**STANDARD PROCUREMENT DOCUMENT**

**Prequalification of Bidders**

**For ICB Works**

**(First Amendment)**

**Issue Date: December 2009**

**(Revised April,2019)**

**Public Procurement Monitoring Office**

**January 2016**

Foreword

This Standard Procurement Document for the Prequalification of Bidders (SPQD) has been prepared by the Public Procurement Monitoring Office for “Procurement of Works”.

This SPQD facilitates prequalification of bidders for large and complex civil works contracts, and contracts for technically complex plant. This is to ensure that only firms with appropriate experience, a proven track record, and necessary annual turnover, which are free of any major pending litigation will be invited to submit bids.

**PROCUREMENT DOCUMENT**

**Prequalification of Bidders**

**for the**

**Procurement of**

*[Insert Name of Work]*

**Issued on:**

**Invitation for Prequalification No.:**

**ICB No.:**

**Employer:**

Preface

This Prequalification Document (PQD) has been prepared by *[Name of the Public Entity]* and is based on the Standard Procurement Document for the Prequalification of Bidders (SPQD) issued by the Public Procurement Monitoring Office (PPMO).

**Invitation for Prequalification**

Government of Nepal (GoN)

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Project: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Contract: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contract Identification No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of the Development Partner [if applicable]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Loan/Credit/Grant No [if applicable]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deadlines for Application \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Government of Nepal *[select as appropriate : has allocated or received or has applied for or intends to apply]* a *[fund /loan/credit/grant]*[from *[*the *Source of Financing Agency]]* towards the cost of the *[name of project]*, and it intends to apply part of the proceeds of this *[fund/loan/credit/grant]* for payments under the contract for *[insert name/no. of contract⎯if prequalification is being invited for more than one contract, specify name/number of each contract and indicate whether applications may be made for prequalification for one or more of the contracts]*.[[1]](#footnote-2)
2. The *[insert name of the Employer]* intends to prequalify firms for *[insert description of works to be procured]*.[[2]](#footnote-3)
3. It is expected that invitations to bid will be made in *[insert month and year]*.
4. Prequalification will be conducted following the criteria contained in the prequalification documents and is open to applicants from *[insert “all countries” for GoN funded contract; insert “eligible source countries as described in the prequalification document for Donor funded project”]*.
5. Interested eligible applicants may obtain further information and inspect the prequalification documents at the *[insert name of the Employer]* (address below) within office hours*[insert e. g. 10:00 to 17:00 hours]*. A complete set of prequalification documents in English may be purchased by interested applicants upon submission of a written application to the office as addressed below and upon payment of a nonrefundable fee of *[insert amount in Nepalese Rupeesor amount in specified convertible currency]*. The method of payment will be *[insert method of payment]*.[[3]](#footnote-4) The last date for purchase of Prequalification Document is *[insert date].*
6. Alternatively the applicant may inspect and or submit the application by visiting electronic procurement portal <http://www.bolpatra.gov.np> of PPMO. Applicants who choose to submit their application through electronically shall deposit the fee of prequalification document in the revenue account given below and the scanned copy of the bank deposit voucher shall be uploaded at the time of e-Application submission.

Name of the Bank: ……………………………Name of Office: ………………………………………

Office Code No. ………………………… ……Office Account No. ……………………………..

Rajaswa (Revenue) Shirshak No. : ………………………………………

1. If requested by the Applicant the document could be also sent by *[insert delivery procedure]*[[4]](#footnote-5)but office shall not be responsible for delay or non-delivery of the document.
2. Applications for prequalification should be submitted in sealed envelopes, delivered to the address below by *[insert date and time]*, and be clearly marked “Application to Prequalify for [name of project and the contract name(s) and number(s)].”
3. If the last date for purchase or submission of PQ document falls on public holiday the next consecutive working days shall be applicable for both purchase and submission.
4. *[Information about Pre-submission meeting, if any, to be provided stating the date, time, and venue etc.]*

*[Name of office]*

*[Street address]*

*[Telephone number, indicate country and city code]*

*[Facsimile or email address]*

**Summary Description**

**PART I. PREQUALIFICATION PROCEDURES**

**Section 1 - Instructions to Applicants (ITA)**

This Section specifies the procedures to be followed by Applicants in the preparation and submission of their Applications for Prequalification (AFP). Information is also provided on opening and evaluation of AFPs. Section 1 - contains provisions that are to be used without modification.

**Section 2 - Application Data Sheet (ADS)**

This Section consists of provisions that are specific to each prequalification and supplement the information or requirements included in Section 1 - Instructions to Applicants.

**Section 3 - Qualification Criteria(QLC)**

This Section contains the criteria and methods to be used to evaluate Applications.

**Section 4 - Application Forms(APF)**

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

**PART II. REQUIREMENTS**

**Section 5 - Scope of Contract (SOC)**

This Section includes a summary description of the scope of contract and additional information on major contract components, major quantities, required construction methods, and the contract implementation period of the Contract subject of this prequalification exercise.

#

**PART I – Prequalification Procedures**

## Section 1 – Instructions to Applicants

*[Section 1. Instructions to Applicants (ITA) specify the procedures that regulate the prequalification process. The ITA contains standard provisions that have been designed to remain unchanged and to be used without modifying their text. The ITA clearly identifies the provisions that may need to be specified for a prequalification process and require that such specification be introduced through the Application Data Sheet (ADS).]*

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|  |  |
| --- | --- |
|  | General |
| 1. Scope of Application
 | * 1. In connection with the Invitation for Prequalification indicated in Section 2, Application Data Sheet (ADS), the Employer, as defined in the ADS, issues this Prequalification Document to applicants interested in bidding for the works described in Section 5, Scope of Contract. The number of contracts and the name and identification of each contract as well as the International Competitive Bidding (ICB) number corresponding to this prequalification, are provided in the ADS.
	2. Throughout this Bidding Document:
1. the term “in writing” means communicated in written form and delivered against receipt;
2. except where the context requires otherwise, words indicating the singular also include the plural and words indicating the plural also include the singular; and
3. “day” means calendar day.
 |
| 1. Source of Funds
 | * 1. GoN Funded: In accordance with its annual program and budget, approved by the GoN, the implementing agency indicated in the ADS plans to apply a portion of the allocated budget to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted hereinafter called “the Contract”).

