

Standard Prequalification Documents

Prequalification of Tenderers



October 2016

PREQUALIFICATION OF TENDERERS FOR CONSTRUCTION WORKS, SUPPLY OF COMPLEX GOODS, SERVICES¹ OR ENGINEERING SYSTEMS

PREFACE

Procurement under projects financed by the European Bank for Reconstruction and Development (the Bank), is carried out in accordance with procedures laid down in *the Bank's Procurement Policies and Rules*.

The *Standard Prequalification Documents* in this publication have been prepared for the use by the Bank's public sector clients in the procurement of large building works, civil engineering projects, supply and installation contracts, and major complex custom-made equipment, unique or complex services under projects financed by the Bank. These documents are derived from standard prequalification documents, developed and in use by the World Bank. They reflect procedures and practices which have been developed through broad international experience, and comply with the Bank's *Procurement Policies and Rules*.

Complementing this document are the Bank's *Procurement Guidance Notes on the Prequalification of Tenderers* (the Guidance Notes) for construction works, supply of complex goods, services or engineering systems, which explain the reasons for this procedure and its advantages, and provide general guidance to clients and their consultants. The *Guidance Notes* do not constitute part of the Prequalification Documents and must not be included in the documents circulated to applicants.

Additional information on procurement for projects financed by the Bank can be obtained from:

**Procurement Department
European Bank for Reconstruction and Development
One Exchange Square
London EC2A 2JN
United Kingdom
Telephone: +44 20 7338 6000
Facsimile: +44 20 7338 7472**

¹ The services are any services, except consulting services, for example operation and maintenance of roads or plants, design, geotechnical surveys etc.

How to use these Documents

These *Standard Prequalification Documents* are intended to assist clients in the process of prequalifying applicants who wish to tender for large building, civil engineering, supply and installation contracts, and major complex custom-made equipment, complex or unique services.

These documents include five main sections:

- *Invitation for Prequalification*
- *Instructions to Applicants*
- *Prequalification Data Sheet*
- *Application Forms*
- *Information on the Contract(s)*

To simplify presentation, the text of the Prequalification Data Sheet has been written primarily for construction contracts (the most common application of prequalification procedures). Care should be taken when preparing prequalification documents to ensure that the prequalification criteria are clear and explicit, and that they reflect the needs and characteristics of the specific contract being tendered.

The following directions should be observed when using these Standard Prequalification Documents:

- The Instructions to Applicants should be used without change.
- The Prequalification Data Sheet should follow the general format of this document but data and criteria specific to the proposed tender must be prepared.
- The forms will require adaptation to a greater or lesser degree to suit the requirements of a specific prequalification/contract/project.
- The italicised notes in boxes in the Prequalification Data Sheet are not part of the text. They contain guidance and instructions for the drafter of the specific prequalification documents. They should not be incorporated in prequalification documents.
- The italicised notes in boxes in the Application Forms are part of the text. They contain guidance and instructions for the applicants. They should be left in the prequalification documents, but the applicants shall be informed that they should not be incorporated in the applications.
- Where alternative clauses or texts are shown, the drafter should select those that best suit the particular case, and should discard the alternative text that is not used or draft a new text and discard all the alternatives.

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PART A

INVITATION FOR PREQUALIFICATION

The Invitation for Prequalification provides information that enables potential applicants to decide whether to participate.

The Invitation for Prequalification must be published not earlier than 45 calendar days after the publication of the General Procurement Notice for the project on the Bank's Procurement Opportunities web-site (www.ebrd.com) as well as the Client's own procurement website, or official government procurement portal in the Client's country.

Where practical, the Invitation for Prequalification shall also be published in a newspaper with wide circulation in the Client's country or in official gazettes or international trade publications, as appropriate.

The notice may also be sent to potential contractors/suppliers that have responded to the General Procurement Notice and to commercial attachés of the embassies accredited in the Client's country.

The Bank will also arrange for publication in the United Nations Development Business and in the Official Journal of the European Union.

Clients should maintain a register of all potential applicants who have acquired the Prequalification Documents, and make it available to any interested party.

Although the Invitation for Prequalification does not form part of the Prequalification Documents, it shall be submitted to the Bank as part thereof, for review and no objection. The information in the Invitation for Prequalification must be consistent with, and reflect the information provided in, the Prequalification Documents.

[Country]
[Project title]

Invitation for Prequalification

[Title of contract]

This Invitation for Prequalification follows the General Procurement Notice for this project which was published on the EBRD website, *Project Procurement Notices* (<http://www.ebrd.com/pages/workingwithus/procurement/project.shtml>) on [state the date of publication].

[Name of Client], hereinafter referred to as "the Client", intends using part of the proceeds of a loan from the European Bank for Reconstruction and Development, hereinafter referred to as "the Bank", towards the cost of [insert name of the Project].

The Client intends prequalifying firms and consortia to tender for the following contract(s), hereinafter referred to as “the Contract”, to be funded from part of the proceeds of the loan:

- *[Provide a concise description of the works/supply for each contract, as may be applicable. State volume and principal quantities, where appropriate. Provide locations, estimated time schedule, and advise if any contracts are to be performed concurrently or otherwise separately.]*

Prequalification and tendering for contracts to be financed with the proceeds of a loan from the Bank is open to firms and joint ventures of firms from any country.

Prequalification documents may be obtained from the office at the address below upon payment of a non-refundable fee of *[state currency and value]* or equivalent in a convertible currency.

Only a nominal fee should be charged for the prequalification documents, solely to cover the costs of reproduction and of despatching the documents by courier.

[Give instructions for payment by bank transfer or the like and requirements for submitting bank receipt of payment to the Client].

Upon receipt of appropriate evidence of payment of the non-refundable fee, the documents will promptly be dispatched by courier; however, no liability can be accepted for their loss or late delivery.

If requested, the documents can be dispatched electronically in PDF format free of charge.

The prequalification documents must be duly completed and delivered to the address below, on or before *[specify time and date of deadline for application submission]*. Documents which are received late may be rejected and returned unopened.

The date for submission of applications shall be not less than 25 days after the date of publication of the Invitation for Prequalification or the availability of the Prequalification Documents, whichever is the latest.

A longer period would be appropriate for complex or large contracts and for Prequalification requiring a clarification meeting or site visit.

Interested firms may obtain further information from, and inspect and acquire the prequalification documents at the following office:

[Contact name]
[Executing agency]
[Address]
[Tel:]
[Fax:]
[E-mail]

SECTION I

INSTRUCTIONS TO APPLICANTS ²

1. Scope of Prequalification

- 1.1 The Client indicated in Section II, Prequalification Data Sheet, hereinafter referred to as “PDS”, issues this Prequalification Document for the procurement of the contract(s) described in Part B, Information on the Contract(s), hereinafter referred to as “the Contract”. The title and identification of the Prequalification process as well as the number of contracts/lots and their titles are provided in the PDS.
- 1.2 Unless otherwise stated, throughout this Prequalification Document definitions and interpretations shall be as prescribed in Section I, Instructions to Applicants.
- 1.3 The Client intends prequalifying firms and joint ventures, consortia, or associations to tender for the Contract.
- 1.4 The tendering schedule is outlined in the PDS.
- 1.5 The tender documents will be modelled on the Bank's Standard Tender Documents, as specified in the PDS.
- 1.6 The type of contract to be used is specified in the PDS.

2. Source of Funds

- 2.1 The Borrower or Recipient (hereinafter called “Borrower”) indicated in the PDS has applied for or received financing (hereinafter called “funds”) from the European Bank for Reconstruction and Development (hereinafter called the “Bank”) toward the cost of the project named in the PDS. The Borrower intends to apply a portion of the funds to eligible payments under the Contract for which this Prequalification Document is issued.
- 2.2 Payments by the Bank will be made only at the request of the Borrower and upon approval by the Bank in accordance with the terms and conditions of the financing agreement between the Borrower and the Bank (hereinafter called the “Loan Agreement”) and will be subject in all respects to the terms and conditions of that Loan Agreement. No party other than the Borrower shall derive any rights from the Loan Agreement or have any claim to the funds. The proceeds of the Bank’s loan will not be used for payments to persons or entities, or for any import of goods, if such payment or import is prohibited by a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations.

3. Prohibited Practices

- 3.1 The Bank requires that Borrowers (including beneficiaries of Bank loans), as well as tenderers, suppliers, sub-suppliers, contractors, subcontractors, concessionaires, consultants and sub-consultants under Bank financed contracts, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, the Bank:

² The Instructions to Applicants hereinafter referred to as “ITA”.

- (a) defines, for the purposes of this provision, Prohibited Practices as one or more of the following:
- (i) “corrupt practice” means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - (ii) “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;
 - (iii) “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;
 - (iv) “collusive practice” means an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
 - (v) “theft” means the misappropriation of property belonging to another party;
 - (vi) “misuse of the Bank’s resources” means improper use of the Bank’s resources, committed either intentionally or through reckless disregard; and,
 - (vii) “obstructive practice” means (i) destroying, falsifying, altering or concealing of evidence material to a Bank investigation, which impedes the Bank’s investigation; (ii) making false statements to investigators in order to materially impede a Bank investigation into allegations of a Prohibited Practice; (iii) failing to comply with requests to provide information, documents or records in connection with a Bank investigation; (iv) threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to a Bank investigation or from pursuing the investigation; or (v) materially impeding the exercise of the Bank’s contractual rights of audit or inspection or access to information.
- (b) will reject a proposal for award if it determines that the tenderer, supplier, subsupplier, contractor, subcontractor, concessionaire consultant or subconsultant recommended for award has engaged in Prohibited Practices in competing for the contract in question;
- (c) will cancel the portion of the Bank financing allocated to a contract for goods, works, services or concessions if it at any time determines that Prohibited Practices were engaged in by representatives of the Borrower or of a beneficiary of the Bank financing during the procurement or the execution of that contract, without the Borrower having taken timely and appropriate action satisfactory to the Bank to remedy the situation;
- (d) may declare a firm ineligible, either indefinitely or for a stated period of time, to be awarded a Bank-financed contract if it at any time determines that the firm has engaged in Prohibited Practices in competing for, or in executing, a Bank-financed contract;
- (e) reserves the right, where a Borrower or a firm has been found by the final judgement of a judicial process in a member country of the Bank or by the enforcement (or similar) mechanism of another international organisation, including Mutual Enforcement Institutions, to have engaged in Prohibited Practices:
- (i) to cancel all or part of the Bank financing for such Borrower; and

- (ii) to declare that such a firm is ineligible, either indefinitely or for a stated period of time, to be awarded a Bank-financed contract; and
- (f) will have the right to require that, in contracts financed by the Bank, a provision be included requiring suppliers, contractors, concessionaires and consultants to permit the Bank to inspect their accounts and records relating to the performance of the contract and to have them audited by auditors appointed by the Bank.

4. Eligible Applicants

- 4.1 An applicant may be a natural person, private entity, government-owned entity or any combination of such entities in the form of a joint venture, consortium, or association (JVCA).

