PDS. The procuring entity will respond in writing to any request for clarification, provided that such request is received prior to the period specified in the PDS. In the case of electronic prequalification clarifications should be submitted through the GOJEP System. The procuring entity shall forward copies of its response to all those who have acquired the prequalification documents directly from it, including a description of the inquiry but without identifying the source.
	2. Should the procuring entity deem it necessary to amend the prequalification documents as a result of a clarification, it shall do so following the procedure under ITA Clause 8.
	3. If the clarification results in the PDS being materially inaccurate the procuring entity shall withdraw and reissue the PDS. Bidders who obtained these original documents will be permitted to participate without penalty.

9. Amendment of Prequalification Document* 1. At any time prior to the deadline for submission of Applications, the procuring entity may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Applicant, amend the prequalification documents. Later amendments on the same subject modify or replace earlier ones.
	2. Amendments will be provided in the form of Addenda to the prequalification documents, which will be sent in writing to all prospective Applicants that received the prequalification documents from the procuring entity. Addenda will be binding on Applicants. Applicants are required to immediately acknowledge receipt of any such Addenda. It will be assumed by the procuring entity that the amendments contained in such Addenda will have been taken into account by the Applicant in its Application. In the case of electronic prequalification any amendments to the prequalification documents will be issued through the GOJEP System.
	3. In order to afford prospective Applicants reasonable time in which to take the amendment into account in preparing their Applications, the procuring entity may, at its discretion, extend the deadline for the submission of Applications, in which case, the procuring entity will notify all Applicants in writing of the extended deadline for the submission of Applications, pursuant to ITA Sub-Clause 17.2.

C. Preparation of Applications |
| 10. Cost of Applications* 1. The Applicant shall bear all costs associated with the preparation and submission of its Application, and the procuring entity shall not be responsible or liable for those costs.
	2. The procuring entity shall incur no liability by virtue of it exercising its power to cancel a procurement in accordance with Sections 41 and 44 of the Act.
	3. Notwithstanding sections 9.1 and 9.2, should the Procurement Review Board, following an application for reconsideration decide that the actions of the procuring entity were not in compliance with the provisions of the Act or the regulations, the Procurement Review Board may require the payment of compensation for any reasonable costs incurred by the Applicant.

10. Language of Application10.1 The Application, as well as, all correspondence and documents relating to the Application exchanged by the Applicant and the procuring entity, shall be written in the English language. 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 English language, in which case, for purposes of interpretation of the Application, such translation shall govern. 11. Documents Comprising the Application11.1 The Application shall comprise the following: (a) Application Submission Form, in accordance with ITA Clause 12;(b) documentary evidence establishing the Applicant’s legal status, in accordance with ITA Clause 13;(c) documentary evidence establishing the Applicant’s qualifications, in accordance with ITA Clause 14; and(d) any other document required as specified in the **PDS.**11.2 In addition to the requirements under ITA Sub-Clause 11.1, Applications submitted by a JV shall include a copy of the Joint Venture Agreement entered into by all partners. Alternatively, a Letter of Intent to execute a Joint Venture Agreement in the event of a successful Application shall be signed by all partners and submitted with the Application, together with a copy of the proposed agreement. 11.3 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.12. Application Submission Form12.1 The Applicant shall prepare an Application Submission form using the template provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.13. Documents Regarding the Applicant’s Legal Status 13.1 To establish its legal status in accordance with ITA Clause 4, the Applicant shall complete the declarations in the Application Submission Form and Forms ELI1.1 and 1.2, included in Section IV, Application Forms.14. Documents Establishing the Qualifications of the Applicant14.1 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 Copies15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA Clause 11 and clearly mark it “ORIGINAL” In the case of electronic prequalification the Application uploaded on the GOJEP system shall be the “ORIGINAL”. In addition for hard copy Applications, the Applicant shall submit copies of the 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.15.2 The original and all copies of the Application shall be typed, digitally entered or written in permanent ink and shall be signed and stamped by a person duly authorized to sign on behalf of the Applicant. This authorization shall consist of a power of attorney and shall be attached to the Application.15.3 Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the person signing the Application. D. Submission of Applications16. Sealing and Identification of Applications16.1 Applications shall be submitted by hand in hard copy or electronically as specified in the PDS. * + 1. Applicants submitting Applications by mail or by hand shall enclose the original and each copy of the Application, in accordance with ITA Clause 15, in separate sealed envelopes, duly marking the envelopes as **“ORIGINAL”** and **“COPY.”** These envelopes containing the original and the copies shall then be enclosed in one single envelope. The rest of the procedure shall be in accordance with ITA Sub-Clauses 16.2, 16.3 and 16.4.
		2. Applicants submitting Applications electronically shall follow the procedures as described in the GOJEP Guide for Suppliers.