Or Public Entities' own Resource Funded: In accordance with its annual program and budget, approved by the public entity, the implementing agency indicated in the ADS plans to apply a portion of the allocated budget to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted hereinafter called “the Contract”).Or* 1. DP Funded: The GoN has applied for or received financing (hereinafter called “funds”) from the Development Partner (hereinafter called “the DP”) indicated in the ADS toward the cost of the project named in the ADS. The GoN intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted hereinafter called “the Contract”).
 |
|  | * 1. DP Funded: Payment by the DP will be made only at the request of the GoN and upon approval by the DP in accordance with the terms and conditions of the financing agreement between the GoN and the DP (hereinafter called the “Loan/Grant Agreement”), and will be subject in all respects to the terms and conditions of that Loan/Grant Agreement. No party other than the GoN shall derive any rights from the Loan Agreement or have any claim to the funds.
 |
| 1. Fraud and Corruption
 | * 1. The GoN requires that the Procuring Entities as well as bidders, suppliers and contractors and their sub-contractors under GoN/DP-financed contracts, shall adhere to the highest standard of ethics during the procurement and execution of such contracts. In this context, the Employer;

defines, for the purposes of this provision, the terms set forth below as follows:1. “corrupt practice” means the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
2. “fraudulent practice” means 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;
3. “coercive practice” means 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;
4. “collusive practice” means an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
5. “obstructive practice” meansdeliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a GoN/DP investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or

(b) will reject bid(s) if it determines that the bidder has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question. |
|  | * 1. The Applicant shall not carry out or cause to carry out the following acts with an intention to influence the implementation of the procurement process or the procurement agreement:

(a) give or propose improper inducement directly or indirectly; (b) distortion or misrepresentation of facts; (c) engaging in corrupt or fraudulent practice or involving in such act; (d) interference in participation of other competing applicants; (e) coercion or threatening directly or indirectly to cause harm to the person or the property of any person to be involved in the procurement proceedings; (f) collusive practice among applicants before or after submission of applications for distribution of works among applicants; and (g)contacting the Employer with an intention to influence the Employer with regards to the applications or interference of any kind in examination and evaluation of the applications during the period from the time of opening of the application until the notification ofprequalification. |
|  | * 1. PPMO, on the recommendation of the Procuring Entity may blacklist an Applicant/Bidder for a period of one (1) to three (3) years for its conduct including on the following grounds and seriousness of the act committed by the Applicant/Bidder:

(a) if convicted by a court of law in a criminal offence which disqualifies the Applicant/Bidder from participating in the contract; (b) if it is established that the qualification of the applicant was based on false or misrepresentation of Applicant’s qualification information;(c) if it at any time determines that the firm has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for, or in executing, a GoN/DP-financed contract; and(d) any other acts committed in contravention of prevailing public procurement Act and Rules thereof.  |
|  | * 1. An Applicant/bidder declared blacklisted and ineligible by the GoN, Public Procurement Monitoring Office (PPMO) or by competent authority for not paying a loan of a bank or financial institution and/or the DP in case of DP funded project, shall be ineligible to apply/bid for a contract during the period of time determined by the authorities and/or the DP.
 |
|  | * 1. DP Funded: In pursuance of the fraud and corruption policy, the DP.

(a) will reject a proposal if it determines that the bidder recommended for award has directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question; (b) will cancel the portion of the loan/ credit/ grant allocated to a contract if it determines at any time that representative(s) of the GoN or of a beneficiary of the fund engaged in corrupt, fraudulent, collusive, or coercive practices during the procurement or the execution of that contract, without the GoN having taken timely and appropriate action satisfactory to the DP to remedy the situation.3.6 In case of a natural person or firm/institution/company which is already declared blacklisted and ineligible by the GoN, any other new or existing firm/institution/company owned partially or fully by such Natural person or Owner or Board of director of blacklisted firm/institution/company; shall not be eligible bidder. |
| 1. Eligible Applicants
 | * 1. An Applicant may be a natural person, private entity, government-owned entity, subject to ITA Sub-Clause 4.6, or any combination of them with a formal intent to enter into an agreement or under an existing agreement in the form of a Joint Venture (JV). In the case of a JV,

all partners shall be jointly and severally liable. Maximum number of JV shall be as specified in the ADS. The qualification requirement of the parties to the JV shall be as specified in Section 3 Qualification Criteria; anda 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 and, in the event the JV is prequalified, during the bidding process, and in the event the JV is awarded the Contract, during contract execution. |
|  | * 1. An Applicant, and all partners constituting the Applicant, shall have the nationality of an eligible country mentioned in the **ADS**. An Applicant shall be deemed to have the nationality of a country if the Applicant is a citizen of that country; or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country.
 |
|  | * 1. The above requirement shall also apply to the determination of the nationality of proposed Subcontractors or Suppliers for any part of the Contract including related services.
 |
|  | * 1. At the time of bidding, Bidders shall not have a conflict of interest. All Bidders found to have a conflict of interest shall be disqualified. Bidders may be considered to be in a conflict of interest with one or more parties in the bidding process if including but not limited to:
		1. they have controlling shareholders in common; or
		2. they receive or have received any direct or indirect subsidy from any of them; or
		3. they have the same legal representative for purposes of this bid; or
		4. they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to material information about or improperly influence the bid of another Bidder, or influence the decisions of the Employer regarding this bidding process; or
		5. a Bidder participates in more than one bid in this bidding process, either individually or as a partner in a joint venture Participation by a Bidder in more than one Bid will result in the disqualification of all Bids in which it is involved. However, this does not limit the inclusion of the same Subcontractor in more than one bid; or
		6. a Bidder or any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the Contract that is the subject of the bid; and
		7. a Bidder or any of its affiliates has been hired (or is proposed to be hired) by the Employer as Engineer for the contract.
 |
|  | * 1. A firm that is under a declaration of ineligibility by GoN/DP in accordance with ITA 3, at the date of the deadline for application or bid submission shall be disqualified.
 |
|  | * 1. Applicants shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.
 |
|  | * 1. Applicants shall be excluded if 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 Borrower’s country prohibits any import of goods or contracting of works or services from that county or any payments to persons or entities in that country.
	2. Firms shall be excluded in any of the cases, if the corruption case is being filed to Court against the Natural Person or Board of Director of the firm/institution /company or any partner of JV, such Natural Person or Board of Director of the firm/institution /company or any partner of JV shall not be eligible to participate in procurement process till the concerned Court has not issued the decision of clearance against the Corruption Charges.
 |
|  | * 1. Domestic Applicant shall be eligible only if the applicant has obtained Permanent Account Number (PAN) and Value Added Tax (VAT) Registration Certificate(s) and Tax Clearance Certificate or proof of submission of income return as stated in ADS from the Inland Revenue Office. Foreign applicant shall be eligible only if it submits the document(s) indicated in the ADS.
 |
| 1. Eligible Materials, Equipment and Services
 | * 1. The materials, equipment and services to be supplied under the Contract shall have their origin in any source countries as defined in ITA 4.2 above.
 |
|  | Contents of Prequalification Document |
| 1. Sections of the Prequalification Document
 | * 1. The Prequalification Document consists of Parts I and II which include all the sections indicated below, and should be read in conjunction with any Addenda issued in accordance with ITA Clause 8.