In the case of a JVCA:

- (a) unless otherwise specified in the PDS, the application shall be signed by all JVCA partners; and
 - (b) the JVCA shall nominate a Representative who shall have the authority to conduct all businesses for and on behalf of any and all the partners of the JVCA during the Prequalification process.
- 4.2 In accordance with the Bank's *Procurement Policies and Rules* an applicant from any country may apply for Prequalification, unless as a matter of law or official regulation, the Client's country prohibits commercial relations with the applicant's country. An applicant shall be deemed to have the nationality of a country if the applicant is a citizen of, or is constituted, incorporated or registered in 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 or suppliers for any part of the Contract.
- 4.3 An applicant shall not have a conflict of interest. All applicants found to have a conflict of interest shall be disqualified. An applicant may be considered to have a conflict of interest with one or more parties in this Prequalification process, if:
- (a) they have controlling partners in common; or
 - (b) they receive or have received any direct or indirect subsidy from any of them; or
 - (c) they have the same legal representative for purposes of this prequalification; or
 - (d) 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 prequalification of another applicant, or influence the decisions of the Client regarding this Prequalification process; or
 - (e) an applicant, its affiliates or parent organisation has participated in the feasibility or design stages of a project. In which case that applicant, its affiliates or parent organisation shall not be eligible to participate in a prequalification for contracts involving the supply of goods, works or services, including architectural or engineering services, for the project, unless it can be demonstrated that such participation would not constitute a conflict of interest. Such determination must be made prior to the submission of a prequalification application; or
 - (f) an applicant participated as a consultant in the preparation of Part B, Information on the Contract(s), that are the subject of the prequalification; or

- (g) an applicant or any of its affiliates has been hired, or is proposed to be hired, by the Client or the Borrower for the supervision of the Contract.
- 4.4 Notwithstanding the provisions of ITA 4.3 above, a firm may apply for prequalification both individually and as part of a JVCA. However, a prequalified firm or a member of a prequalified JVCA may participate as a tenderer in only one tender, either individually or as a partner in a JVCA, for the Contract. Submission or participation by a tenderer in more than one tender for the Contract will result in the disqualification of all tenders for that Contract in which the party is involved. However, this does not limit the inclusion of the same subcontractors in more than one application.
- 4.5 An applicant shall be disqualified if the applicant, an affiliate of the applicant, a party constituting the applicant or an affiliate of a party constituting the applicant, is under a declaration of ineligibility by the Bank in accordance with ITA 3.1, at the date of the deadline for application submission or thereafter.
- 4.6 No affiliate of the Client shall be eligible to participate in a prequalification in any capacity whatsoever unless it can be demonstrated that there is not a significant degree of common ownership, influence or control amongst the affiliate and the Client or the Borrower.
- 4.7 Applicants shall provide such evidence of their eligibility satisfactory to the Client, as the Client may reasonably request.
- 4.8 Firms shall be excluded if:
- (a) as a matter of law or official regulation, the Borrower's country prohibits commercial relations with the applicant's country, provided that the Bank is satisfied that such exclusion does not preclude effective competition;
 - (b) by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Borrower's country prohibits any import of goods from the applicant's country or any payments to persons or entities in that country;
 - (c) as a matter of law or official regulation, a firm is formally debarred from contracting activities, and the Client may not enter into a contract with such firm; or
 - (d) it has been determined that it has engaged in Prohibited Practices as defined in the Bank's *Procurement Policies and Rules*.

5. Eligible Goods, Works and Services

- 5.1 All goods, works and services to be supplied under the Contract and financed by the Bank, shall have as their country of origin an eligible country of the Bank, in accordance with the Bank's *Procurement Policies and Rules*.
- 5.2 For purposes of this paragraph, the term goods includes commodities, raw material, machinery, equipment, and industrial plants; works includes any kind of civil, mechanical and electrical works; and services includes services such as insurance, transportation, installation, commissioning, training, and initial maintenance.
- 5.3 The term "country of origin" for the goods means the country where the goods have been mined, grown, cultivated, produced, manufactured, or processed; or through manufacture, processing, or assembly, another commercially recognised article results that differs substantially in its basic characteristics from its imported components.

- 5.4 The nationality of the firm that produces, assembles, distributes, or sells the goods shall not determine their origin.
- 5.5 The term “country of origin” for the works and services means the country where the works are constructed or services are rendered.

6. Prequalification Document

- 6.1 The Prequalification Document consist of Parts A and B, which include all the Sections indicated below, and should be read in conjunction with any addenda issued in accordance with ITA 8:

PART A: Prequalification Procedures

- Section I: Instruction to Applicants
- Section II: Prequalification Data Sheet
- Section III: Application Forms

PART B: Information on the Contract(s)

- 6.2 The Invitation for Prequalification issued by the Client is not part of the Prequalification Document.
- 6.3 The applicant shall obtain the Prequalification Document from the source stated by the Client in the PDS; otherwise the Client is not responsible for the completeness of the Prequalification Document.
- 6.4 The applicant is expected to examine all instructions, forms, terms and information in the Prequalification Document. Failure to furnish all information or documentation required by the Prequalification Document may result in the rejection of the application.

7. Clarification of Prequalification Document

- 7.1 A prospective applicant requiring any clarification of the Prequalification Document shall contact the Client in writing at the Client address indicated in the PDS or raise his enquiries during the clarification meeting if provided for in accordance with ITA 7.4. The Client will respond to any request for clarification, provided that such request is received prior to the deadline for submission of applications, within the number of days specified in the PDS. The Client’s response shall be in writing with copies to all applicants who have acquired the Prequalification Document in accordance with ITA 6.3, including a description of the inquiry but without identifying its source. Should the Client deem it necessary to amend the Prequalification Document as a result of a request for clarification, it shall do so following the procedure described under ITA 8.
- 7.2 Where applicable, the applicant may visit and examine the project site and obtain for itself, on its own responsibility, all information that may be necessary for preparing the application and entering into the Contract. The costs of visiting the site shall be at the applicant’s own expense.
- 7.3 Where the applicant and any of its personnel or agents have been granted permission by the Client to enter upon its premises and lands for the purpose of such visit, the applicant, its personnel, and agents will release and indemnify the Client and its personnel and agents from and against all liability in respect thereof, and will be responsible for death or personal injury, loss of or damage to property, and any other loss, damage, costs, and expenses incurred as a result of the visit.

- 7.4 The applicant's designated representative is invited to attend a clarification meeting, if provided for in the PDS. The purpose of the meeting will be to clarify issues and to answer questions on any matter that may be raised at that stage. If so provided in the PDS, the Client will organise a site visit.
- 7.5 The applicant is requested, as far as possible, to submit any questions in writing, to reach the Client not later than one week before the meeting.
- 7.6 Minutes of the clarification meeting, including the text of the questions raised without identifying the source, and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all applicants who have acquired the Prequalification Document in accordance with ITA 6.3. Any modification to the Prequalification Document that may become necessary as a result of the clarification meeting shall be made by the Client exclusively through the issue of an addendum pursuant to ITA 8 and not through the minutes of the clarification meeting.
- 7.7 Non-attendance at the clarification meeting will not be a cause for disqualification of an applicant.

8. Amendment of Prequalification Document

- 8.1 At any time prior to the deadline for submission of applications, the Client may amend the Prequalification Document by issuing addenda.
- 8.2 Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all applicants, who have obtained the Prequalification Document in accordance with ITA 6.3.
- 8.3 To give prospective applicants reasonable time in which to take an addendum into account in preparing their applications, the Client may, at its discretion, extend the deadline for the submission of applications.

9. Cost of Prequalification

- 9.1 The applicant shall bear all costs associated with the preparation and submission of its application, and the Client shall not be responsible or liable for those costs, regardless of the conduct or outcome of the Prequalification process.

10. Language of Prequalification

- 10.1 The applications, as well as all correspondence and documents relating to the Prequalification exchanged by the applicant and the Client, shall be written in the language specified in the PDS. Supporting documents and printed literature that are part of the application may be in another language provided they are accompanied by an accurate translation of the relevant passages in that language, in which case, for purposes of interpretation of the application, such translation shall govern.

11. Documents Comprising the Application

- 11.1 The application shall comprise the following:
- (a) Letter of Application;
 - (b) completed forms, furnished in Section III, Prequalification Forms;
 - (c) written confirmation authorising the signatory of the application;

- (d) documentary evidence establishing the applicant's qualifications in support of the relevant forms furnished in Section III, Prequalification Forms;
- (e) in the case of an application submitted by a JVCA, the JVCA agreement or a letter of intent signed by all partners to the JVCA; and
- (f) any other document required in the PDS.

12. Letter of Application

- 12.1 The applicant shall submit the Letter of Application using the form furnished in Section III, Prequalification Forms. This form must be completed without any alterations to its format, and no substitutes shall be accepted. All blank spaces shall be filled in with the information requested.

13. Documents Establishing Qualifications of Applicants

- 13.1 To establish its qualifications to perform the Contract in accordance with the criteria set out in Section II, Prequalification Data Sheet, the applicant shall provide the information requested in Section III, Prequalification Forms.
- 13.2 Applicants shall also provide the additional information, if so required in the PDS.
- 13.3 Failure to provide information, which is essential to evaluate the applicant's qualifications, may result in the disqualification of the applicant.

14. Format and Signing of Applications

- 14.1 The applicant shall prepare one original of the documents comprising the application as described in ITA 11 and clearly mark it "ORIGINAL". In addition, 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.
- 14.2 The original and all copies of the application shall be typed or written in indelible ink and shall be signed by a person duly authorised to sign on behalf of the applicant. This authorisation shall consist of a written confirmation as specified in the PDS and shall be attached to the application. The name and position held by each person signing the authorisation must be typed or printed below the signature. The number of copies of the application required shall be specified in the PDS.
- 14.3 An application submitted by a JVCA shall comply with the following requirements:
- (a) Unless not required in accordance with ITA 4.1 (a), be signed so as to be legally binding on all partners and
 - (b) Include the Representative's authorisation referred to in ITA 4.1 (b), consisting of a power of attorney signed by those legally authorised to sign on behalf of the JVCA.
- 14.4 Any amendments, interlineations, erasures, or overwriting shall be valid only if they are signed or initialled by the person signing the application.

15. Submission, Sealing and Marking of Application

- 15.1 Applicants may always submit their applications by mail or by hand. If so specified in the PDS, applicants shall have the option of submitting their applications electronically. Procedures for submission, sealing and marking are as follows:

- (a) Applicants submitting applications by mail or by hand shall enclose the original and copies of the applications in separate sealed envelopes. The envelopes shall be duly marked as “ORIGINAL” and “COPY”. These envelopes shall then be enclosed in one single package;
 - (b) Applicants submitting applications electronically shall follow the electronic application submission procedures specified in the PDS.
- 15.2 The inner and outer envelopes shall:
- (a) bear the name and address of the applicant;
 - (b) be addressed to the Client;
 - (c) bear the specific identification of this Prequalification process; and
 - (d) bear a warning not to open before the time and date for Application Opening.
- 15.3 If envelopes and packages are not sealed and marked as required, the Client will assume no responsibility for the misplacement or premature opening of the application.

