Section 3: Evaluation and Qualification Criteria

**Table of Criteria**

**1. Evaluation Criteria 3-3**

**1.1 Technical Criteria 3-3**

**1.2 Domestic Preference 3-3**

**1.3 Economic Criteria**

1.3.1 Adjustment for Scope 3-3

1.3.1.1 Local Handling and Inland Transportation 3-3

1.3.1.2 Minor Omissions or Missing Items 3-3

1.3.2 Adjustment for Deviations from the Terms of Payment 3-3

1.3.3 Adjustment for Deviations in the Delivery and Completion Schedule 3-4

1.3.4 Operating and Maintenance Costs 3-4

1.3.5 Spare Parts 3-4

1.3.6 Performance and Productivity of the Goods 3-4

**1.4 Multiple Lots (Contracts)** 3-4

**2. Qualification Criteria 3-5**

**Contract Type B. Custom-Designed, High-Value, and Technically Complex Items 3-8**

**2.1 Eligibility 3-8**

2.1.1 Nationality 3-8

2.1.2 Conflict of Interest 3-8

2.1.3 ADB Eligibility 3-8

2.1.4 Government-Owned Enterprise 3-8

2.1.5 United Nations Eligibility 3-8

**2.2 Historical Contract Nonperformance 3-9**

2.2.1 History of Nonperforming Contracts 3-9

2.2.2 Suspension Based on Execution of Bid-Securing Declaration 3-9

2.2.3 Pending Litigation 3-10

**2.3 Experience and Technical Capacity 3-11**

2.3.1 Contractual Experience 3-11

2.3.2 Technical Experience 3-11

2.3.3 Production Capacity 3-12

**2.4 Financial Situation 3-13**

2.4.1 Historical Financial Performance 3-13

2.4.2 Size of Operation (Average Annual Turnover) 3-13

2.4.3 Cash Flow Capacity 3-14

##### 1. Evaluation Criteria

1.1 Technical Criteria

The cost of all quantifiable deviations or deficiencies from the technical requirements as specified in Section 6 (Schedule of Supply) shall be evaluated. The Purchaser will make its own assessment of the cost of these deviations or deficiencies for the purpose of ensuring fair comparison of Bids.

1.2 Domestic Preference

Not Applicable

1.3 Economic Criteria

**1.3.1 Adjustment for Scope**

1.3.1.1 Local Handling and Inland Transportation

Costs for inland transportation, insurance, and other incidental costs for delivery of the goods from the EXW premises, or port of entry, or border point to Project Site as defined in Section 6 (Schedule of Supply), shall be quoted in the Price Schedule for Related Services to Be Offered from Outside and Within the Purchaser’s Country provided In Section 4 (Bidding Forms). These costs will be taken into account during bid evaluation. If a Bidder fails to include such costs in its Bid, then these costs will be estimated by the Purchaser on the basis of published tariffs by the rail or road transport agencies, insurance companies, or other appropriate sources, and added to EXW or CIF or CIP price.

1.3.1.2 Minor Omissions or Missing Items

Pursuant to ITB 32.3, the cost of all quantifiable nonmaterial nonconformities or omissions from the contractual and commercial conditions shall be evaluated. The Purchaser will make its own assessment of the cost of any nonmaterial nonconformities and omissions for the purpose of ensuring fair comparison of Bids.

**1.3.2 Adjustment for Deviations from the Terms of Payment**

Deviations from the Terms of Payment as specified in SCC 16.1 are not permitted.

**1.3.3 Adjustment for Deviations in the Delivery and Completion Schedule**

Deviations from the Delivery and Completion Schedule specified in Section 6 (Schedule of Supply) are not permitted.

1.3.4 Operation and Maintenance (O&M) Costs

Not Applicable

1.3.5 Spare Parts

Not Applicable

1.4 Multiple Lots (Contracts)

Not Applicable.

##### 

##### 2. Qualification Criteria

**2.1 Eligibility**

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

**2.1.1 Nationality**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Nationality in accordance with ITB 4.2. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Bid Submission Sheet; Forms ELI – 1 and ELI - 2 |

**2.1.2 Conflict of Interest**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No conflicts of interest in accordance with ITB 4.3. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Bid Submission Sheet |

**2.1.3 ADB Eligibility**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been declared ineligible by ADB, as described in ITB 4.4. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Bid Submission Sheet |

**2.1.4 Government-Owned Enterprise**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Bidder required to meet conditions of ITB 4.5. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Bid Submission Sheet; Forms ELI – 1 and ELI - 2 |

**2.1.5 United Nations Eligibility**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been excluded by an act of compliance with a United Nations Security Council resolution in accordance with ITB 4.8. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Bid Submission Sheet |

**2.2 Historical Contract Nonperformance**

**2.2.1 History of Nonperforming Contracts**

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Nonperformance of a contracta did not occur as a result of contractor default since 1 January 2018 | Must meet requirement | Must meet requirement | Must meet requirement b | Not Applicable | Form CON-1 |

a *Nonperformance, as decided by the Purchaser, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Purchasers decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.*

b *This requirement also applies to contracts executed by the Bidder as Joint Venture partner.*

**2.2.2 Suspension Based on Execution of Bid-Securing Declaration**

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not under suspension based on execution of a Bid-Securing Declaration pursuant to ITB 4.6. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Bid Submission Sheet |

**2.2.3 Pending Litigation**

Pending litigation and arbitration criterion shall not apply.

**2.3  Experience and Technical Capacity**

**2.3.1 Contractual Experience**

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Successful completion as main supplier within the last 7 years, of at least 2 contracts each valued at USD300,000 or MVR 5.3 million with nature, and complexity similar to the scope of supply described in Section 6 (Schedule of Supply) | Must meet requirement | Must meet requirement | Not  applicable | Not  applicable | Form EXP – 1a |

a *In addition to the submission of Form EXP-1, the Bidder shall provide the Signed Contract Agreement.*

**2.3.2 Technical Experience**

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| The Bidder shall demonstrate that the goods offered have:   1. been in production for  at least three (3) years, and 2. been sold a minimum of 2 units of similar or related items over the last seven (7) years; 3. been in operation for a minimum of two (2) years. | Must meet requirement | Must meet requirement | Not  applicable | Not  applicable | Form EXP – 2a |

a *In addition to the submission of Form EXP-2, the Bidder shall provide the Signed Contract Agreement.*

**2.3.3 Production Capacity**

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| The Bidder or manufacturer shall demonstratea that it can supply the type, size, and quantity of the goods as required by Purchaser in accordance with the Delivery and Completion Schedule in Section 6 (Schedule of Supply). | Must meet requirement | Must meet requirement | Not  applicable | Not  applicable | Form EXP – 3 |

a *Bidder or Manufacturer shall provide evidence of production output.*

**2.4 Financial Situation**

**2.4.1 Historical Financial Performance**

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

**2.4.2 Size of Operation (Average Annual Turnover)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Minimum average annual turnover of MVR 13.2 million (or $900,000) calculated as total payments received by the Bidder for contracts completed or under execution over the last three (3) years. | Must meet requirement | Must meet requirement | Must meet  25%  of the requirement | Must meet  40%  of the requirement | Form FIN - 2 |

**2.4.3 Cash Flow Capacity**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Availability of or access to liquid assets, lines of credit, and other finances sufficient to meet cash flow requirement which is $400,000.00 or MVR 5,000,000.00 | Must meet requirement | Must meet requirement | Must meet  25%  of the requirement | Must meet  40%  of the requirement | Form FIN - 3 |