**PART I Prequalification Procedures**Section 1. Instructions to Applicants (ITA)Section 2. Application Data Sheet (ADS)Section 3. Qualification Criteria (QLC)Section 4. Application Forms (APF)**PART II Requirements**Section 5. Scope of Contract (SOC) |
|  | * 1. The Invitation for Prequalification issued by the Employer is not part of the Prequalification Document.
 |
|  | * 1. The Employer is not responsible for the completeness of the Prequalification Document and its Addenda, if they were not obtained directly from the source stated by the Employer in the Invitation for Prequalification.
 |
|  | * 1. 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. The information or documentation shall be complete, accurate, current, and verifiable. The Employer shall have the right to conduct independent checks to determine the completeness and accuracy of the information or documentation provided by the Applicant, and to take remedial actions, including rejection of the Applicant, as appropriate.
 |
| 1. Clarification of Prequalification Document
 | * 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 ADS. The Employer will respond in writing to any request for clarification provided that such request is received no later than 15 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 request for clarification, it shall do so following the procedure under ITA Clause 8 and in accordance with the provisions of Sub-Clause 17.2.
 |
| 1. Amendment of Prequalification Document
 | * 1. At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Document by issuing addenda.
 |
|  | * 1. Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all who have obtained the Prequalification Document directly from the Employer in accordance with ITA Sub-Clause 6.3.
 |
|  | * 1. To give prospective Applicants reasonable time in which to take an addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications, pursuant to ITA Sub-Clause 17.2.
 |
|  | Preparation of Applications |
| 1. Cost of Applications
 | * 1. The Applicant shall bear all costs associated with the preparation and submission of its Application, and the Employer shall in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.
 |
| 1. Language of Application
 | * 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 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 into the English language, in which case, for purposes of interpretation of the Application, the translation shall govern.
 |
| 1. Documents Comprising the Application
 | * 1. The Application shall comprise the following:
		1. Application Submission Sheet, in accordance with ITA Clause 12;
		2. written confirmation authorizing the signatory of the Application to commit the Applicant, in accordance with ITA Sub-Clause 15.3;
		3. documentary evidence establishing the Applicant’s eligibility to prequalify, in accordance with ITA Clause 13;
		4. documentary evidence establishing the Applicant’s qualifications, in accordance with ITA Clause 14; and
		5. any other required documents, which is not against the provision of Procurement Act/Regulation/Directives and Standard Bidding Document issued by PPMO as specified in the ADS.
 |
| 1. Application Submission Sheet
 | * 1. The Applicant shall prepare an Application Submission Sheet using the form furnished in Section 4, Application Forms. This form must be completed without any alteration to the text, and no substitutes shall be accepted. All blank spaces shall be filled in with the information requested.
 |
| 1. Documents Establishing the Eligibility of the Applicant
 | * 1. To establish its eligibility in accordance with ITA Clause 4, the Applicant shall complete the eligibility declarations in the Application Submission Sheet and Forms ELI1 and 2, included in Section 4, Application Forms.
 |
| 1. Documents Establishing the Qualifications of the Applicant
 | * 1. To establish its qualifications to perform the contract in accordance with Section 3, Qualification Criteria, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section 4, Application Forms.
 |
| 1. Format and Signing of the Application
 | * 1. The Applicant shall prepare one original of the documents comprising the Application as described in ITA Clause 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.
 |
|  | * 1. The Applicant shall submit copies of the signed original Application, in the number specified in the ADS, and clearly mark them “COPY”. In the event of any discrepancy between the original and the copies, the original shall prevail.
 |
|  | * 1. The requirements regarding the legal instrument evidencing the authorization to represent and sign on behalf of the Applicant shall be as specified in the ADS. Applications submitted by an existing or intended JV shall include an undertaking signed by all partners
		1. stating that all partners shall be jointly and severally liable, and
		2. nominating 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 and, in the event the JV is prequalified, during the bidding process, and in the event the JV is awarded the Contract, during contract execution.
 |
|  | Submission and Opening of Applications |
| 1. Sealing and Marking of Applications
 | * 1. Applicants may always submit their application by mail or by hand. When so specified in the ADS, Applicants shall have the option of submitting their applications electronically. Procedures for submission, sealing and marking are as follows:
		1. Applicant submitting applications by mail or by hand shall enclose the original and each copy of the Application, 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 16.2 and 16.3.
		2. Bidders submitting bids electronically shall follow the electronic bid submission procedures specified in the ADS**.**
	2. The Applicant shall enclose the original and the copies of the Application in a sealed envelope which shall
		1. bear the name and address of the Applicant;
		2. be addressed to the Employer, in accordance with ITA 17.1; and
		3. bear the specific identification of this prequalification process indicated in the ADS 1.1.
 |
|  | * 1. If the envelope is not sealed and marked as required, the Employer will assume no responsibility for the misplacement or premature opening of the Application.
 |
| 1. Deadline for Submission of Applications
 | * 1. Applications mustbe received by the Employer at the address and no later than the deadline indicated in the ADS.
 |
|  | * 1. The Employer 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 Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
 |
| 1. Late Applications
 | * 1. Prequalification application received later than the deadline specified in ITA 17.1 shall be returned unopened.
 |
| 1. Opening of Applications
 | * 1. The 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. Any specific electronic application opening procedures required, if electronic bidding is permitted in accordance with ITA 16.1, shall be as specified in the ADS.
 |
|  | Evaluation of Applications |
| 1. 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.
 |
|  | * 1. From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA Clause 28, if any Applicant wishes to contact the Employer on any matter related to the prequalification process, it may do so in writing.
 |
| 1. Clarification of Applications
 | * 1. To assist in the evaluation of Applications, the Employer may, at its discretion, ask any Applicant for a clarification of its Application which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing.
 |
|  | * 1. If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer’s request for clarification, its Application may be rejected.
 |
| 1. Responsiveness of Applications
 | * 1. The Employer may reject any Application which is not responsive to the requirements of the Prequalification Document.
	2. If the corruption case is being filed to Court against the Natural Person or Board of Director of the firm/institution /company or any partner of JV, such Natural Person or Board of Director of the firm/institution /company or any partner of JV such bidder’s bid shall be excluded during the evaluation.
 |
| 1. Margin of Preference
 | * 1. If so indicated in the ADS, a margin of preference shall apply in the bidding process resulting from this prequalification.
 |
| 1. Subcontractors
 | * 1. Applicants shall state in the Application Submission Sheet whether they intend to subcontract parts or elements of the Works.
 |
|  | * 1. If an Applicant intends to subcontract any of the key activities listed in Section 3, Qualification Criteria, Criteria 4.2, then such key activities and the proposed Subcontractors (Specialist Subcontractors) shall be clearly identified in Section 4, Application Forms, Forms ELI-2 and EXP-2. Such Specialist Subcontractor(s) shall meet the corresponding qualification requirements specified in Section 3, Qualification Criteria. A formal intent to enter into an agreement with the Specialist Subcontractors in the form of a letter jointly signed by the Applicant and the Specialist Subcontractor should be submitted together with the Application. At the time of bidding, the Bidder shall use in its bid only Specialist Subcontractors prequalified during the prequalification exercise.
 |
|  | * 1. Unless otherwise specified in the ADS, the Employer does not intend to execute certain specific parts of the Works by Subcontractors selected in advance by the Employer (Nominated Subcontractors).
 |
|  | Prequalification of Applicants |
| 1. Evaluation of Applications
 | * 1. The Employer shall use the criteria and methods defined in Section 3, Qualification Criteria to evaluate the qualifications of the Applicants and proposed Subcontractors.
 |
| * 1. Only the qualifications of proposed Specialist Subcontractors with respect to “Experience in Key Activities” that have been identified in the Application pursuant to ITA 24.2 will be considered in the evaluation of an Applicant. However, the financial resources of Specialist Subcontractors shall not be added to those of the Applicant for purposes of prequalification of the Applicant.
 |
| * 1. Unless otherwise indicated in the ADS, this prequalification shall be for a single contract.
	2. If the corruption case is being filed to Court against the Natural Person or Board of Director of the firm/institution /company or any partner of JV, such Natural Person or Board of Director of the firm/institution /company or any partner of JV such bidder’s bid shall be excluded during the evaluation.
 |
| 1. Employer’s Right to Accept or Reject Applications
 | * 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
 |
| 1. Prequalification of Applicants
 | * 1. All Applicants, including their proposed Specialist Subcontractors, whose Applications have been determined to be substantially responsive to the requirements of the Prequalification Document and who have met or exceeded the specified criteria shall be prequalified by the Employer.
 |
| 1. Notification of Prequalification
 | * 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.
 |
| 1. Invitation to Bid
 | * 1. Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified.
 |
| * 1. Bidders shall be required to provide bid security in the form of a demand guarantee or other security acceptable to the Employer for an amount as specified in the bidding document.
	2. If the corruption case is being filed to Court against the Natural Person or Board of Director of the firm/institution /company or any partner of JV, such Natural Person or Board of Director of the firm/institution /company or any partner of JV such bidder’s bid shall be invited for Bid.
 |
| 1. Changes in Qualifications of Applicants
 | * 1. Any change in the qualification status of an Applicant after being prequalified in accordance with ITA Clause 27 shall be subject to the written approval of the Employer. Any such change shall be submitted to the Employer not later than 15 days after the date of the Invitation to Bid. Such approval shall be denied if as a consequence of any change,
		1. the prequalified Applicant, after the change, no longer substantially meets the qualification criteria set forth in Section 3, Qualification Criteria; or
		2. a new partner that had not been prequalified as an Applicant or a Specialist Subcontractor as per ITA 24.2 is added to a prequalified Applicant.
 |