16. Withdrawal, Substitution, and Modification of Applications

- 16.1 An applicant may withdraw, substitute, or modify its application after it has been submitted by sending a written notice, duly signed by an authorised representative, and shall include a copy of the authorisation in accordance with ITA 14.2, (except that withdrawal notices do not require copies). The corresponding substitution or modification of the application must accompany the respective written notice. All notices must be:
- (a) prepared and submitted in accordance with ITA 14 and ITA 15 (except that withdrawals notices do not require copies), and in addition, the respective envelopes shall be clearly marked “Withdrawal,” “Substitution,” “Modification”; and
 - (b) received in good time prior to completion of the evaluation of applications by the Client.
- 16.2 Applications requested to be withdrawn shall be returned to the applicants.

17. Deadline for Submission of Applications

- 17.1 Applications shall be received by the Client at the address and no later than the date and time indicated in the PDS.
- 17.2 The Client may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of the Client and applicants previously subject to the deadline shall thereafter be subject to the deadline as extended.

18. Late Applications

- 18.1 The Client may consider any application that arrives after the deadline for submission of applications with the purpose of enhancing competition, so long as essential project objectives are not compromised.
- 18.2 Notwithstanding ITA 18.1, the Client reserves the right to reject any application that arrives after the deadline for submission of applications.

19. Application Opening

- 19.1 The Client shall conduct the Application Opening in public, in the presence of applicants' designated representatives and anyone who chooses to attend, and at the address, date and time specified in the PDS. Any specific electronic Application Opening procedures required, if electronic Prequalification is permitted in accordance with ITA 15.1, shall be as specified in the PDS.
- 19.2 First, envelopes marked "Withdrawal" shall be opened and read out and the envelope with the corresponding application shall not be opened, but returned to the applicant. No application withdrawal shall be permitted unless the corresponding withdrawal notice contains a valid authorisation to request the withdrawal. Next, envelopes marked "Substitution" shall be opened and read out and exchanged with the corresponding application being substituted, and the substituted application shall not be opened, but returned to the applicant. No application substitution shall be permitted unless the corresponding substitution notice contains a valid authorisation to request the substitution. Envelopes marked "Modification" shall be opened and read out with the corresponding application. No application modification shall be permitted unless the corresponding modification notice contains a valid authorisation to request the modification. Subject to ITA 18, only applications that are opened and read out at Application Opening shall normally be considered further.
- 19.3 The Client shall open all other envelopes one at a time and read out: the name of the applicant, its nationality and any other details as the Client may consider appropriate. No applications shall be rejected at Application Opening.
- 19.4 The Client shall prepare a record of the Application Opening that shall include, as a minimum: the name of the applicant, its nationality and whether there is a withdrawal, substitution, or modification. The applicants' representatives who are present shall be requested to sign the record. The omission of an applicant's signature on the record shall not invalidate the contents and effect of the record. A copy of the record shall be distributed to all applicants who acquired Prequalification documents, and posted online when electronic Prequalification is permitted.

20. Confidentiality

- 20.1 Information relating to the evaluation of applications shall not be disclosed to applicants or any other persons not officially concerned with such process until information on the outcome of Prequalification is communicated to the applicants.
- 20.2 Any attempt by an applicant to influence improperly the Client in the evaluation of the applications decisions may result in the rejection of its application.
- 20.3 Notwithstanding the above, from the time of Application Opening to the time, when information on the outcome of Prequalification is communicated to the applicants, if an applicant wishes to contact the Client on any matter related to the prequalification process, it should do so in writing.

21. Clarification of Applications

- 21.1 To assist in the examination and evaluation of the applications, the Client may, at its own discretion, ask any applicant for a clarification of its application, allowing a reasonable time for response. Any clarification submitted by an applicant that is not in response to a request by the Client may not be considered. The Client's request for clarification and the response shall be in writing.

- 21.2 If an applicant does not provide clarifications of its application or substantiations of the information supplied, by the date and time set in the Client's request for clarification, its application may be rejected.

22. Evaluation of Applications

- 22.1 The Client shall use the criteria and methodologies specified in the PDS. No other evaluation criteria or methodologies shall be permitted.
- 22.2 The Client's evaluation of an applicant's qualification shall be based on the contents of the application itself, as defined in ITA 11 and ITA 13, and clarifications thereof.
- 22.3 The Client reserves the right to waive:
- (a) any omissions in applications that do not preclude his evaluation of an applicant's qualification;
 - (b) any minor deviations from the criteria, if they do not materially affect the capability of an applicant to perform the Contract.
- 22.4 The determination shall be based upon an examination of the documentary evidence of the applicants' qualifications submitted by the applicants, pursuant to ITA 11 and ITA 13.
- 22.5 An affirmative determination whether the applicants meet conditionally or unconditionally the qualifying criteria specified under ITA 22.1 shall be a prerequisite for inviting the applicants to tender. A negative determination shall result in the disqualification of the applicant.
- 22.6 Unless otherwise specified in the PDS, the capabilities and qualifications of the manufacturers and subcontractors proposed by the applicants for the major and/or specialised items, where applicable, will be evaluated for acceptability in accordance with the criteria and methodologies defined in the PDS.

23. Client's Right to Accept Any Application, and to Reject Any or All Applications

- 23.1 The Client reserves the right to accept or reject any application, and to cancel the Prequalification process and reject all applications at any time prior to the time, when information on the outcome of Prequalification is communicated to the applicants, without thereby incurring any liability to the applicants. In the case of cancellation of the Prequalification process, all applications submitted shall be promptly returned to the applicants.

24. Notification of Outcome of Prequalification

- 24.1 The Client shall notify all applicants about the outcome of Prequalification in writing.
- 24.2 The notification shall include, as a minimum: the names of the prequalified applicants and their nationality.
- 24.3 In addition to information to be sent in accordance with ITA 24.2, the notification to be sent to conditionally prequalified applicants shall list the specific conditions of their prequalification and the time period within which these conditions are to be met.
- 24.4 In addition to information to be sent in accordance with ITA 24.2, the notification to be sent to rejected applicants shall state the specific reasons for the rejection of their applications.

- 24.5 In all cases, the notification should state that Prequalification will be followed by verification of the applicants' qualification at the time of tendering, and that tenders will be rejected by the Client, at its discretion, if the verification is unsatisfactory or if the tenderer is unable to confirm the requirements specified in accordance with ITA 24.3.
- 24.6 The applicants should be advised that only firms and JVCA that have been prequalified under this Prequalification will be eligible to tender.
- 24.7 The Client shall make publicly available to any interested party and shall publish on the Bank's website the list of prequalified applicants immediately after information on the outcome of Prequalification is communicated to all applicants.
- 24.8 After publication of the outcome of Prequalification, unsuccessful applicants may request in writing to the Client for a debriefing seeking explanations on the grounds upon which their application was rejected. The Client shall promptly respond in writing to and arrange a debriefing of any unsuccessful applicant who, after publication of the outcome of Prequalification, requests a debriefing.
- 24.9 Subject to ITA 25.5, the Client will notify the applicants of any changes in the list of prequalified tenderers not later than 14 days prior to the tender opening.

25. Invitation to Tender

- 25.1 The Client shall invite to tender for the Contract only those applicants who have been prequalified under this procedure.
- 25.2 At any time after information on the outcome of Prequalification was communicated to the applicants the Client reserves the right to:
- (a) amend the scope and the cost estimates of the Contract to be tendered, in which event only those prequalified applicants who meet the amended requirements may be invited to tender for the Contract; or
 - (b) cancel the outcome of Prequalification.
- The Client shall neither be liable nor be under any obligation to inform the applicants of the grounds for such action.
- 25.3 Prequalified tenderers will be required to provide a tender security. The successful tenderer will be required to provide a performance security. Details of these securities will be specified in the tender documents for the Contract.
- 25.4 At the time of submitting their tenders, prequalified tenderers shall update the relevant information used at Prequalification to confirm that they continue to comply with the qualification criteria and verify that the information previously provided is still valid and correct. A tenderer may be disqualified at the time of the Contract award if it no longer meets the qualification requirements.
- 25.5 The formation of a new JVCA after Prequalification, any change in a prequalified JVCA or prequalification of any individual partners of a dissolved prequalified JVCA shall be subject to the written approval of the Client prior to the deadline for submission of tenders. Such approval may be denied if
- (c) partners withdraw from a JVCA and the remaining partners do not meet the qualifying requirements;
 - (d) the level of participation by partners or the structure of the JVCA is substantially changed;

- (e) the new JVCA or an individual partner of a dissolved prequalified JVCA is not qualified;
- (f) in the opinion of the Client, it may lead to a substantial reduction in competition;
or
- (g) a request for a change in the prequalification status of tenderers (prequalified applicants) is received by the Client after the date, which is 14 days prior to the deadline for tender submission.

SECTION II

PREQUALIFICATION DATA SHEET

Section II, Prequalification Data Sheet, provides the specific information in relation to the corresponding paragraphs in Section I, Instructions to Applicants, and must be prepared by the Client for each specific Prequalification.

The Client should specify in the Prequalification Data Sheet information and requirements specific to the circumstances of the Client, the Contract, the processing of the Prequalification and subsequent tender process and the applicable rules regarding the evaluation of qualification that will apply to the applicants.

In preparing Section II the following aspects should be checked:

- (a) information that specifies and complements provisions of Section I must be incorporated;*
- (b) amendments, if any, to the provisions of Section I, as necessitated by the circumstances of the specific procurement, must also be incorporated and emphasised..*

Where applications are being invited for a number of contracts, suitable wording should be introduced, to allow applicants to apply for individual contracts or groups of contracts.

Boxed guidance notes and provisions in italics font are illustrative provisions containing instructions and guidance which the drafter should follow. They are not part of the text, and should not be included in the final Prequalification Document.

All reference numbers provided in this Section shall be construed as reference numbers in Section I, Instruction to Applicants.

Provisions entitled "EXAMPLE" in this Section are optional and may be revised, supplemented and included in the final Prequalification Document at the Client's discretion.

1. Scope of Prequalification

1.1 The Client is: *[specify the name of the Client]*

The title of the Prequalification process is: *[insert complete title]*

The identification number of the Prequalification process is: *[insert identification number]*

The number of contracts/lots and titles of contracts, for which the Prequalification Documents are issued: *[insert the number of contracts and list their titles]*

The estimated cost of the contract should not be disclosed in the Prequalification Data Sheet or in the Invitation for Prequalification.

1.4 The tendering schedule is as follows:

Invitation for Prequalification:	<i>[specify planned month and year]</i>
Submission of Applications:	<i>[specify planned month and year]</i>
Results of Prequalification:	<i>[specify planned month and year]</i>
Invitation to Tender:	<i>[specify planned month and year]</i>
Submission of Tenders:	<i>[specify planned month and year]</i>
Contract Award:	<i>[specify planned month and year]</i>

1.5 The tender documents will be based on *[specify the type of the Bank's Standard Tender Documents to be used for the tendering process]*.