16.2 For hard copy Applications the inner and outer envelopes shall:1. bear the name and address of the Applicant;
2. be addressed to the procuring entity in accordance with ITA Sub-Clause 17.1;
3. bear the specific identification of this prequalification process indicated in the PDS Sub-Clause 1.1 and any additional identification marks as specified in the PDS; and
4. bear a warning not to open before the time and date for Application opening, in accordance with ITA Sub-Clause 19.1.
	1. If all envelopes are not sealed and marked as required, the procuring entity will assume no responsibility for the misplacement or premature opening of the Application.
	2. The proposals shall be deposited in the TENDER BOX provided in the address stated in ITA Sub-Clause 17.1.

17. Deadline for Submission of Applications17.1 Applications must be received by the procuring entity at the address or through the e-GP System and no later than the date and time **indicated in the PDS**. 17.2 The procuring entity may, at its discretion, extend the deadline for the submission of Applications by amending the prequalification document in accordance with ITA Clause 8, in which case all rights and obligations of the procuring entity and Applicants previously subject to the deadline shall thereafter be subject to the deadline as extended.18. Late Applications18.1 The procuring entity shall not consider any Application that arrives after the deadline for submission of Applications, in accordance with ITA Clause 17. All late Applications shall be declared late and rejected. The applicant will be notified and must collect their application within 30 days. If the application is not collected within this period it shall be destroyed. 18.2 In the case of electronic prequalification Applicants will be unable to upload their Application once the Application submission deadline has passed.19. Opening of Applications19.1 For hard copy Applications, the procuring entity shall open all Applications at the date, time and place specified **in the PDS**. The procuring entity shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.19.2 For electronic Applications, the GOJEP System shall prepare an Application opening report that shall include, as a minimum: the name of the Applicants. A copy of the report will be distributed to all Applicants.  |
| E. **Evaluation of Applications and Prequalification of Applicants**20. Confidentiality* 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.
	2. Any attempt by an Applicant or any person to influence the procuring entity in the evaluation, pursuant to Section 56 of the Act, shall result in the rejection of its Application.
	3. Notwithstanding ITA Sub-Clause 20.2, from the time of the deadline for submission of Applications to the notification of prequalification, if any Applicant wishes to contact the procuring entity on any matter related to the prequalification process, it should do so in writing.

21. Clarification of Applications* 1. To assist in the evaluation of the applications, the procuring entity may, at its discretion, ask any applicant for a clarification of its application. Any clarification submitted by an applicant in respect to their Application and that is not in response to a request by the procuring entity shall not be considered. The procuring entity’s request for clarification and the response shall be in writing. In the case of electronic prequalification this will be managed through the GOJEP System.
	2. If an applicant does not provide clarifications of its application by the date and time set in the procuring entity’s request for clarification, its application may be rejected.

22. Responsiveness of Applications22.1 The procuring entity may reject any Application which is not responsive to the requirements of the prequalification document.24. Subcontractors24.1 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 procuring entity does not intend to execute certain specific parts of the works by subcontractors selected in advance by the procuring entity (Nominated Subcontractors) unless otherwise stated in the **PDS.** |
| 25. Evaluation of Applications25.1 The procuring entity 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 procuring entity 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. The qualifications of other firms, including the applicant’s subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 24.2 above) or any other firm(s) different from the applicant shall not be considered.25.3 In case of multiple contracts, the procuring entity 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. Procuring entity’s Right to Accept or Reject Applications* 1. The procuring entity reserves the right to accept or reject any application, and to annul the prequalification process and reject all applications without thereby incurring any liability to applicants:

(a) at any time prior to the acceptance of the successful application; or(b) after the successful application is accepted if:* + - 1. the applicant presenting the successful application is disqualified under the Act or the regulations;
			2. the procurement is cancelled;
			3. the applicant presenting the successful application is excluded on the grounds of an unfair competitive advantage or a conflict of interest that is likely to impair the integrity of those procurement proceedings;
			4. the procurement proceedings, the application or the applicant contravenes or is otherwise not compliant with the provisions of the Act or the regulations.