##

## Section 2 – Application Data Sheet

*[Section 2. Application Data Sheet (ADS) contains information and provisions that are specific to a particular prequalification process. The Employer must specify in the ADS only the information that the ITA request be specified in the ADS. All information shall be provided, no clause shall be left blank.*

*To facilitate the preparation of the ADS, its clauses are numbered with the same numbers as the corresponding ITA clauses. This Guide provides information to the Employer on how to enter all required information, and includes an ADS format that summarizes all information to be provided.]*

General

|  |  |
| --- | --- |
| **ITA 1.1** | The identification of the Invitation for Prequalification is: *[insert ID number]* |
| **ITA 1.1** | The name of the Employer is: *[insert complete name of the Employer]* |
| **ITA 1.1** | The names, identification and number of the contracts are: *[insert as required]* |
| **ITA 1.1** | The name and identification number of the ICBare: *[insert the name and identification of the ICB.]* |
| **ITA 2.1** | The name of the PE/DP is: *[in case of GoN funding: insert name of the public entity, i. e., name of the department/public entity and name of the Development Partner in case of DP funding]* |
| **ITA 2.1** | The name of the Project is: *[insert complete name]* |
| **ITA 4.1(a)** | Maximum number of partner in a joint venture shall be : 3 (three) |
| **ITA 4.2** | Eligible countries: *[insert “all countries” for GoN funded projects. Include the list of eligible countries as per their requirement for DP funded projects (the list may be added as Annex)]* |
| **ITA 4.9** | Tax Clearance Certificate or Proof of submission of income return for: *[insert the applicable fiscal year]*Foreign applicant shall include a declaration to submit the following documents at the time of contact agreement, in the event it is awarded the contract *[indicate required documents, e. g., PAN, VAT certificate]*Resident foreign applicant shall submit PAN/VAT certificate and tax clearance certificate or proof of submission of Income Return for *[insert the applicable fiscal year]* |

Contents of the Prequalification Document

|  |  |
| --- | --- |
| **ITA 7.1** | For **clarification purposes** only, the Employer’s address is: *[insert the required information below]*Attention: *[insert full name of person, if applicable]*Street Address: *[insert street address]*City: .*[insert name of city or town]*NepalTelephone: *[insert phone number, including country and city code]*Facsimile number: *[insert fax number, including country and city code]*Electronic mail address:*[insert email address, if applicable]* |

Preparation of Applications

|  |  |
| --- | --- |
| **ITA 11.1 (e)** | The Applicant shall submit with its Application the following additional documents:*[specify any additional document not already listed in ITA 11.1 that must be submitted with the Application ]* |
| **ITA 15.2**  | In addition to the original, the number of copies to be submitted with the Application is*: [insert number of copies required ]* |
| **ITA 15.3**  | The requirements regarding the legal instrument evidencing the authorization to represent and sign on behalf of the Applicant shall be:*[insert the name anddescription of the documentation required to demonstrate the authority of the signatory to sign the Application. Employer may wish to consider the following language: “An organizational document, board resolution or its equivalent, or power of attorney specifying the representative’s authority to sign the Application on behalf of the Applicant. If the Applicant is an intended or an existing joint venture, the power of attorney should be signed by all partners and specify the authority of the named representative of the joint venture to sign on behalf of the intended or existing joint venture. If the joint venture has not yet been formed, also include evidence from all proposed joint venture partners of their intent to enter into a joint venture in the event of a contract award.”]* |

Submission and Opening of Applications

|  |  |
| --- | --- |
| **ITA 16.1** | Applicants *[insert “shall” or “shall not”]* have the option of submitting their applications electronically. |
| **ITA 16.1(b)** | *[If Applicants shall have the option of submitting their Applications electronically, insert the following:]*The electronic submission procedures shall be:*[insert a description of the electronic submission procedures].* |
| **ITA 17.1** | For **Application submission purposes** only, the Employer’s address is*: [insert all information required below]*Attention: Street address: Floor/Room Number: City: Nepal**The deadline for Application submission is:**Date: *[insert day, month and year, i.e., 15 June 2015 ]*Time: *[insert time and identify if a.m. or p.m., i.e., 2:00 p.m.],* Nepal Standard Time |
| **ITA 19.1** | If electronic application submission is permitted in accordance with ITA 16.1, the specific application opening procedures shall be:*[insert description of the procedures]* |

Evaluation of Applications

|  |  |
| --- | --- |
| **ITA 23.1** | A margin of preference *[insert “shall” or “shall not”]*apply in the bidding process corresponding to this prequalification. *[If a Margin of Preference applies, insert “The procedure for evaluation will be specified in the bidding document”].* |
| **ITA 24.3** | The Employer *[insert “intends” or “does not intend”]*to execute certain specific parts of the Works by Subcontractors selected in advance (Nominated Subcontractors). The specific parts of the works and the respective Subcontractors are*: [if the Employer intends to execute specific parts of the works by NominatedSubcontractors, insert parts of the works and name(s) of Subcontractors. Delete this paragraph if “does not intend” has been specified in the first paragraph.]* |