EXAMPLE:

The tender documents will be based on the Bank's Standard Tender Documents for the procurement of works through open tendering.

1.6 The contract will be modelled upon *[specify the type of the contract terms and conditions to be used]*.

EXAMPLE:

The contract will be a re-measurement unit rate based fixed price contract. FIDIC Conditions of Contract for Construction, First Edition, 1999, will be used as a basis.

2. Source of Funds

2.1 The Borrower is: *[specify the name of the Borrower]*

The Project is: *[insert the name of the Project]*

6. Prequalification Document

6.3 Interested firms may obtain and inspect and acquire the Prequalification Documents at the following address:

Contact person:	<i>[insert full name of person, if applicable]</i>
Executing Agency:	<i>[insert the name of the Executing Agency]</i>
Street Address:	<i>[insert street address and number]</i>
Floor/Room number:	<i>[insert floor and room number, if applicable]</i>
City:	<i>[insert name of city or town]</i>
Postal Code:	<i>[insert postal code]</i>
Country:	<i>[insert name of country]</i>
Phone number:	<i>[insert phone number, with country and city codes]</i>
Facsimile number:	<i>[insert facsimile number, with country and city codes]</i>
E-mail address:	<i>[insert e-mail address, if applicable]</i>

7. Clarification of Prequalification Document

7.1 For clarification purposes only, the Client's address is:

Attention: *[insert full name of person, if applicable]*

Street Address: *[insert street address and number]*

Floor/Room number: *[insert floor and room number, if applicable]*

City: *[insert name of city or town]*

Postal Code: *[insert postal code]*

Country: *[insert name of country]*

Facsimile number: *[insert facsimile number, with country and city codes]*

E-mail address: *[insert e-mail address, if applicable]*

Requests for clarification shall be received by the Client no later than *[insert number of days]*, prior to the deadline for submission of applications.

The deadline for clarification requests would normally be set at a date no later than 14 days prior to the deadline for submission of applications

7.4 A clarification meeting *[insert "will" or "will not"]* take place.

If the clarification meeting will take place, it will be at the following date, time and place:

Date: *[insert date, if applicable]*

Time: *[insert time, if applicable]*

Place: *[insert place, if applicable]*

A site visit conducted by the Client *[insert "will" or "will not"]* be organised.

If the site visit is organised, it will be at the following date, time and place:

Date: *[insert date, if applicable]*

Time: *[insert time, if applicable]*

Place: *[insert place, if applicable]*

Clarification meeting and site visit if any, should normally take place at least 14 days prior to the deadline for application submission and coincide with the deadline for clarification requests specified in ITA 7.1 above.

10. Language of Prequalification

10.1 The language of the Prequalification is: *[insert language]*

In case of sovereign operations the prequalification documents, including all published procurement notices, shall be prepared in one of the Bank's working languages. Sovereign operations are Bank financed public sector operations which are extended to, or guaranteed by a recipient member country of the Bank. In the interest of open competition as well as economy and efficiency, the Bank requires that the prequalification documents also be prepared in the English language, which shall be specified in the prequalification documents as the governing language. In addition, further sets of the prequalification documentation may be prepared in the local language, in order to assist local firms in Prequalification.

In the case of sub-sovereign operations, the prequalification documentation, including all published procurement notices, can be prepared in the local language or other commercially accepted language, which can also be specified in the prequalification documents as the governing language. Sub-sovereign operations are Bank financed public sector operations other than those extended to, or guaranteed by, a recipient member country of the Bank. All procurement and prequalification documentation shall also be prepared and issued in the English language. The Bank will determine on the basis of such English language documentation whether procurement has been carried out in accordance with the agreed procedures.

11. Documents Comprising the Application

11.1 The application shall include the following additional documents:

EXAMPLE:

- (i) charter;
- (ii) registration (incorporation) documents;
- (iii) evidence of participation (membership) in self regulating associations:
[list the specific requirements, if mandatory by the law for implementing the Contract];
- (iv) the names and addresses of the applicant's bank(s);
- (v) the authorisation allowing the Client to request verification from the applicant's bank(s);
- (vi) the list of planned subcontractors/manufacturers/vendors;
- (vii) information on debarment resulting from contracts completed or under execution by the applicant over the last *[insert the number of]* years;

The required period is normally three to five years.

[list further additional documents, if required by the law for implementing the Contract].

13. Documents Establishing Qualifications of Applicants

13.1 Applicants shall also provide the following additional information:

- (i) licences (permissions) for the following activities:
[list the specific activities, which by law are subject to licensing/permission by the authorities and necessary for implementing the Contract];

- (ii) annual financial statements for the last *[insert the number of]* years supported by audit statements or tax returns/acceptance by the tax authorities;
- (iii) complete information on any current and past litigation and/or arbitration (with an indication of the matters in dispute, the parties involved, the amounts in dispute and the outcome, where available) resulting from contracts completed or under execution by the applicant over the last *[insert the number of]* years;
- (iv) complete information on any termination of contracts (with an indication of the causes of the termination and the parties involved) completed or under execution by the applicant over the last *[insert the number of]* years;

[list further additional information].

The required period is normally three to five years.

The Client may permit applicants to claim the experience and capability of their parent companies for the purposes of meeting the qualification criteria, a clear statement to this effect must be made in the Prequalification Documents. The Prequalification Documents shall also specify the minimum requirements with regard to the applicant's parent company guarantee by the Client. The main purpose of such parent company guarantee would be to ensure that the contract will be performed satisfactorily.

EXAMPLE:

If an applicant wishes to claim the experience and capability of its parent company for the purposes of meeting the qualification requirements, the applicant shall submit with its application an irrevocable guarantee from its parent company either using the form included in Section III, Application Forms or in another substantially similar format approved by the Client prior to application submission.

Failure to furnish a suitable parent company guarantee may result in the rejection of the application.

EXAMPLE:

Applicants shall not be permitted to claim the experience and capability of their parent companies for the purposes of meeting the minimum qualification requirements.

The Client shall consider the experience and qualification of applicants only on their own merits.

14. Format and Signing of Applications

- 14.1 In addition to the original of the application, the applicant shall submit the following number of copies: *[insert number of copies required]*.

The Client may request submission of a copy of the application in electronic (normally PDF) format. A clear statement to this effect must be made in the Prequalification Documents.

- 14.2 The written confirmation of authorisation to sign the application shall consist of a duly authorised power of attorney, indicating that the person(s) signing the application has the authority to sign the application and the application is thus binding upon the applicant.

15. Submission, Sealing and Marking of Application

15.1 Applicants submitting their applications electronically shall follow the following submission procedures:

[please describe the electronic application submission]

Historically, prequalification information has been disseminated and collected in hard copy paper format, although in recent years this is often complemented by electronic copies of the documents.

Electronic procedures introduce certain advantages that allow both the Client and potential applicants to save time and effort in the prequalification process.

Nevertheless, the electronic prequalification (e-prequalification) should reflect the traditional processes and controls.

As e-prequalification is a web based approach, an Internet connection is required. E-prequalification shall respect the HTML standards and guidelines defined by the World Wide Web, so is therefore compatible with all browsers such as Internet Explorer, Netscape or Mozilla etc. The documents uploaded in e-tendering are generally in Adobe Acrobat PDF and in Microsoft Word format.

Clients, wishing to use e-prequalification, shall provide a comprehensive description of the electronic application submission procedures.

17. Deadline for Submission of Applications

17.1 For application submission purposes only, the Client's address is:

Attention: *[insert full name of person, if applicable]*

Street Address: *[insert street address and number]*

Floor/Room number: *[insert floor and room number, if applicable]*

City: *[insert name of city or town]*

Postal Code: *[insert postal code]*

Country: *[insert name of country]*

E-mail address: *[insert e-mail address, if applicable]*

The deadline for application submission is:

Date: *[insert the date]*

Time: *[insert the time]*

19. Application Opening

19.1 The Application Opening shall take place at:

Street Address: *[insert street address and number]*

Floor/Room number: *[insert floor and room number, if applicable]*

City: *[insert name of city or town]*

Postal Code: *[insert postal code]*

Country: *[insert name of country]*

The date for Application Opening must be the same as for application submission specified under ITA 17.1 above. The time specified for Application Opening should normally be the same as for the deadline for application submission or promptly thereafter.

The time of Application Opening is:

Date: *[insert the date]*

Time: *[insert the time]*

22. Evaluation of Applications

22.1 To be prequalified for tendering for the Contract, the applicant must demonstrate to the Client that it substantially satisfies the requirements regarding experience, personnel, equipment, financial position and litigation history, specified below:

The criteria outlined in the following examples are typical of those used in works contracts. Different criteria should be devised for the prequalification of suppliers or manufacturers.

When the prequalification refers to more than one contract and the works/supply are to be tendered on a 'slice and package' basis, specific criteria should be established for every lot, any combination of lots, and for the whole package. Applicants should be classified in accordance with their capacities and qualification, in respect of the lots they can be contracted for or the whole package.

EXAMPLE:

1. General Experience

The applicant shall have an average annual turnover (defined as annual earnings, expressed in its equivalent of a defined currency) as a contractor over the last *[insert number of]* years of *[state currency]* *[insert the amount]* equivalent.

The required period is normally three to five years.

The required amount should normally be not less than 2.5 times the estimated annual cash flow in the proposed contract (based on a straight line projection). The coefficient may be smaller for very large (in excess of EUR 100 million equivalent) or very small contracts (EUR 5 million equivalent or less), but not less than 1.5, and should take into consideration special country circumstances.

The turnover value in other currencies than the defined currency should be recalculated into that currency based on the exchange rate as of the 1st of July of each year reported, as set by *[state the bank]*.

For some contracts the turnover criterion may be substituted or complemented by the request to stipulate works/supplies/services undertaken within the given period in physical terms (for example, number of vehicles supplied, volume of dredging works carried out etc).

Normally the conversion shall be based on the exchange rates published by the central/national bank of the Client's country.

2. *Specific Experience*

The applicant shall meet the following minimum criteria:

- (a) successful experience as a contractor (prime or subcontractor) in the execution of at least *[insert the number]* contracts of a magnitude comparable to the proposed contract within the last *[insert the number]* years. For assessment purposes the values of the referred contracts shall be not less than the equivalent of *[insert the value][insert the currency]*;
- (b) the applicant or the lead partner in a JVCA shall have acted as a main contractor on *[insert the number]* contracts of a similar magnitude. For assessment purposes the values of the referred contracts shall be not less than the equivalent of *[insert the value][insert the currency]*;
- (c) successful experience as a contractor (prime or subcontractor) in the execution of at least *[insert the number]* contracts of a nature and complexity comparable to the proposed contract within the last *[insert the number]* years. For assessment purposes the referred contracts shall include *[insert a brief description of works/supplies and/or criteria establishing similarity with the Contract]*.

The required period is normally three to five years.