27. Prequalification of Applicants27.1 All applicants whose applications have met or exceeded (“passed”) the specified threshold requirements will, to the exclusion of all others, be prequalified by the procuring entity as specified in the PDS.28. Notification of Prequalification* 1. Once the procuring entity has completed the evaluation it shall notify all applicants, in writing if they prequalified.

29. Invitation to Bid29.1 Promptly after the notification of the results of the prequalification, the procuring entity shall invite bids from all the applicants that have been prequalified.29. |
| 30. Changes in Qualifications of Applicants30.1 Any change in the structure or formation of an application after being prequalified in accordance with ITA Clause 27 and invited to apply shall be subject to a written approval of the procuring entity 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 procuring entity, a substantial reduction in competition may result. Any such changes shall be submitted to the procuring entity not later than 14 days after the date of the Invitation for Bids. |

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| Section II. Prequalification Data SheetThe following specific data for the works to be procured shall complement, supplement, or amend the provisions in the ITA. **Whenever there is a conflict, the provisions herein shall prevail over those in ITA.***[Instructions for completing the Application Data Sheet are provided, as needed, in square brackets and italics for the relevant ITA Clauses.]* |
| **A. General** |
| **ITA 1.1** | The procuring entity is: : [ *insert full name, including name of Project Officer, and address]* |
| **ITA 1.1** | The name and identification number of the ICB are: *[insert name and identification number]*The number, identification and names of the lots comprising this ICB are: *[insert number; list the lots of works]*ICB name and number are: *[insert name and identification number]* |
| **ITA 1.3** | Bidding will be conducted in accordance with *[hard copy procedures or e-GP procedures as further defined in the e-GP System: Quick Guide for Suppliers].* |
| **ITA 2.1** | The name of the Project is: *[insert name of Project]* |
| **ITA 4.1** | Maximum number of members in the JV shall be: *[insert a number or state no maximum]*  |
| **B. Contents of the Prequalification Document** |
| **ITA 7.1** | *[For hard copy Applications:**For* ***Clarification of Application purposes*** *only, the procuring entity’s address is:**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]**Postal Code: [insert postal code, if applicable]**Country : Jamaica**Facsimile number: [insert fax number**including country and city codes]**Electronic mail address: [insert e-mail address of Project Officer]]**[For electronic Applications:**All clarifications must be submitted through the e-GP System. Copies of all clarifications received will be available through the e-GP System.]*Requests for clarification should be received by the procuring entity no later than: ***[insert no. of days]*** before the deadline for submission of applications stated at ITA 17.1. |
| **C. Preparation of Applications** |
| **ITA 11.1 (d)** | The Applicant shall submit with its Application, the following additional documents: *[insert list of additional documents, if any, particularly pursuant to any administrative guidance issued by the Office]* |
| **ITA 15.1** | In addition to the original Application, the required number of copies is: *[insert number]* |
| **D. Submission of Applications** |
| **ITA 16.1** | Applications will be submitted in *[hard copy or electronically (e-GP procedures are defined in the e-GP System: Quick Guide for Suppliers)].* |
| **ITA 17.1** | For Application submission purposes, the procuring entity’s address is:Attention: *[insert full name of person, if applicable, or insert name of the Project Officer]*Address: *[insert street name and number]*Floor-Room number: *[insert floor and room number, if applicable] [important to avoid delays or misplacement of Applications]*City: *[insert name of city or town]*JamaicaThe deadline for the submission of Applications is:Date: *[insert day, month, and year, i.e. 15 June, 2016]*Time: *[insert time, and identify if a.m. or p.m., i.e. 10:30 a.m.]*  |
| ITA 19.1 | The Application opening shall take place at:Street Address: *[insert street address and number]* City: *[insert name of city or town]*JamaicaDate: *[insert day, month, and year, i.e. 15 June, 2016]*Time: *[insert time, and identify if a.m. or p.m. i.e. 10:30 a.m.]*  |
| **E. Procedures for Evaluation of Applications** |
| **ITA 24.2** | At this time the procuring entity *[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]* |

Section III. Qualification Criteria and Requirements

This Section contains all the criteria that the procuring entity shall use to evaluate Applications and prequalify Applicants. The Applicant shall provide all the information requested in the forms included in Section IV, Bidding Forms.