Prequalification of Applicants

|  |  |
| --- | --- |
| **ITA 25.3** | *[Use the text below in case of single contract ]*As stipulated in ITA 1.1, this prequalification exercise shall be for a single contract.*[Use the text below in case of multiple contracts]* As stipulated in ITA 1.1, this prequalification exercise shall be for multiple contracts*.[Continue this sentence with one of the following two alternatives on Multiple Contracts*[[5]](#footnote-6) *]**[Alternative 1]*The Employer will prequalify each Applicant for a maximum contract value (bidding capacity). An Applicant shall be allowed to bid for any contract within his bidding capacity; however, he may only be awarded a maximum number of contracts for which he meets the aggregated requirements of such contract combination (award capacity). A Bidder’s award capacity will be determined during bid evaluation when additional information such as (i) financial resources and current contract commitments, (iii) equipment to be allocated, and (iv) personnel to be fielded will be assessed.*[Alternative 2]* The Employer will prequalify Applicants for each contract separately. Applicantsshall indicate in their Applications for which contract they wish to be prequalified. |

## Section 3 –Qualification Criteria

*[Section 3. Qualification Criteria (QLC) contains all the criteria and methods that the Employer will use to evaluate Applications. The information to be provided in relation to each criterion and the definitions of the corresponding terms are included in the respective Application Forms.*

*GoN requires Bidders to be prequalified by meeting predefined, precise minimum requirements. The method entails setting pass-fail criteria which, if not met by the Applicant, result in disqualification.*

*The criteria adopted must relate to characteristics that are essential to ensure satisfactory execution of the contract, and must be stated in unambiguous terms. In essence, the criteria must be chosen so that only Contractors who are well qualified to carry out the contract are permitted to bid. The criteria must also be set so that they neither inhibit competition nor set a predetermined number of firms to be prequalified. All firms that meet the criteria should be invited to bid.*

*An Applicant’s capabilities to perform the contracts satisfactorily are established in respect of*

* *Eligibility*
* *Pending Litigation*
* *Financial Requirements*
* *Experience*
* *Personnel*
* *Equipment*
* *Domestic Preference (If Applicable)]*

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*[Note: The qualification criteria described below are “Pass/Fail” criteria. Applicants must meet all these qualification criteria. In a case where (a) all Applicants fail to meet any of the criteria, or (b) there is a limited number of qualified Applicants, or (c) there is no adequate number of Applications received, the Employer may cancel the prequalification process and invite bids on a post-qualification basis with the appropriate modifications of the qualification requirements that were used for the prequalification exercise.]*

Unless specifically indicated otherwise, it is the legal entity or entities comprising the Applicant, and not the Applicant’s parent companies, subsidiaries or affiliates that must satisfy the qualification criteria described below.

# 1. Eligibility

| **Criteria** | **Compliance Requirements** | **Documents** |
| --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| **All Partners****Combined** | **Each****Partner** | **One****Partner** |

# 1.1 Nationality

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Nationality in accordance with ITA Sub-Clause 4.2. | must meet requirement | must meet requirement | must meet requirement | not applicable | Forms ELI –1; ELI –2with attachments |

# 1.2 Conflict of Interest

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No conflicts of interest in accordance with ITA Sub-Clause 4.4. | must meet requirement | existing or intended JV must meet requirement | must meet requirement | not applicable | Application Submission Sheet |

# 1.3 GoN/DP Eligibility

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been declared ineligible by GoN/DP, as described in ITA Sub-Clause 4.5. | must meet requirement | must meet requirement | must meet requirement | not applicable | Application Submission Sheet |

# 1.4 Government-Owned Entity

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Applicant required to meet conditions of ITA Sub-Clause 4.6. | must meet requirement | must meet requirement | must meet requirement | not applicable | Forms ELI -1 ; ELI -2 with attachments |

# 1.5 United Nations Eligibility

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been excluded by an act of compliance with the UN Secretary Council resolution in accordance with ITA 4.8. | must meet requirement | must meet requirement | must meet requirement | not applicable | Application Submission Sheet |

# 1.6 VAT and PAN Registration

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 1. Domestic/Resident ForeignApplicant
 | Applicants required to meet conditions of ITA Sub-Clause 4.9. | must meet requirement | existing or intended JV must meet requirement | must meet requirement | not applicable | PAN and VAT Registration CertificateTax clearance/Tax Return  |
| 1. Foreign Applicant
 | Applicants required to meet conditions of ITA Sub-Clause 4.9. | must meet requirement | existing or intended JV must meet requirement | must meet requirement | not applicable | Declaration to submit PANand VAT Registration Certificate at the time of Contract Agreement |

# 2. Pending Litigation

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Compliance Requirements** | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| **All Partners Combined** | **Each** **Partner** | **One** **Partner** |
| All pending litigation, if any, shall be treated as resolved against the Applicant and so shall in total not represent more than …….... percent of the Applicant’s net worth calculated as the difference between total assets and total liabilities should be positive. | must meet requirement by itself or as partner to past or existing JV | not applicable | must meet requirement by itself or as partner to past or existing JV | not applicable | Form LIT - 1 |

***[Note:***

*The Employer should indicate a percentage within the range of 50% to 100% of the Applicant’s net worth.]*

**3. Financial Situation**

# 3.1 Historical Financial Performance

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Compliance Requirements** | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| **All Partners Combined** | **Each****Partner** | **One****Partner** |
| Submission of audited financial statements or, if not required by the law of the applicant’s country, other financial statements acceptable to the Employer, for the last (*Insert time period between 3 years to 5 years.]* years to demonstrate the current soundness of the Applicant’s financial position. As a minimum, the Applicant’s net worth for the last year, calculated as the difference between total assets and total liabilities should be positive. | must meet requirement | not applicable | must meet requirement | not applicable | Form FIN - 1 with attachments |

*[Note:*

*The financial information provided by an Applicant should be reviewed in its entirety to allow a truly informed judgment, and the pass–fail decision on the financial position of the Applicant should be given on this basis. Any abnormal features which may lead to financial problems should alert the Employer to seek expert professional advice for further review and interpretation.*

# 3.2 Average Annual Construction Turnover

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Compliance Requirements** | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Minimum average annual construction turnover of US$. …..…..….*1*calculated as total certified payments received for contracts in progress or completed, within the last …....2years. | must meet requirement | must meet requirement | must meet*3*. . . . . . . .  of the requirement | must meet *4*. . . . . . . . of the requirement | Form FIN - 2 |

*[Note:*

*1 The amount stated should normally not be less than 1.5 x V/T, the estimated annual turnover in the subject contract based on a straight-line projection of the Employer's estimated cost (V), over the contract duration (T) in year. Contract duration less than one year shall be considered one year. The multiplier of 1.5 may be reduced up to1 (one) in accordance with the size, nature and complexity of contracts.*

*2 Insert number of years in words and figures, and indicate time period between 3 years to 5 years.*

*3 Usually not less than 25%.*

*4Usually not less than 40%.]*

**3.3 Required Bid Capacity**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| The bidding capacity of the bidder should be equal to or more than the NRs...(2a)…… | must meet requirement | must meet requirement | must meet ……(3a)……of the requirement | must meet ……(4a)……of the requirement | Form FIN -3,4 |