Normally at least two contracts of comparable magnitude shall be considered. The individual value of such contracts should be not less than 60 percent of the estimated cost of the Contract. However, the criterion shall be more rigorous in projects requiring considerable specialised experience.

The similarity shall be based on the key construction/supply activities for the Contract.

In addition, the following specific operations and works experience shall be demonstrated:

[insert the list of the expected construction/production rates for the key construction activities of the Contract].

Applicants should have performed operations of a volume and quality similar to those required for the project. For example, where large volume earthworks, tunnelling or concrete placing is involved, the applicant should demonstrate experience in those operations, having performed them at rates comparable to the peak rate required for the project. The construction/production rates shall not be less than 75 per cent of the expected rates at peak periods.

Moreover, the list may include highly specialised operations such as, for example, design, installation and commissioning of specialised engineering systems, underwater repair work etc.

The evaluation criteria listed below with regard to applicants' resources, such as personnel, equipment availability, manufacturing capacity as well as financial position in respect of meeting the contract cash flow requirements, are optional. These criteria shall normally be used at a qualification phase during the tendering stage, when all essential details of the contract, effecting response to these criteria, are known.

3. Personnel Capabilities

The applicant shall provide suitably qualified personnel to fill the positions listed below. For each position applicants shall supply information in the relevant form (Section III, Prequalification Forms) on a main candidate and an alternate, each of whom should meet the experience requirements specified below:

<i>Position</i>	<i>Total work experience (years)</i>	<i>In similar works (years)</i>	<i>As manager of similar works (years)</i>
<i>Project Manager</i>			
<i>Project Manager (Alt)</i>			
<i>Chief Designer</i>			
<i>Chief Designer (Alt)</i>			
<i>[Other positions]</i>			

Please minimize the list to key management and specialist positions only.

Do not include all principals or head office personnel, who are not key to the project, or other non-specialist personnel.

4. Equipment Availability

The applicant shall own, or have assured access to (through hire, lease, purchase agreement, availability of manufacturing equipment, or other means), the following key items of equipment in full working order, and must demonstrate that they will be available for use in the Contract.

The applicant may also list alternative equipment which he would propose to use for the Contract, together with an explanation of the proposal.

<i>Equipment type and characteristics</i>	<i>Minimum number required</i>
1.	
2.	
3.	
4.	
5.	

The above applies mainly to construction works. However, it may be adapted for some heavy engineering contracts, supply and installation, and other contracts requiring plant capacity.

Insert a list of the key equipment needs, based on specific items or performance criteria, as appropriate.

The items listed shall be limited to major items of equipment which are crucial to the proper and timely execution of the contract, and which applicants may not readily be able to purchase, hire, or lease in the required time frame.

EXAMPLE:**4. Manufacturing Capacity**

The applicant shall demonstrate that it or his manufacturer/supplier/vendor has the manufacturing capacity to produce the required equipment during *[state the planned Contract implementation period]*, taking into account the applicant's commitments in other contracts.

The applicant shall have assured availability of the following manufacturing lines/equipment in full working order, and must demonstrate that they will be available for use in the Contract:

The applicant may also list alternative arrangements which he would propose to use for the Contract, together with an explanation of the proposal.

<i>Manufacturing lines</i>	<i>Minimum capacity required</i>
1.	
2.	
3.	

The qualification criterion should be set at a level that ensures that the installed manufacturing capacity and the free (of the ongoing orders) capacity of the manufacturers are sufficient to meet the expected volume of supply.

EXAMPLE:**5. Financial Position**

The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the construction cash flow for the contract for a period of *[insert the number]* months, estimated as not less than *[state currency]* *[insert the amount]* equivalent, taking into account the applicant's commitments in other contracts.

In case the applicant uses other currency, the calculations shall be based on the exchange rate, as set by *[state the bank]* on the date of publication of the Invitation for Prequalification.

Calculate the cash flow for a number of months, defined as the total time needed by the Client to pay a contractor's invoice, allowing for (i) the time of construction/supply from the beginning of the month invoiced; (ii) the time needed to issue the interim payment certificate/invoice; (iii) the time needed to pay the certified/invoiced amount, and (iv) a contingency period of normally one month to allow for unforeseen delays. The assessment should be based on a straight line projection of the estimated cash flow requirement, neglecting the effect of any advance payments and retention monies.

Normally conversion shall be based on the exchange rates published by the central/national bank of the Client's country.

The submitted annual financial statements for the *[insert the number of years]* years must demonstrate the soundness of the applicant's financial position, showing long term profitability. Consistent losses or a risk of insolvency shown in the accounts may be cause for the disqualification of the applicant.

The required period is normally three to five years.

To facilitate the assessment of information the applicants shall submit a summary of assets and liabilities, expressed in an equivalent of *[state the currency]* converted based on the exchange rate reported as of the 1st of July of each year, as set by *[state the bank]*.

Based upon known commitments, the applicants shall also provide a summary of the projected assets and liabilities for the next *[insert the number]* years, expressed in its equivalent of *[state the currency]* converted based on the exchange rate as of the date of publication of the Invitation for Prequalification, as set by *[state the bank]*, unless the withholding of such information is justified by the Applicant to the satisfaction of the Client.

The required period is normally one to two years, depending on the planned project timing.

Normally conversion shall be based on the exchange rates published by the central/national bank of the Client's country.

Where necessary, the Client may make inquiries with the applicant's banks.

6. Non-performance History

A consistent history of litigation and/or arbitration awards against the applicant or any partner of a joint venture or their non-performance under the contracts may result in failure of the application.

Moreover, if an applicant is formally debarred from contracting activities by the law or official regulation of the Client's country or by the Bank, and the Client may not enter into a contract with such applicant, the Client may reject the application.

7. Current Obligations and Pending Awards

The applicant shall have the above mentioned resources free of ongoing obligations and/or pending contract awards.

The applicant shall provide information on the on-going contractual obligations and pending contract awards.

The Client may reject the application if the level of the confirmed commitments to be carried out in parallel with the Contract exceeds the applicant's annual turnover for the previous year by a factor of *[insert the figure]*.

The factor shall normally be not less than 1.2.

8. Specific Requirements with regard to JVCA

JVCA must satisfy the following minimum qualification requirements:

- (a) The JVCA must satisfy collectively all the above mentioned qualification criteria, for which purpose the relevant figures for each of the partners shall be added to arrive at the joint venture's total capacity.
- (b) Each partner shall meet not less than *[insert the appropriate percentage]* percent of all the qualifying criteria for the turnover and the availability of the financial means as per the criteria specified under general experience and financial position above.

Each partner shall satisfy the requirements with regard to the soundness of the financial position and non-performance history, specified above.

Taking into account joint and several liabilities of the partners in a JVCA, each partner of a JVCA shall meet not less than 30 percent of the qualifying criteria with regard to applicant's turnover and financial position. The Client may increase the above mentioned percentage. Moreover, the Client may establish higher requirements with regard to the lead partner of a JVCA.

- (c) The lead partner of the JVCA shall demonstrate that he acted as a main contractor *[supplier]* on project(s) of similar magnitude.

The prequalification of a JVCA does not mean that any of its partners individually, or as a partner in any other JVCA, are prequalified.

An applicant shall be prequalified unconditionally, if he meets all the qualification criteria, stated above.

An applicant may be prequalified conditionally, if he fails to meet some of the following criteria:

- (a) composition of JVCA and/or JVCA agreement content;
- (b) critical project management;
- (c) availability of experts in specialised fields;
- (d) access to specialised equipment;
- (e) engagement of specialised subcontractors/suppliers; or
- (f) bank reference(s) or a bank commitment to provide securities and/or line of credit in the event the applicant's tender is successful.

The applicant may also be requested to provide additional critical information, or clarification with regard to the applicant's questionable ability to undertake the proposed works due to the significant current commitments or the pending award of other significant contracts.

In case of conditional prequalification, the applicant shall be prequalified, subject to certain requirements, specified by the Client, being met by him prior to *[state the deadline]*.

Normally the deadline is set to be the date of issuance of an invitation to tender, or in exceptional cases the deadline for submission of tenders.

- 22.6 In case, where the applicants plan to use specific manufacturers and/or subcontractors for major and/or specialised items or works, the applicants shall specify the names and qualifications of such specialist subcontractors.

These works are those in excess of *[insert percentage]* percent of the estimated value of the works/supply and/or any of the specific operations and works, listed in the last paragraph of *PDS 22.1.2, Specific Experience*, above.

The percentage is normally not less than 10 per cent.

To be prequalified for tendering for the Contract, the applicants must demonstrate to the Client that the manufacturers and subcontractors proposed by them for the above mentioned works substantially satisfy the requirements regarding specific experience:

The applicant's subcontractors shall meet the following minimum criteria:

- (a) successful experience as a contractor (prime or subcontractor) in the execution of at least *[insert the number]* contracts of a magnitude comparable to the works proposed for subcontracting within the last *[insert the number]* years; and
- (b) successful experience as a contractor (prime or subcontractor) in the execution of at least *[insert the number]* contracts of a nature and complexity comparable to the works proposed for subcontracting within the last *[insert the number]* years.

The required period is normally three to five years.

Normally at least two contracts of comparable magnitude shall be considered.

Should a subcontractor be determined to be unqualified or otherwise unacceptable, the application shall not be rejected, but the applicant shall be required to substitute an acceptable subcontractor.

SECTION III

APPLICATION FORMS

1. Letter of Application
2. General Experience Form
3. Specific Experience Form
4. Information Request Form
5. Personnel Capabilities Form
6. Candidate Summary Form
7. Equipment Availability Form
8. Manufacturing Capacity Form
9. Financial Position Form
10. Bank Information Request Form
11. Non-Performance History Form
12. Debarment Declaration Form
13. Current Commitments and Pending Awards Form
14. Subcontractors Form
15. JVCA Form
16. Sample Parent Company Guarantee

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

LETTER OF APPLICATION

Date: *[insert the date]*

To: *[name and address of the Client]*

Sirs,

Being duly authorised to represent and act on behalf of *[insert the applicant's name]* (hereinafter "the Applicant"), and having reviewed and fully understood all the prequalification information provided, the undersigned hereby apply to be prequalified by yourselves as a tenderer for the following Contract(s) under the *[state the project name]* project:

<i>Contract reference</i>	<i>Contract title</i>
1.	
2.	
...	

The Applicant shall list only the contracts for which he wishes to prequalify.

You and your authorised representatives are hereby authorised to conduct any inquiries or investigations to verify the statements, documents and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This Letter of Application will also serve as authorisation for any individual or authorised representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.

You and your authorised representatives may contact the following persons for further information:

<i>General inquiries</i>	
<i>Contact 1</i>	<i>Telephone 1; E-Mail 1</i>
<i>Contact 2</i>	<i>Telephone 2; E-Mail 2</i>
<i>Personnel inquiries</i>	
<i>Contact 1</i>	<i>Telephone 1; E-Mail 1</i>
<i>Contact 2</i>	<i>Telephone 2; E-Mail 2</i>

<i>Technical inquiries</i>	
<i>Contact 1</i>	<i>Telephone 1; E-Mail 1</i>
<i>Contact 2</i>	<i>Telephone 2; E-Mail 2</i>
<i>Financial inquiries</i>	
<i>Contact 1</i>	<i>Telephone 1; E-Mail 1</i>
<i>Contact 2</i>	<i>Telephone 2; E-Mail 2</i>

The Applicant may provide one or more contact persons for clarifications on the above matters.