**Contents**

[1. Eligibility 14](#_Toc472856850)

[2. Historical contract Non-Performance 14](#_Toc472856851)

[3. Financial Situation and Performance 15](#_Toc472856852)

[4. Experience 17](#_Toc472856853)

**Eligibility and Qualification Table**

| **Eligibility and Qualification Criteria** | **Compliance Requirements** | **Documentation** |
| --- | --- | --- |
| **No.** | **Subject** | **Requirement** | **Single Entity** | **Joint Venture (existing or intended)** | **Submission Requirements** |
| **All Members Combined** | **Each Member** | **One Member** |
| 1. Eligibility |
| **1.1** | **Nationality** | Nationality in accordance with ITA 4.2 | 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 accordance with ITA 4.4 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Letter of Application |
| **1.3** | **Law of Jamaica**  | Eligible in accordance with ITA 4.7 | 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[[1]](#footnote-1) did not occur as a result of contractor default since 1st January [*insert year]*.  | Must meet requirement  | Must meet requirements | Must meet requirement[[2]](#footnote-2)  | N/A | Form CON-2 |
| **2.2** | **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 |
| **2.3** | **Litigation History** | No consistent history of court/arbitral award decisions against the Applicant[[3]](#footnote-3) since 1st January *[insert year]* | Must meet requirement  | Must meet requirement | Must meet requirement  | N/A | Form CON – 2  |
| 3. Financial Situation and Performance |
| **3.1** | **Financial Capabilities** | (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 mobilization payment) sufficient to meet the construction cash flow requirements estimated as USD $ *[insert amount]* for the subject contract(s) net of the Applicant’s other commitments(ii) The Applicants shall also demonstrate, to the satisfaction of the procuring entity, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.(iii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the procuring entity, for the last *[insert number of years]* years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability. | Must meet requirementMust meet requirementMust meet requirement | Must meet requirementMust meet requirementN/A | N/AN/AMust meet requirement | N/AN/AN/A | Form FIN – 3.1 with attachments  |
| **3.2** | **Average Annual Construction Turnover** | Minimum average annual construction turnover of US$ *[insert amount]*, calculated as total certified payments received for contracts in progress and/or completed within the last *[insert of year]* years, divided by *[insert number of years]* 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 (a)** | **General Construction Experience** | Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last *[insert number of years]* years, starting 1st January *[insert year]*. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |
| **4.2 (a)** | **Specific Construction & contract Management Experience** | (i) A minimum number of *[state the number]* similar contracts specified below that have been satisfactorily and substantially[[4]](#footnote-4) completed as a prime contractor, joint venture member[[5]](#footnote-5), management contractor or sub-contractor between 1st January [insert year] and Application submission deadline: (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; [insert values of N & V, delete (ii) above if not applicable].[*In case the works are to be Application as individual contracts under a slice and package (multiple contract) procedure, the minimum number of contracts required for purposes of evaluating qualification shall be selected from the options mentioned in ITA 36]*The similarity of the contracts shall be based on the following: [*Based on Section V, Scope of Works, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by specialized subcontractors, if permitted in accordance with ITA 35.3]* | Must meet requirement | Must meet requirement[[6]](#footnote-6) | N/A | Must meet the following requirements 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[[7]](#footnote-7): *[list key activities indicating volume, number or rate of production as applicable.* *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.]*[[8]](#footnote-8) | Must meet requirements *[Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 35]* | Must meet requirements [*Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 35****]*** | 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) |

***Note: [For Multiple lots (contracts) specify financial and experience criteria for each lot under Sub-Factors 3.1, 3.2, 4.2(a) and 4.2(b)]***

Section IV. Application Forms

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[General Construction Experience 31](#_Toc472856877)

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[Construction Experience in Key Activities 34](#_Toc472856879)

Application Submission Form

Date: *[insert day, month, year]*Ref No. and title: *[insert Ref number and title]*

To: *[insert full name of procuring entity]*

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

1. 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].
2. 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;
3. 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 4.5;
4. Weare not participating, as an Applicant or as a subcontractor, in more than one Application in this prequalification process in accordance with ITA-Sub-Clause 4.5;
5. 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]*

1. 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 prequalification process or execution of the Contract: *[insert complete name of each Recipient, its full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission]*