(2a) Equal to Engineer’s Estimate( without VAT and Contingencies but including Provision Sum )in round figure

(3a) Usually not less than 25 %

(4a) Usually not less than 40 %

# 4. Experience

# 4.1 General Construction Experience

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Compliance Requirements** | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| **All Partners****Combined** | **Each****Partner** | **One****Partner** |
| Experience under construction contracts in the role of contractor, subcontractor, or management contractor for at least the last ……..1years prior to the applications submission deadline. | must meet requirement | not applicable | must meet requirement | not applicable | Form EXP - 1 |

***[Note:***

*1Insert number of years in words and figures.The time period is normally 5 years or more, but may be reduced to not less than 3 years, according to the nature of works.]*

# 4.2 Contracts of Similar Size and Nature

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Compliance Requirements** | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Participation as Prime contractor, management contractor, or subcontractor in at least ……1 contract within the last ten years, each with a value of at least NRs. ............2 that has been successfully or are substantially completed and that are similar to the proposed works. The similarity shall be based on the physical size, complexity, methods, technology or other characteristics as described in Section 5, Scope of Contract. | must meet requirement | not applicable | not applicable | must meet requirement | Form EXP – 2(a) |

Note -

*[Note:*

*1Insert number of contracts, the range should be one to two, depending on the size and complexity of the subject contract, the exposure of the risk to the Employer by contractor’s default.*

*2Insert amount which is usually 80% of the estimated value of the subject contract.]*

# 4.3 Construction Experience in Key Activities

(May be complied by Specialist Subcontractors. Employer shall require evidence of subcontracting in the form of a letter of intent or an agreement jointly signed by the Applicant and the Specialist Subcontractor).

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Compliance Requirements** | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| For the above or other contracts executed during the period stipulated in 4.2 above, a minimum construction experience in the following key activities: | must meetrequirements | must meetrequirements | not applicable | not applicable | Form EXP – 2(b) |
|  |   |   |   |   |   |
|  |  |  |  |  |  |
|  |   |   |   |   |   |
|  |  |  |  |  |  |

# 5 Personnel

The Applicant must demonstrate that it has the personnel for the key positions that meet the following

requirements:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Position** | **Academic Qualification*****[When position demands]*** | **Total Work Experience [Years]** | **Experience in Similar Works [years]** |
| ***1.*** |  |  |  |  |
| ***2.*** |  |  |  |  |
| ***3.*** |  |  |  |  |
| **4.** |  |  |  |  |

The Applicant shall provide details of the proposed personnel and their experience records in the relevant Information Forms included in Section 4 (Application Forms).

***[Note:***

*The managerial and technical competence of a contractor is largely related to the key personnel on site. The extent to which the Applicant should demonstrate having staff with extensive experience should be limited to those requiring critical operational or technical skills. The qualification criteria should therefore refer to a limited number of such key personnel, for instance, the project or contract manager and those superintendents working under the project manager who will be responsible for major components (e.g., superintendents specialized in dredging, piling, tunneling, or earthworks, as required for each particular project).*

*Criteria of acceptability should be based on:*

*(a) a minimum number of years of experience in a similar position; and*

*(b) a minimum number of years of experience and/or number of comparable projects carried out in a specified number of preceding years.*

*(c) minimum education qualification only in case the position requires.*

*It is appropriate to specify that certain positions are filled by individuals who have held posts of comparable authority for, say, three years with the Applicant, so that key staff in executive site positions have sufficient knowledge of the Applicant's management, policy, procedures, and practices to act with confidence and authority within that framework. ]*

# 6 Equipment

The Applicant must demonstrate that it has the key equipment listed hereafter:

|  |  |  |
| --- | --- | --- |
| **No.** | Equipment Type and Characteristics | Minimum Number Requirement |
| *1.* |  |  |
| *2.* |  |  |
| *3.* |  |  |
| *4.* |  |  |
| *5.* |  |  |

The Applicant shall provide further details of proposed items of equipment using the relevant Form in Section 4(Application Forms)

***[Note:***

*An inventory of construction equipment represents a high capital cost overhead to a contractor. Consequently,not all competent potential bidders will maintain an inventory of high-value items that are in suitable conditionfor major contracts. This is particularly so with management contractors, who undertake construction projectsmainly by subcontracting. In most cases Bidders can readily purchase, lease, or hire equipment; thus, it isusually unnecessary for the assessment of a contractor's qualification to depend on the contractor's owningreadily available items of equipment. The pass-fail criteria adopted should therefore be limited only to thosebulky or specialized items that are critical for the type of project to be implemented, and that may be difficultfor the contractor to obtain quickly. Examples may include items such as heavy lift cranes and piling barges,dredgers,tunnel boring machines, asphalt mixing plants, etc. Even in such cases, contractors may not ownthe specialized items of equipment, and may rely on specialist subcontractors or equipment-hire firms. Theavailability of such subcontractors and of the specified equipment should be subject to verification prior tocontract award. The terms of any lease or hire agreement for equipment should preferably include provision thatthe equipment will remain on the site (or be vested in the Employer) in the event of default of the Contractor,thereby ensuring more timely continuity of work by a replacement contractor.]*

# 7 Domestic Preference

**[insert project specific requirements when permitted otherwise insert “Not Applicable”]**

 In comparing domestic bids with foreign bids, a Domestic preference as per ITB 34.1 shall be granted to eligible domestic contractors, as defined below, in accordance with the following provisions.

1. For application of domestic preference, all responsive bids shall first be classified into the following two categories:
2. **Category I:** Bids offered by domestic contractors (domestic bidder firms, intuitions, or company either in single or in joint venture (all partners)) ; and
3. **Category II:** Bids offered by International firms, intuitions or company or collaboration with domestic firms, intuitions, company
4. The lowest evaluated bid of each category shall then be determined by comparing all evaluated bids in each category among themselves.
5. Such lowest evaluated bids shall next be compared with each other and if, as a result of this comparison, a bid from **Category I** is found to be the lowest, it shall be selected for the award of contract.
6. If, however, as a result of the comparison under (c) above, the lowest bid is found to be from **Category II**, it shall be further compared with the lowest evaluated bid from **Category I**. For the purpose of this further comparison only an upward adjustment (domestic preference) shall be made to the lowest evaluated bid price of **Category II** by **adding an amount equal to** **Five(5%)** of the bid price. If, after such comparison, the **Category I** bid is determined to be the lowest, it shall be selected for the award of contract; if not, the lowest evaluated bid from **Category II** shall be selected.

**Section 4 – Application Forms**

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Application Submission Sheet

Date:

IFP No.:

ICB No.:

To:

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

1. We have examined and have no reservations to the Prequalification Document, including Addenda No(s)..............................................., issued in accordance with ITA Clause 8.
2. We, including all Subcontractors or Suppliers for any part of the contract resulting from this prequalification process, if any, 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 4.4 and we have not been punished for an offense relating to the concerned profession or business.
4. We, including any Subcontractors or Suppliers for any part of the contract resulting from this prequalification, have not been declared ineligible by GoN/DP in accordance with ITA Sub-Clause 4.5 or by act of compliance with a decision of the United Nations Security Council in accordance with ITA Sub-Clause 4.8.
5. We are not a government-owned entity***1***.
6. We, in accordance with ITA Sub-clause 24.1, plan to subcontract the following key activities or parts of the works: .
7. We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process:

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Recipient | Address | Reason | Amount |
|   |   |   |   |
|   |   |   |  . |

 (If none has been paid or is to be paid, indicate “none.”)