This application is made in the full understanding that:

- (a) tenders by prequalified applicants will be subject to verification of all information submitted for Prequalification at the time of tendering;
- (b) you reserve the right to:
 - amend the scope and the cost estimates of the Contract(s) to be tendered, in which event only those prequalified applicants who meet the amended requirements may be invited to tender for the Contract(s); or
 - reject or accept any application; or
 - cancel the prequalification process;
- (c) you shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for such actions.

Applicants who are not JVCA should delete the next paragraph.

We confirm that in the event that we tender, that tender, as well as any resulting contract, will be:

- (a) signed so as to legally bind all partners, jointly and severally; and
- (b) submitted with a signed JVCA agreement substantially in accordance with the JVCA details outlined in our Application and providing joint and several liability of all partners in the event the contract is awarded to us.

The undersigned declare that the statements made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

ENCLOSURES TO THE LETTER OF APPLICATION:

Please find attached to this letter, copies of original documents defining:

For applications by JVCA, information requested in the prequalification documents is to be provided by each partner of the JVCA, unless otherwise stated in the Prequalification Document.

- (a) our legal status, including our charter(s) and registration (incorporation) documents;
- (b) written confirmation authorising the signatory of the Application;

In the case of an application submitted by a JVCA the following wording shall be added on:

- (c) *[JVCA agreement or a letter of intent signed by all partners to the JVCA];*

In the case of an application based on the experience and capability of the Applicant's parent company the following wording shall be added on:

- (d) *[parent company guarantee];*
- (e) *[written confirmation authorising the signatory of the parent company guarantee];*
- (f) completed forms;
- (g) documentary evidence establishing our qualifications in support of the forms above;

In the case of specific activities, which by law are subject to licensing/permission by the authorities.

- (h) *[licences [permissions] required by law];*

In case participation in self regulating associations is mandatory by law for implementing the Contract.

- (i) *[evidence of participation (membership) in self regulating associations];*
- (j) financial statements supported by audit statements *[or tax returns or acceptance by the tax authorities];* and
- (k) the authorisation to request verification from our bank(s) and clients.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

GENERAL EXPERIENCE FORM

All individual firms and all partners of a JVCA are requested to complete the information in this form.

The information supplied should be the annual turnover of the Applicant (or each member of a JVCA), in terms of the amount of annual earnings, expressed in its equivalent of the currency, as stated in the PDS.

Use a separate sheet for each partner of a JVCA.

Applicants are not required to enclose testimonials, certificates and publicity material with their applications.

[State the name of the Applicant or a JVCA partner]

Annual Turnover Data				
<i>Year</i>	<i>Turnover</i>	<i>Currency</i>	<i>Exchange rate</i>	<i>Equivalent in [specify currency]</i>
<i>[state year]</i>				
<i>[state year]</i>				
<i>[state year]</i>				
<i>[state year]</i>				
<i>[state year]</i>				
Average				

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

In case of a JVCA the summary information shall be provided.

<i>JVCA Partners</i>	<i>Names of all partners of a JVCA</i>
<i>1. Lead partner</i>	
<i>2. Partner</i>	
<i>3. Partner</i>	

<i>JVCA Annual Turnover Data</i> <i>[specify currency] equivalent</i>					
<i>JVCA Partners</i>	<i>Year</i> <i>[state year]</i>	<i>Year</i> <i>[state year]</i>	<i>Year</i> <i>[state year]</i>	<i>Year</i> <i>[state year]</i>	<i>Year</i> <i>[state year]</i>
<i>1. Lead partner</i>					
<i>2. Partner</i>					
<i>3. Partner</i>					
<i>Totals</i>					

Signed _____

Name _____

For and on behalf of
[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

SPECIFIC EXPERIENCE FORM

On separate pages, using this Form, the Applicant or JVCA partners are requested to list all contracts of

- (a) a similar magnitude of value, as specified in the PDS; and*
 - (b) a similar nature and complexity, as described in the PDS;*
- undertaken by them during the period stated in the PDS.*

Please specify the role of the Applicant or a JVCA partner in these contracts.

In addition, the experience in undertaking the specific works listed in the PDS shall be demonstrated.

Use a separate sheet for each partner of a JVCA.

The information is to be summarised for each contract completed or under execution by the Applicant or by each partner of a JVCA.

SUMMARY

[State the name of the Applicant]

<i>Contracts</i>	<i>Value in [specify currency]</i>	<i>Status³</i>	<i>Role⁴</i>	<i>Similarity⁵</i>	<i>Time for completion (months)</i>	<i>Notes⁶</i>
<i>1. Name of contract</i>						
<i>2. Name of contract</i>						
<i>...</i>						

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

3 The following abbreviation shall be used: C – completed, O – ongoing.

4 The following abbreviation shall be used: MC - main contractor, LP - lead partner in a JVCA, acting as a main contractor, P - partner in a JVCA, acting as a main contractor, or SC – subcontractor.

5 The following abbreviation shall be used: M – similar magnitude, N – similar nature, C – similar complexity.

The Applicants may use a composite abbreviation (for example MNC, which means that the stated contract is of similar magnitude, nature and complexity).

6 The Applicant may list specialised works/supplies specific contractual data required for particular operations, listed in the PDS; or make any comments in respect of the contracts.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

SPECIFIC EXPERIENCE FORM

SUMMARY

In case of a JVCA the summary information shall be provided in the following format:

[State the name of the Applicant]

<i>Contracts</i>	<i>Value in [specify currency]</i>	<i>Status⁷</i>	<i>Role⁸</i>	<i>Similarity⁹</i>	<i>Time for completion (months)</i>	<i>Notes¹⁰</i>
<i>Lead partner</i>						
<i>1. Name of contract</i>						
<i>2. Name of contract</i>						
<i>3. Name of contract</i>						
<i>...</i>						
<i>Partner</i>						
<i>1. Name of contract</i>						
<i>2. Name of contract</i>						
<i>3. Name of contract</i>						
<i>...</i>						
<i>Partner</i>						
<i>1. Name of contract</i>						
<i>2. Name of contract</i>						
<i>3. Name of contract</i>						
<i>...</i>						

Signed _____

Name _____

For and on behalf of
[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

- 7 The following abbreviation shall be used: C – completed, O – ongoing, or P – pending award.
- 8 The following abbreviation shall be used: MC - main contractor, LP - lead partner in a JVCA, acting as a main contractor, P - partner in a JVCA, acting as a main contractor, or SC – subcontractor.
- 9 The following abbreviation shall be used: M – similar magnitude, N – similar nature, C – similar complexity.

The Applicants may use a composite abbreviation (for example MNC, which means that the stated contract is of similar magnitude, nature and complexity).
- 10 The Applicant may list specialised works/supplies specific contractual data required for particular operations, listed in the PDS; or make any comments in respect of the contracts.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

SPECIFIC EXPERIENCE FORM

[State the name of the Applicant or a JVCA partner]

Use a separate sheet for each contract.

1.	<i>Name of contract: [insert the contract name]</i>
	<i>Country: [insert the country, where the contract was implemented]</i>
2.	<i>Name of the client: [insert the name of the Employer/the Purchaser]</i>
	<i>Address of the client: [insert the address of the Employer/the Purchaser]</i>
4.	<i>Nature of contract and special details relevant to the Contract for which the Applicant wishes to prequalify: [insert a brief description of the works/supplies showing that they were of a similar magnitude and/or nature and complexity]</i>
5.	<i>Contractor's role: [Main contractor, or Lead Partner in a JVCA, acting as a main contractor, or Partner in a JVCA, acting as a main contractor, or Subcontractor]</i>
6.	<i>Value of the contract//partner's share/subcontract¹¹:</i>
	<i>Contract currency: [insert value]</i>
	<i>Equivalent value in [state currency]: [insert value]</i>
7.	<i>Date of award: [insert the date]</i>
8.	<i>Date of completion (Planned date for completion for the ongoing contracts): [insert the date]</i>
9.	<i>Contract/subcontract duration (months): [insert duration]</i>
10.	<i>Specific works/supplies: [list the specific works, volumes and/or work rates]</i>

The Applicant should insert any specific contractual data required for particular operations, listed in the PDS with regard to expected construction/production rates for the key construction activities for the Contract.

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

¹¹ In the specified currencies at completion, or at the date of signing for ongoing contracts, using the exchange rates, set by [state the bank] on these dates.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

INFORMATION REQUEST CONSENT

Date: *[insert the date]*

To: *[name and address of the client]*

Sirs,

Being duly authorised to represent and act on behalf of *[insert the Applicant's or a JVCA partner's name]* (hereinafter "the Applicant") the undersigned hereby applies to be prequalified by *[insert the Client's name]* (hereinafter "the Client") as a tenderer for a contract under the *[name]* project.

Hereby we authorise the Client and the Client's authorised representatives to conduct any inquiries to verify the statements and information submitted in connection with our application, and to seek clarification regarding any technical aspects of our application

Please consider this letter as authorisation for you to provide such information deemed necessary and as requested by the Client to verify statements and information provided in our application, such as our resources, experience, and competence.

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

PERSONNEL CAPABILITIES FORM

For specific positions listed in the PDS essential to contract implementation, applicants should provide the names of at least two candidates qualified to meet the specified requirements stated for each position.

A brief CV and data on their experience should be supplied in separate sheets using the Candidate Summary Form for each candidate.

[State the name of the Applicant]

SUMMARY

<i>Position</i>	<i>Name</i>	<i>Total work experience (years)</i>	<i>In similar works (years)</i>	<i>As manager of similar works (years)</i>
<i>1. Project Manager</i>				
<i>Prime candidate</i>				
<i>Alternate candidate</i>				
<i>2. [Chief Designer]</i>				
<i>Prime candidate</i>				
<i>Alternate candidate</i>				
<i>...</i>				

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

CANDIDATE SUMMARY FORM

[State the name of the Applicant or a JVCA partner]

<i>Position:[state position]</i>		<i>Candidate: [state Prime or Alternate]</i>
<i>Candidate information</i>	<i>Name of candidate: [insert the name]</i>	<i>Date of birth: [insert the date of birth]</i>
	<i>Professional qualifications : [list professional qualification relevant to the Contract and the proposed position]</i>	
<i>Present employment</i>	<i>Name of the employer: [insert the employer's name]</i>	
	<i>Address of the employer: [insert the employer's address]</i>	
	<i>Job title of candidate: [insert the current job title]</i>	<i>Years with the present employer: [insert the number of years]</i>
	<i>Telephone: [insert phone number]</i>	<i>Contact: [name manager or personnel officer]</i>
	<i>Fax: [insert fax number]</i>	<i>E-mail: [insert e-mail address]</i>

Summary of the professional education and training:

<i>From</i>	<i>To</i>	<i>Institution/Courses</i>

Summary of the professional experience over the last 10 years, in reverse chronological order is provided below:

<i>Indicate particular technical and managerial experience relevant to the Contract.</i>
--

<i>From</i>	<i>To</i>	<i>Company/Project/Position/Relevant technical and management experience</i>

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

EQUIPMENT CAPACITY FORM

The Applicant shall provide adequate information to demonstrate that it has the capability to meet the requirements for all items of equipment listed in the PDS.