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

 *[If none has been paid or is to be paid, indicate “none”.]*

1. We hereby agree that in competing for (and, if the award is made to us, in executing) the contract, we undertake to observe the laws against fraud and corruption, including bribery, in force in Jamaica;
2. We understand that you are not bound to accept the lowest price or the most advantageous Application or any other Application that you may receive. Furthermore, we understand that the procuring entity may cancel a procurement at any time prior to the acceptance of the successful Application or after the successful Application is accepted if
	* + 1. the Applicant presenting the Application is disqualified under the Act or the regulations of the Public Procurement Act, 2015;
			2. the procurement is cancelled;
			3. the Applicant presenting the successful Application is excluded on the grounds of corruption, unfair competition and a conflict of interest; or
			4. the procurement, the Application or the Applicant contravenes or is otherwise not compliant with the provisions of the Public Procurement Act, 2015.

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: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*
Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*
Page *\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

|  |
| --- |
| Applicant's name |
| In case of Joint Venture (JV), name of each member: |
| Applicant's actual or intended country of registration:*[indicate country of Constitution]* |
| Applicant's actual or intended year of incorporation: |
| Applicant's legal address [in country of registration]: |
| Applicant's authorized representative informationName: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Address: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Telephone/Fax numbers: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*E-mail address: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* |
| 1. Attached are copies of original documents of🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA Sub-Clause 4.2🞎 In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA Sub-Clause 4.12. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

**Form ELI -1.2**

Applicant's Party Information Form

**Applicant's JV Information Form
(to be completed for each member of Applicant’s JV)**

Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* of *\_\_\_\_\_\_\_\_\_\_\_\_* pages

|  |
| --- |
| Applicant’s JV name: |
| JV member’s name: |
| JV member’s country of registration: |
| JV member’s year of constitution: |
| JV member’s legal address in country of constitution: |
| JV member’s authorized representative informationName: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Telephone/Fax numbers: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_E-mail address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Attached are copies of original documents of🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA Sub-Clause 4.2.2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

**Form CON – 2**

Historical Contract Non-Performance

Applicant’s Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*JV Member’s Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

|  |
| --- |
| Non-Performed Contracts in accordance with Section III, Evaluation and Qualification Criteria  |
| 🞎 Contract non-performance did not occur since 1st January *[insert year]* specified in Section III, Evaluation and Qualification Criteria.🞎 Contract(s) not performed since 1st January *[insert year]* specified in Section III, Evaluation and Qualification Criteria. |
| **Year** | **Non- performed portion of contract** | **Contract Identification** | **Total Contract Amount (current value, currency, exchange rate and US$ 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 nonperformance: *[indicate main reason(s)]* | *[insert amount]* |
| Pending Litigation, in accordance with Section III, Evaluation and Qualification Criteria |
| 🞎 No pending litigation in accordance with Section III, Evaluation and Qualification Criteria |
| 🞎 Pending litigation in accordance with Section III, Evaluation and Qualification Criteria. |
| **Year of dispute** | **Amount in dispute (currency)** | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
|  |  | Contract Identification: \_\_\_\_\_\_\_Name of Employer: \_\_\_\_\_\_\_\_\_\_\_\_Address of Employer: \_\_\_\_\_\_\_\_\_\_Matter in dispute: \_\_\_\_\_\_\_\_\_\_\_\_\_Party who initiated the dispute: \_\_Status of dispute: *\_\_\_\_\_\_\_\_\_\_\_* |  |
|  |  | Contract Identification: Name of Employer: Address of Employer: Matter in dispute: Party who initiated the dispute: Status of dispute:  |  |
| Litigation History in accordance with Section III, Evaluation and Qualification Criteria |
| 🞎 No Litigation History in accordance with Section III, Evaluation and Qualification Criteria.🞎 Litigation History in accordance with Section III, Evaluation and Qualification Criteria. |
| **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 FIN – 3.1:**

Financial Situation

Applicant’s Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*JV Member’s Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

**1. Financial data**

|  |  |
| --- | --- |
| **Type of Financial information in****(currency)** | **Historic information for previous** *\_\_\_\_\_\_\_\_\_years,**\_\_\_\_\_\_\_\_\_\_\_\_\_\_***(amount in currency, currency, exchange rate\*, USD equivalent)** |
|  | Year 1 | Year 2 | Year 3 | Year4 | 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 Clause 16 for the exchange rate