1. We understand that you may cancel the prequalification process at any time and that you are not bound either to accept any Application that you may receive or to invite the prequalified Applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA Clause 26.
2. We agree to permit GoN/DP or its representative to inspect our accounts and records and other documents relating to the Application for prequalification and to have them audited by auditors appointed by GoN/DP.
3. We understand that any misrepresentation that knowingly or recklessly misleads or attempts to mislead the Employer in the prequalification evaluation process may lead to the rejection of the Application.

*1 Government-owned entities must replace para (e) with the following statement: “We are a government-owned entity but meet the requirements of ITA Sub-Clause 4.6.”*

Name

In the capacity of

Signed

Duly authorized to sign the Application for and on behalf of

Date

Form ELI – 1

Applicant Information Sheet

Date:

IFP No.:

ICB No.:

Page of pages

|  |
| --- |
| Applicant Information |
| **Applicant’s legal name**  |  |
| **In case of JV, legal name of each partner** |  |
| **Applicant’s actual or intended country of constitution** |  |
| **Applicant’s actual or Intended year of constitution** |  |
| **Applicant’s legal address in country of constitution** |  |
| **Applicant’s authorized representative**(name, address, telephone numbers, fax numbers, e-mail address) |  |
| **Attached are copies of the following original documents.*** 1. In case of single entity, articles of incorporation or constitution of the legal entity named above, in accordance with ITA Sub-Clauses 4.1 and 4.2.
* 2. Authorization to represent the firm or JV named above, in accordance with ITA Sub-Clause 15.3.
* 3. In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA Sub-Clause 4.1.
* 4. In case of a government-owned entity, any additional documents not covered under 1 above required to comply with ITA Sub-Clause 4.6.
 |

Form ELI – 2

JV Information Sheet

**for JV Partners and Specialist Subcontractors as per ITA 24.2**

Date:

IFP No.:

ICB No.:

Page of pages

Each member of a JV and Specialist Subcontractors as per ITA 24.2 must fill in this form.

|  |
| --- |
| JV / Specialist Subcontractor Information |
| **Applicant’s legal name** |  |
| **JV Partner’s or Specialist Subcontractor’s legal name** |  |
| **JV Partner’s or Specialist Subcontractor’s country of constitution** |  |
| **JV Partner’s or Specialist Subcontractor’s year of constitution** |  |
| **JV Partner’s or Specialist Subcontractor’s legal address in country of constitution** |  |
| **JV Partner’s or Specialist Subcontractor’s authorized representative information**(name, address, telephone numbers, fax numbers, e-mail address) |  |
| **Attached are copies of the following original documents.*** 1. Articles of incorporation or constitution of the legal entity named above, in accordance with ITA Sub-Clauses 4.1 and 4.2.
* 2. Authorization to represent the firm named above, in accordance with ITA Sub-Clause 15.3.
* 3. In the case of government-owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA Sub-Clause 4.6.
* 4. In case of Specialist Subcontractors as per ITA 24.2 a formal intent to enter into an agreement in the form of a letter jointly signed by the Applicant and the Specialist Subcontractor.
 |

Specialist Subcontractor is a specialist enterprise engaged for highly specialized processes which cannot be provided by the main Contractor.

Form LIT – 1

Pending Litigation and Arbitration

Applicant’s Legal Name: Date:

JV Partner Legal Name: IFP No.:

ICB No.:

Page of pages

Each Applicant or member of a JV must fill in this form if so required under Criterion 2.1 of Section 3 (Qualification Criteria).

|  |
| --- |
| Pending Litigation and Arbitration |
| * No pending litigation and arbitration
* Below is a description of all pending litigation and arbitration involving the Applicant (or each JV member if Applicant is a Joint Venture).
 |
| **Year** | **Matter in Dispute**  | **Value of Pending Claim in US$. Equivalent** | **Value of Pending Claim as a Percentage of Net Worth** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Form FIN – 1

Historical Financial Performance

Applicant’s Legal Name: Date:

JV Partner’s Legal Name: IFP No.:

ICB No.:

Page of pages

Each Applicant or member of a JV must fill in this form.

|  |  |
| --- | --- |
|  | **Financial Data for Previous 3 Years [US$ Equivalent]** |
| Year 1:  | Year 2:  | Year 3:  |

Information from Balance Sheet

|  |  |  |  |
| --- | --- | --- | --- |
| Total Assets |  |  |  |
| Total Liabilities |  |  |  |
| Net Worth |  |  |  |
| Current Assets |  |  |  |
| Current Liabilities |  |  |  |

Information from Income Statement

|  |  |  |  |
| --- | --- | --- | --- |
| Total Revenues  |  |  |  |
| Profits Before Taxes |  |  |  |
| Profits After Taxes |  |  |  |
| * Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the last three years, as indicated above, complying with the following conditions.
* Unless otherwise required by Section 3 (Qualification Criteria), all such documents must reflect the financial situation of the legal entity or entities comprising the Applicant and not the Applicant’s parent companies, subsidiaries or affiliates.
* Historic financial statements must be audited by a certified accountant.
* Historic financial statements must be complete, including all notes to the financial statements.
* Historic financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).
 |

Form FIN – 2

Average Annual Construction Turnover

Applicant’s Legal Name: Date:

JV Partner’s Legal Name: IFP No.:

ICB No.:

Page of pages

Each Applicant or member of a JV must fill in this form.

The information supplied should be the Annual Construction Turnover of the Applicant or each member of a JV in terms of the amounts billed to clients for each year for work in progress or completed, converted to US Dollars at the rate of exchange at the end of the period reported.

|  |
| --- |
| Annual Turnover Data for the Last 3 Years (Construction only) |
| **Year** | **Amount****Currency** | **Exchange** **Rate** | **US$****Equivalent** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  **Average Annual Construction Turnover**  |  |

**Form FIN - 3: Bid Capacity**

Each Bidder or member of a JV must fill in this form

**Bid Capacity = [(4 x A) – B]**

A = Average Annual Construction Turnover of last five years.