A separate form shall be prepared for each item of equipment listed in the PDS, or for alternative equipment proposed by the Applicant.

[State the name of the Applicant]

SUMMARY

<i>Equipment type and characteristics</i>	<i>Number</i>	<i>Model</i>	<i>Capacity</i>	<i>Source¹²</i>
1.				
2.				
3.				
...				

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

¹² The following abbreviation shall be used: O – owned, R – rented, L- leased, SM – specially manufactured.

Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

EQUIPMENT CAPACITY FORM

[State the name of the Applicant or a JVCA partner]

<i>Item of equipment:[insert the title of the equipment, as per the PDS]</i>		
<i>Equipment information</i>	<i>Name of manufacturer: [insert the name of manufacturer]</i>	<i>Model: [state model]</i>
	<i>Capacity or power rating [state capacity or power rating]</i>	<i>Year of manufacture: [insert the year of manufacture]</i>
<i>Current status</i>	<i>Current location: [state the location]</i>	
	<i>Current commitments: [state the current commitments and their expiration/validity]</i>	
<i>Type of access¹³</i>	<i>[insert the type]</i>	
<i>Owner¹⁴</i>	<i>Name of owner: [insert the name]</i>	
	<i>Address of owner: [insert the address]</i>	
	<i>Telephone: [insert the phone number]</i>	<i>Contact name and title: [insert the contact person details]</i>
	<i>Fax: [insert the fax number]</i>	<i>E-mail: [insert the e-mail address]</i>
<i>Agreements</i>	<i>Details of rental/lease/manufacture agreements specific to the Contract [specify the brief details of the agreement with regard to the equipment]</i>	

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

¹³ The following abbreviation shall be used: O – owned, R – rented, L- leased, SM – specially manufactured.

¹⁴ Omit the following information for equipment owned by the Applicant or a JVCA partner.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

MANUFACTURING CAPACITY FORM

The Applicant shall provide adequate information to demonstrate that it has the capability to meet the requirements for all items of equipment listed in the PDS.

A separate form shall be prepared for each item of equipment listed in the PDS, or for alternative equipment proposed by the Applicant.

[State the name of the Applicant]

SUMMARY

<i>Manufacturing lines and characteristics</i>	<i>Number</i>	<i>Brief description</i>	<i>Capacity</i>	<i>Source¹⁵</i>
1.				
2.				
3.				
...				

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

¹⁵ The following abbreviation shall be used: O – owned, R – rented, L- leased, C – contracted.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

MANUFACTURING CAPACITY FORM

[State the name of the Applicant or a JVCA partner]

<i>Manufacturing line:[insert the title of the manufacturing line, as per the PDS]</i>	
<i>Manufacturing line information</i>	<i>Name of the plant/workshop: [insert the name of plant/workshop]</i>
	<i>Capacity: [state capacity]</i> <i>Year of installation: [insert the year of commissioning]</i>
<i>Current status</i>	<i>Current commitments: [state the current commitments and their expiration/validity]</i>
<i>Type of access¹⁶</i>	<i>[insert the type]</i>
<i>Owner¹⁷</i>	<i>Name of owner: [insert the name]</i>
	<i>Address of owner: [insert the address]</i>
	<i>Telephone: [insert the phone number]</i> <i>Contact name and title: [insert the contact person details]</i>
	<i>Fax: [insert the fax number]</i> <i>E-mail: [insert the e-mail address]</i>
<i>Agreements</i>	<i>Details of rental/lease/contract specific to the Contract [specify the brief details of the agreement with regard to the manufacturing line]</i>

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

¹⁶ The following abbreviation shall be used: O – owned, R – rented, L- leased, C – contracted

¹⁷ Omit the following information for equipment owned by the Applicant or a JVCA partner.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

FINANCIAL POSITION FORM

Applicants, including each partner of a JVCA, should provide financial information to demonstrate that they meet the requirements stated in the PDS.

Each applicant or JVCA partner must complete this form.

Use separate sheets to provide complete information with regard to the banks.

Summary of assets and liabilities shall be expressed in its equivalent of the currency, as stated in the PDS.

Based upon known commitments, summarise projected assets and liabilities in the equivalent of the currency stated in the PDS, converted based on the exchange rate as of the date of publication of the Invitation for Prequalification, as set by [state the bank] for the next two years, unless the withholding of such information is justified by the Applicant to the satisfaction of the Client.

[State the name of the Applicant or a JVCA partner]

Annual Financial Data

Financial information	Actual for previous years					Projected for the next two years	
	[year]	[year]	[year]	[year]	[year]	[year]	[year]
A. In [state currency]	[year]	[year]	[year]	[year]	[year]	[year]	[year]
1. Total assets							
2. Current assets							
3. Total liabilities							
4. Current liabilities							
5. Profits before taxes							
6. Profits after taxes							
	<i>Exchange rates</i>						
B. In [state currency] equivalent	[ForEx rate]	[ForEx rate]	ForEx rate]	[ForEx rate]	[ForEx rate]	ForEx rate]	[ForEx rate]
1. Total assets							
2. Current assets							
3. Total liabilities							
4. Current liabilities							
5. Profits before taxes							
6. Profits after taxes							

Hereby we are enclosing copies of the balance sheets for the time period specified in the PDS supported by audit statements *[or tax returns/acceptance by the tax authorities]*.

We propose to use the following sources of financing to meet the cash flow demands of the Contract, specified in the PDS:

Contract Financing Data				
<i>Source of financing</i>	<i>Amount</i>	<i>Currency</i>	<i>Exchange rate</i>	<i>Equivalent in [specify currency]</i>

The Applicant shall use the exchange rate as of the date of publication of the Invitation for Prequalification.

Please find below information on the name and address of our bank(s):

<i>Bank</i>	<i>Name of bank: [insert the name of the bank]</i>	
	<i>Address of bank: [insert the address of the bank]</i>	
	<i>Telephone: [insert the phone number]</i>	<i>Contact name and title: [insert the contact person details]</i>
	<i>Fax: [insert the fax number]</i>	<i>E-mail: [insert the e-mail address]</i>

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

A copy of the balance sheets should be attached supported by audit statements or tax returns/acceptance by the tax authorities.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

In case of a JVCA the summary information shall be provided.

SUMMARY

<i>JVCA Partners</i>	<i>Names of all partners of a JVCA</i>	<i>Contribution towards the Contract financing</i>
<i>1. Lead partner</i>		
<i>2. Partner</i>		
<i>3. Partner</i>		
<i>Total</i>		

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

BANK INFORMATION REQUEST CONSENT

Date: *[insert the date]*

To: *[name and address of the bank]*

Sirs,

Being duly authorised to represent and act on behalf of *[insert the applicant's or a JVCA partner's name]* (hereinafter "the Applicant") the undersigned hereby applies to be prequalified by *[insert the Client's name]* (hereinafter "the Client") as a tenderer for a contract under the *[name]* project.

Hereby we authorise the Client and the Client's authorised representatives to conduct any inquiries to verify with you the statements, documents and information submitted in connection with our application, and to seek clarification from you regarding our financial position.

Please consider this letter as authorisation for you to provide such information deemed necessary and as requested by the Client to verify statements and information provided in our application.

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

NON-PERFORMANCE HISTORY FORM

Applicants, including each of the partners of a JVCA, should provide information on any current and past litigation and/or arbitration (with an indication of the matters in dispute, the parties involved, the amounts in dispute and the outcome, where available) resulting from contracts completed or under execution by the Applicant over the period of time stated in the PDS.

A separate sheet should be completed for each partner of a JVCA.

Litigation History

Year	Contract	Parties involved	Cause of litigation or matter in dispute	Disputed amount [state currency] equivalent ¹⁸	Outcome of the dispute/litigation ¹⁹

Applicants, including each of the partners of a JVCA, should provide information on any current and past termination of contracts (with an indication of the causes of the termination and the parties involved) completed or under execution by the applicant over the period of time stated in the PDS.

A separate sheet should be completed for each partner of a JVCA.

Termination History

Year	Contract	Parties involved	Cause of termination

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

¹⁸ The exchange rate for conversion of the disputed amount shall be the one set by *[state the bank]* on the date of the dispute/litigation notification/registration.

¹⁹ The following abbreviation shall be used: F - dispute/litigation was resolved in favour of the Applicant, A – the decision on dispute/litigation was against the Applicant, or P – dispute/litigation is still in progress.

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

DEBARMENT DECLARATION FORM

Applicants, including each of the partners of a JVCA, should provide a declaration that they have not been debarred or suspended from contracting activities as a matter of law or official regulation or been determined to be engaged in Prohibited Practices as defined in the Bank's Procurement Policies and Rules.

A separate sheet should be completed for each partner of a JVCA.

Where the Applicant or a partner in a JVCA is unable to certify any of the statements in this declaration, such party shall provide an explanation as to its position.

Date: *[insert the date]*

To: *[name and address of the Client]*

Sirs,

Being duly authorised to represent and act on behalf of *[insert the applicant's or a JVCA partner's name]*, the undersigned hereby declare that that neither we nor our principals are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in contracting activities, or been determined to be engaged in Prohibited Practices as defined in the EBRD Procurement Policies and Rules.

The undersigned declare that the statement made is true and correct in every detail.

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a JVCA partner]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

CURRENT CONTRACT COMMITMENTS AND PENDING AWARDS FORM

Applicants and each partner to a JVCA should provide information on their current commitments under 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 completion certificate has yet to be issued.

A separate sheet should be completed for each partner of a JVCA.

[State the name of the Applicant or a JVCA partner]

<i>Contracts</i>	<i>Value in [specify currency]</i>	<i>Status</i>	<i>Value of outstanding works in [specify currency]</i>	<i>Time for completion (months)</i>	<i>Estimated time left to completion (months)</i>	<i>Notes</i>
<i>1. Name of contract</i>						
<i>2. Name of contract</i>						
<i>3. Name of contract</i>						
<i>...</i>						

Signed _____

Name _____

For and on behalf of
[name of the Applicant or a partner of a JVCA]

[Letterhead of the Applicant, or a JVCA partner, including full postal address, telephone and fax numbers and e-mail address]

SUBCONTRACTORS INFORMATION FORM

Where the Applicant proposes to use subcontractors for critical or specialised components of the works, or for works in excess of the percentage of the value of the whole works, as stated in the PDS, the information on the specific experience of the subcontractors relevant to the works involved should also be supplied, in order to show that the subcontractors are meeting qualification requirements pro rata to the level of their involvement.