**2. Sources of Finance**

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 (US$ equivalent)** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
|  |  |  |

**3. Financial documents**

The Applicant and its parties shall provide copies of financial statements for *\_\_\_\_\_\_\_\_\_\_\_*years pursuant Section III, Evaluation and Qualifications Criteria. 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[[9]](#footnote-9) for the *\_\_\_\_\_\_\_\_\_\_\_\_*years required above; and complying with the requirements

**Form FIN – 3.2:**

Average Annual Construction Turnover

Applicant’s Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*JV Member’s Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

|  |  |
| --- | --- |
|  | **Annual turnover data (construction only)** |
| **Year** | **Amount** **Currency** | **Exchange rate** | **USD equivalent** |
| *[indicate year]* | *[insert amount and indicate currency]* |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| Average Annual Construction Turnover \* |  |  |  |

\* See Section III, Evaluation and Qualification Criteria.

Insert 3.3 and 3.4 ?

**Form EXP - 4.1**

General Construction Experience

Applicant’s Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*JV Member’s Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

|  |  |  |  |
| --- | --- | --- | --- |
| StartingYear | EndingYear | Contract Identification | Role ofApplicant |
|  |  | Contract name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Brief Description of the works performed by theApplicant: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Amount of contract: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Name of Employer: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Address: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* |  |
|  |  | Contract name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Brief Description of the works performed by theApplicant: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Amount of contract: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Name of Employer: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Address: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* |  |
|  |  | Contract name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Brief Description of the works performed by theApplicant: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Amount of contract: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Name of Employer: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Address: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* |  |

**Form EXP - 4.2(a)**

Specific Construction and Contract Management Experience

Applicant’s Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*JV Member’s Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

|  |  |
| --- | --- |
| **Similar Contract No.** | **Information** |
| Contract Identification |  |
| Award date |  |
| Completion date |  |
| Role in Contract | Prime contractor 🞎 | Member in JV 🞎 | Management contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount |  | US$  |
| If member in a JV or sub-contractor, specify participation in total Contract amount |  |  |  |
| Employer's Name: |  |
| Address:Telephone/fax numberE-mail: |  |

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

**Specific Construction and Contract Management Experience (cont.)**

|  |  |
| --- | --- |
| **Similar Contract No.** | **Information** |
| Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III: |  |
| 1. Amount |  |
| 2. Physical size of required works items |  |
| 3. Complexity |  |
| 4. Methods/Technology |  |
| 5. Construction rate for key activities |  |
| 6. Other Characteristics |  |

**Form EXP - 4.2(b)**

Construction Experience in Key Activities

Applicant's Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Applicant's JV Member Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Sub-contractor's Name[[10]](#footnote-10) (as per ITA Clause 35): *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Ref No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

All Sub-contractors for key activities must complete the information in this form as per ITA Clause 35 and Section III, Evaluation and Qualification Criteria.

1. Key Activity No One: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

|  | **Information** |
| --- | --- |
| Contract Identification |  |
| Award date |  |
| Completion date |  |
| Role in Contract | Prime contractor🞎 | Member in JV 🞎 | Management contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount |  | US$  |
| Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year | 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 numberE-mail: |  |

|  |  |
| --- | --- |
|  | **Information** |
| Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III: |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

2. Activity No. Two

3. …………………

PART 2 – Works Requirements

Section V. Scope of Works

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1. Description of the Works

2. Construction Period

3. Site and Other Data

1. Non performance, as decided by the Employer, shall include all contracts where (a) non performance 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. Non performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non performance 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-1)
2. This requirement also applies to contracts executed by the Applicant as JV member. [↑](#footnote-ref-2)
3. The Applicant shall provide accurate information on the related 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 failure of the Application. [↑](#footnote-ref-3)
4. Substantial completion shall be based on 80% or more works completed under the contract. [↑](#footnote-ref-4)
5. For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant’s share, by value, shall be considered to meet this requirement

 6 In the case of JV, the value of contracts completed by its members 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 members each of value equal or more than the minimum value required shall be aggregated. [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. 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-7)
8. The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts. [↑](#footnote-ref-8)
9. If the most recent set of financial statements is for a period earlier than 12 months from the date of Bid, the reason for this should be justified. [↑](#footnote-ref-9)
10. If applicable [↑](#footnote-ref-10)