B = Average Annual Value of the existing commitments and works (ongoing) to be completed, calculated from **FIN-5.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| SN | Name of Bidder | Pan No. | A, in Million | B, in Million | Bid Capacity, in Million |
| 1 |   |   |  |  |  |
| 2 |   |   |   |   |   |
| 3 |   |   |   |   |   |

**Total Bid Capacity :**

 **Signature of Bidder**

**Form FIN-4: Current Contract Commitments / Works in Progress**

Bidders and each partner to a JV should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

|  |
| --- |
| **Current Contract Commitments ( For Calculation of B with reference of FIN-3)** |
| **No.** | **Name of Contract** | **Name of the Contractor/s** | **Employer's Contact Address, Tel, Fax** | **Contract Share %****(a)** | **Contract Amount****(b)** | **Contract Date (yyyy-mm)****(c)** | **Initial or Revised Contract Duration (months)****(d)** | **Value of outstanding works [In Lakhs, NRS ]#****(e)**  | **Estimated Time in Month to Complete the outstanding works****(f) = (c) + (d) – Date of Invitation of Bid** |
| **1** |  |  |  |  |  |  |  |  |  |
| **2** |  |  |  |  |  |  |  |  |  |
| **3** |  |  |  |  |  |  |  |  |  |
| **4** |  |  |  |  |  |  |  |  |  |

 Signature of Bidder

# The meaning of Outstanding Works means Contract Price (excluding Vat) minus Work Evaluated by Employer till the reference date.

Note 1: “B” shall be calculated as :  , If (f) is less than 12, then value of (f) shall be taken as 12.

**Note 2: If Initial or Revised Contract Date is run out with respect to Date of Invitation of Bid, the Estimated Time in Month to Complete the outstanding works shall be taken equal to 12 months.**

Form EXP – 1

General Construction Experience

Each Applicant or member of a JV must fill in this form.

|  |
| --- |
| **General Construction Experience** |
| **Starting Month Year** | **Ending Month Year** | **Year** | **Contract Identification and Name and Address of Employer Brief Description of the Works Executed by the Bidder** | **Role of Applicant** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Form EXP – 2(a)

Experience in Contracts of Similar Size and Nature

Applicant’s Legal Name: Date:

JV Partner’s Legal Name: IFP No.:

ICB No.:

Page of pages

Fill up one (1) form per contract.

|  |
| --- |
| Contract of Similar Size and Nature |
| **Contract No**. . . . . .**of**. . . . . . | **Contract Identification** |  |
| **Award Date** |  | **Completion Date** |  |
| **Total Contract Amount** | **US$** |
| **If partner in a JV or Subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name****Address****Telephone/Fax Number****E-mail** |  |
| Description of the similarity in accordance with Criteria 4.2 of Section 3 |
|  |  |

Form EXP – 2 (b)

Construction Experience in Key Activities

Applicant’s Legal Name: Date:

JV Partner’s Legal Name: IFP No.:

Subcontractor’s Legal Name (as per ITA 24.2): ICB No.:

 Page : of pages

Fill up one (1) form per contract.

|  |
| --- |
| Contract with Similar Key Activities |
| **Contract No**. . . . . .**of**. . . . . . | **Contract Identification** |  |
| **Award Date** |  | **Completion Date** |  |
| **Total Contract Amount** | **US$** |
| **If partner in a JV or Subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name****Address****Telephone Number** **Fax Number****E-mail** |  |
| Description of key activities in accordance with Criteria 4.3 of Section 3 |
|  |  |

Form PER - 1

Proposed Personnel

Bidders should provide the names of suitably qualified personnel to meet the specified requirements
for each of the positions listed in Section 3 (Qualification Criteria). The data on their experience should be supplied using the Form below for each candidate.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Name** | **Position\*** | **Academic Qualification** | **Total Work Experience [Years]** | **Experience in Similar Works [years]** |
| **1.** |  |  |  |  |  |
| **2.** |  |  |  |  |  |
| **3.** |  |  |  |  |  |
| **4.** |  |  |  |  |  |
| **5.** |  |  |  |  |  |
|  |  |  |  |  |  |

* As listed in Section 3 (Qualification Criteria).

Form PER – 2

Resume of Proposed Personnel

The Bidder shall provide all the information requested below. Fields with asterisk (\*) shall be used for evaluation.

|  |
| --- |
| **Position\*** |
| **Personal Information** | **Name** | **Date of Birth** |
| **Professional qualifications** |
| **Present employment** | **Name of employer** |
| **Address of employer** |
| **Telephone** | **Contact (manager/personnel officer)** |
| **Fax** | **E-mail** |
| **Job title** | **Years with present employer** |

Summarize professional experience over the last twenty years in reverse chronological order. Indicate particular technical and managerial experience relevant to the project.

|  |  |  |
| --- | --- | --- |
| **From\*** | **To\*** | **Company, Project, Position and Relevant Technical and Management Experience\*** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Form - EQU

Equipment

The Bidder shall provide adequate information to demonstrate clearly that it has the capability to meet the requirements for the key equipment listed in Section 3 (Qualification Criteria). A separate Form shall be prepared for each item of equipment listed, or for alternative equipment proposed by the Bidder. The Bidder shall provide all the information requested below, to the extent possible. Fields with asterisk (\*) shall be used for evaluation.

|  |
| --- |
| **Type of Equipment\*** |
| **Equipment Information** | **Name of manufacturer** | **Model and power rating** |
| **Capacity\*** | **Year of manufacture** |
| **Current Status** | **Current location** |  |
| **Details of current commitments** |
| **Source** | **Indicate source of the equipment****🗀 Owned 🗀 Rented 🗀 Leased 🗀 Specially manufactured** |

The following information shall be provided only for equipment not owned by the Bidder.

|  |  |
| --- | --- |
| **Owner** | **Name of owner** |
| **Address of owner** |
| **Telephone** | **Contact name and title** |
| **Fax** | **email** |
| **Agreements** | **Details of rental / lease / manufacture agreements specific to the project** |

**PART II – Requirements**

**Section 5 –Scope of Contract**

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A. Requirements

Brief Description of the Scope

Major Contract Components

Estimated Quantities of Major Components

Methods Required

Contract Implementation Period

B. Supplementary Information

Project Country

Contract Site

Applicable Conditions of Contract

C. Facilities to be Provided by the Employer

1. [Insert the following if applicable]. This contract will be jointly financed by [name of co-financing agency]. Bidding will be governed by GON/Financing Agency's eligibility rules and procedures. [↑](#footnote-ref-2)
2. A brief description of the works should be provided, including type of works, work volume, location of project, and other information necessary to enable potential bidders to decide whether or not to respond to the invitation. Prequalification document may require bidders to have specialized experience or capabilities; such requirements should also be included in this paragraph. [↑](#footnote-ref-3)
3. For example, cashier’s check, direct deposit to specified account, etc. [↑](#footnote-ref-4)
4. The delivery procedure is usually airmail for overseas delivery and surface mail or courier for local delivery. If urgency dictates, courier services may be required for overseas delivery. [↑](#footnote-ref-5)
5. *Where a project is divided into separate contracts, Applicants may be prequalified through a single prequalification exercise either*

*(a) for a maximum contract value (bidding capacity), in case contracts are essentially of similar type. In this event, an Applicant shall be allowed to bid for any contract within its bidding capacity, however, it may only be awarded a maximum number of contracts for which it meets the aggregated requirements of such contract combination (award capacity). A Bidder’s award capacity will be determined during bid evaluation when additional information such as (i) financial resources and current contract commitments, (ii) equipment to be allocated, and (iii) personnel to be fielded will be assessed; or*

*(b) for each specific contract separately in case contracts are essentially of different nature such as a water treatment plant, a reservoir and a pipeline network as in a water supply project.* [↑](#footnote-ref-6)