A separate sheet should be completed for each subcontractor.

SUMMARY

[State the name of the Applicant]

<i>Subcontracts</i>	<i>Proportion in percent</i>	<i>Subcontractor</i>	<i>Notes²⁰</i>
<i>1. Works</i>			
<i>2. Specialised works</i>			
<i>3. Activities</i>			
<i>...</i>			

Signed _____

Name _____

For and on behalf of

[name of the Applicant or the partner of a JVCA authorised to act for and on its behalf]

²⁰ The Applicant may make any comments with respect to the subcontracts or subcontractors.

[Letterhead of the subcontractor, including full postal address, telephone and fax numbers and e-mail address]

SUBCONTRACTORS INFORMATION FORM SPECIFIC EXPERIENCE

On separate pages, using this Form, the subcontractors are requested to list all contracts of
(a) a similar magnitude of value, as specified in the PDS; and
(b) a similar nature and complexity, as described in the PDS;
undertaken by them during the period stated in the PDS.

Please specify the role of the subcontractors in these contracts.

Use a separate sheet for each subcontractor.

The information is to be summarised for each contract completed or under execution by the subcontractor.

SUBCONTRACTORS SUMMARY

[State the name of the subcontractor], who is proposed as a subcontractor to [state the name of the Applicant] to undertake [list the works/supplies] for the Contract under [state the project name] project:

<i>Contracts</i>	<i>Value in [specify currency]</i>	<i>Status²¹</i>	<i>Role²²</i>	<i>Similarity²³</i>	<i>Time for completion (months)</i>	<i>Notes²⁴</i>
<i>1. Name of contract</i>						
<i>2. Name of contract</i>						
<i>...</i>						

Signed _____

Name _____

For and on behalf of
[name of the subcontractor]

21 The following abbreviation shall be used: C – completed, O – ongoing.

22 The following abbreviation shall be used: MC - main contractor, LP - lead partner in a JVCA, acting as a main contractor, P - partner in a JVCA, acting as a main contractor, or SC – subcontractor.

23 The following abbreviation shall be used: M – similar magnitude, N – similar nature, C – similar complexity.

The Applicants may use a composite abbreviation (for example MNC, which means that the stated contract is of similar magnitude, nature and complexity).

24 The Applicant may list specialised works/supplies specific contractual data required for particular operations, listed in the PDS; or make any comments with respect to the contracts.

[Letterhead of the subcontractor, including full postal address, telephone and fax numbers and e-mail address]

SUBCONTRACTOR SPECIFIC EXPERIENCE FORM

[State the name of the subcontractor]

Use a separate sheet for each contract.

1.	<i>Name of contract: [insert the contract name]</i>
	<i>Country: [insert the country, where the contract was implemented]</i>
2.	<i>Name of the client: [insert the name of the Employer/the Purchaser]</i>
	<i>Address of the client: [insert the address of the Employer/the Purchaser]</i>
4.	<i>Nature of contract and special details relevant to the Contract for which the Applicant wishes to prequalify: [insert a brief description of the works/supplies showing that they were of a similar magnitude and/or nature and complexity]</i>
5.	<i>Contractor's role: [Main contractor, or Lead Partner in a JVCA, acting as a main contractor, or Partner in a JVCA, acting as a main contractor, or Subcontractor]</i>
6.	<i>Value of the contract/partner's share/subcontract²⁵:</i>
	<i>Contract currency: [insert value]</i>
	<i>Equivalent value in [state currency]: [insert value]</i>
7.	<i>Date of award: [insert the date]</i>
8.	<i>Date of completion (Planned date for completion of the ongoing contracts): [insert the date]</i>
9.	<i>Contract/subcontract duration (months): [insert duration]</i>
10.	<i>Specific works/supplies: [list the specific works, volumes and/or work rates]</i>

The subcontractor should insert any specific contractual data required for particular operations for the works/supplies he is planned to undertake under the Contract.

Signed _____

Name _____

For and on behalf of
[name of the subcontractor]

²⁵ In the specified currencies at completion, or at the date of signing for ongoing contracts, using the exchange rates, set by [state the bank] on these dates.

[Letterhead of the subcontractor, including full postal address, telephone and fax numbers and e-mail address]

INFORMATION REQUEST CONSENT

Date: *[insert the date]*

To: *[name and address of the client]*

Sirs,

Being duly authorised to represent and act on behalf of *[insert the subcontractor's name]* (hereinafter "the Subcontractor to the Applicant") the undersigned hereby was proposed to act as a subcontractor to *[insert the Applicant's name]*, who applied to be prequalified by *[insert the Client's name]* (hereinafter "the Client") as a tenderer for a contract under the *[name]* project.

Hereby we authorise the Client and the Client's authorised representatives to conduct any inquiries to verify with you the statements and information submitted in connection with our role in the application, and to seek clarification from you regarding any technical aspects of our cooperation.

Please consider this letter as authorisation you to provide such information deemed necessary and as requested by the Client to verify statements and information provided in the Applicant's submission with regard to our resources, experience, and competence.

Signed _____

Name _____

For and on behalf of
[name of the subcontractor]

[Letterhead of the Applicant, or the partner of a JVCA authorised to act for and on its behalf, including full postal address, telephone and fax numbers and e-mail address]

JVCA FORM

If the Application is submitted by a JVCA the following form shall be enclosed.

Date: *[insert the date]*

To: *[name and address of the Client]*

Sirs,

We confirm that in the event that we tender, that tender, as well as any resulting contract, will be:

- (a) signed so as to legally bind all partners, jointly and severally; and
- (b) submitted with a signed JVCA agreement substantially in accordance with the JVCA details outlined in our Application and providing joint and several liability of all partners to the you for the performance of the Contract, in the event the contract is awarded to us. The JVCA agreement will name the leader of the JVCA, who shall have authority to bind the JVCA and each of these persons. The agreement will include the provision that JVCA composition or legal status shall not alter without your prior consent.

The anticipated details of the participation of each party of the JVCA, including contribution and cost/profit sharing agreements, are provided below. We also specify the financial commitment in terms of the percentage of the value of the Contract, and the responsibilities for execution of the Contract:

<i>JVCA Partners</i>	<i>Names of all partners of the JVCA</i>	<i>Responsibilities</i>	<i>Participation share</i>	<i>Cost/profit share</i>	<i>Contribution towards the Contract financing</i>
<i>1. Lead partner</i>					
<i>2. Partner</i>					
<i>3. Partner</i>					

Signed _____

Name _____

For and on behalf of
[name of the lead partners of the JVCA]

Signed _____

Name _____

For and on behalf of
[name of a partner of the JVCA]

Signed _____

Name _____

For and on behalf of
[name of a partner of the JVCA]

A copy of a preliminary JVCA agreement or a letter of intent signed by all partners to the JVCA shall be enclosed

[Letterhead of the Applicant's Parent Company]

SAMPLE PARENT COMPANY GARANTEE

If the Applicant for the purposes of prequalification wants to use the references of his parent company, he shall support his application with the parent company's unconditional guarantee of due performance of all the contractor's/supplier's obligations and liabilities under the Contract.

Date: *[insert the date]*

To: *[name and address of the Client]*

Sirs,

Re: *[specify the Contract]*

We have been informed that *[insert the Applicant's name]* (hereinafter called the "Applicant") is submitting an application to be prequalified by yourselves as a tenderer for the above Contract in response to your invitation, and that the conditions of your invitation require his application to be supported by a parent company guarantee.

In consideration of you, the Client, prequalifying the Applicant for the Contract, and in case the Contract is awarded to the Applicant, we *[name of the Parent Company]* irrevocably and unconditionally guarantee to you, as a primary obligation, the due performance of all the Applicant's obligations and liabilities under the Contract, including the Applicant's compliance with all its terms and conditions according to their true intent and meaning.

If the Applicant fails to so perform his obligations and liabilities and comply with the Contract, we will indemnify the Client against and from all damages, losses and expenses (including legal fees and expenses) which arise from any such failure for which the Applicant is liable to the Client under the Contract.

This guarantee shall come into full force and effect when the Contract comes into full force and effect. If the Contract does not come into full force and effect within a year of the date of this guarantee, or if you demonstrate that you do not intend to enter into the Contract with the Applicant, this guarantee shall be void and ineffective.

We confirm that in the event that the Applicant tenders, we will issue a new parent company guarantee in the form required by the tender documents, to replace this guarantee. Until a new parent company guarantee is issued, this guarantee shall continue to be in full force and effect until all the Applicant's obligations and liabilities under the Contract have been discharged, when this guarantee shall expire and shall be returned to us, and our liability hereunder shall be discharged absolutely.

This guarantee shall apply and be supplemental to the Contract as amended or varied by the Client and the Applicant from time to time. We hereby authorise them to agree any such amendment or variation, the due performance of which and compliance with which by the Applicant are likewise guaranteed hereunder. Our obligations and liabilities under this guarantee shall not be discharged by any allowance of time or other indulgence whatsoever by the Client to the Applicant, or by any variation or suspension of the works to be executed under the Contract, or by any amendments to the Contract or to the constitution of the

Applicant or the Client, or by any other matters, whether with or without our knowledge or consent.

This guarantee shall be governed by the law of the same country (or other jurisdiction) as that which governs the Contract and any dispute under this guarantee shall be finally settled under the Rules of Arbitration of the International Chamber of Commerce by one or more arbitrators appointed in accordance with such Rules. We confirm that the benefit of this guarantee may be assigned subject only to the provisions for assignment of the Contract.

Signed _____

Name _____

For and on behalf of
[name of the Applicant's Parent Company]

CHECK LIST

- Letter of Application
- Charter(s)
- Registration (incorporation) documents
- Written confirmation authorising the signatory of the Application
- *[JVCA agreement or a letter of intent signed by all partners to the JVCA]*
- *[JVCA form]*
- *[Parent Company Guarantee]*
- *[Written confirmation authorising the signatory of the Parent company guarantee]*
- General Experience Form
- Specific Experience Form
- Personnel Capabilities Form
- Candidate Summary Form
- Equipment Availability Form
- *[Manufacturing Capacity Form]*
- Financial Position Form
- Non-Performance History Form
- Debarment Declaration Form
- Current Contract Commitments and Pending Awards Form
- Subcontractors Form
- Documentary evidence establishing our qualifications in support of the forms above
- *[Licences [permissions] required by law]*
- *[Evidence of participation (membership) in self regulating associations]*
- Financial statements supported by audit statements *[or tax returns or acceptance by the tax authorities]*
- Authorisations to request verification from our bank(s) and clients.

PART B**INFORMATION ON THE CONTRACT(S)**

Part B, Information on the Contract(s) should include general information on the location and basic design of the Contract, the scope and the duration of the contract and other relevant data as appropriate, such as climate, hydrology, topography, access to site, transportation and communication facilities, logistic restrictions, contract layout, expected construction period, facilities and services to be provided by the Client, etc.

Approximate quantities of major items of works/supply should be indicated, but the cost estimates for the Contract should not be disclosed.