**Section 4**

**Technical ProposaL**

**PART A LETTER OF TECHNICAL BID & BID SECURITY**

Letter of Technical Bid

(Bidders Letter Head)

Date:

ICB No.:

Invitation for Bid No.:

To:

Project Director,

XXXXXXX

We, the undersigned, declare that:

1. We have examined and have no reservations to the Bidding Documents, including Addenda issued in accordance with Instructions to Bidders (ITB) Clause 8;
2. We offer to execute in conformity with the Bidding Documents the following Works:

**Design and Build Basis for Construction of Water Supply and Sewerage Facilities in Th.Gaadhiffushi, Maldives**

1. Our bid consisting of the Technical Bid and Price Bid shall be valid for a period of 120 days from the date fixed for the bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
2. If our bid is accepted, we commit to obtain a performance security in accordance with the Bidding Document;
3. Our firm, including any subcontractors or suppliers for any part of the Contract, have nationalities from eligible countries in accordance with ITB 3.2;
4. We, including any subcontractors or suppliers for any part of the contract, do not have any conflict of interest in accordance with ITB 3.3;
5. We are not participating, as a Bidder or as a subcontractor, in more than one bid in this bidding process in accordance with ITB 3.3, other than alternative offers submitted in accordance with ITB 13;
6. Our firm, its affiliates or subsidiaries, including any Subcontractors or Suppliers for any part of the contract, has not been declared ineligible by the Government of Republic of Maldives, under the Employer’s country laws or official regulations or by an act of compliance with a decision of the United Nations Security Council;
7. We are not a government owned entity / We are a government owned entity but meet the requirements of ITB 3.5;[[1]](#footnote-1)
8. We agree to permit the Ministry of National Planning and Infrastructure or its representative to inspect our accounts and records and other documents relating to the bid submission and to have them audited by auditors appointed by the Bank
9. We understand that this bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal contract is prepared and executed;
10. We understand that you are not bound to accept the lowest evaluated bid or any other bid that you may receive; and
11. If awarded the contract, the person named below shall act as Contractor’s Representative:

Name

In the capacity of

Signed

Duly authorized to sign the Bid for and on behalf of

Date

Bid Security

##### Bank Guarantee

Bank’s Name, and Address of Issuing Branch or Office

Beneficiary:

Date:

Bid Security No.:

We have been informed that . . . . . ***name of the Bidder****. . . . .*  (hereinafter called "the Bidder") has submitted to you its bid dated . . . . . . . . . (hereinafter called "the Bid") for the execution of . . . . . . . . ***name of contract*** . . . . . . . under Invitation for Bids No. . . . . . . . . . (“the IFB”).

Furthermore, we understand that, according to your conditions, bids must be supported by a bid guarantee.

At the request of the Bidder, we . . . . . ***name of Bank****. . . . .*  hereby irrevocably undertake to pay you any sum or sums not exceeding in total an amount of . . . . . . . . . .***amount in figures*** . . . . . . . . . (. . . . . . .***amount in words*** . . . . . . . )upon receipt by us of your first demand in writing accompanied by a written statement stating that the Bidder is in breach of its obligation(s) under the bid conditions, because the Bidder:

1. has withdrawn its Bid during the period of bid validity specified by the Bidder in the Form of Bid; or
2. does not accept the correction of errors in accordance with the Instructions to Bidders (hereinafter “the ITB”) or
3. having been notified of the acceptance of its Bid by the Employer during the period of bid validity, (i) fails or refuses to execute the Contract Agreement, or (ii) fails or refuses to furnish the Performance Security, in accordance with the ITB.

This guarantee will expire: (a) if the Bidder is the successful Bidder, upon our receipt of copies of the Contract Agreement signed by the Bidder and the performance security issued to you upon the instruction of the Bidder; and (b) if the Bidder is not the successful Bidder, upon the earlier of (i) our receipt of a copy your notification to the Bidder of the name of the successful Bidder; or (ii) twenty-eight days after the expiration of the Bidder’s bid.

Consequently, any demand for payment under this guarantee must be received by us at the office on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees, ICC Publication No. 458.

. . . . . . . . . . . ***.Bank’s seal and authorized signature(s)*** . . . . . . . . . .

-- Note --

All italicized text is for use in preparing this form and shall be deleted from the final document. If the bank issuing the performance security is located outside the country of the Employer, it shall have a correspondent financial institution located in the country of the Employer.

Form of Bid-Securing Declaration

Date: [insert date (as day, month and year)]

Bid No.: [insert number of bidding process]

Alternative No.: [insert identification No if this is a Bid for an alternative]

To: [insert complete name of Employer]

We, the undersigned, declare that:

We understand that, according to your conditions, bids must be supported by a Bid-Securing Declaration.

We accept that we will automatically be suspended from being eligible for bidding in any contract with the Borrower for the period of time of *[insert number of months or years]* starting on *[insert date],* if we are in breach of our obligation(s) under the bid conditions, because we:

(a) have withdrawn our Bid during the period of bid validity specified in the Form of Bid; or

(b) having been notified of the acceptance of our Bid by the *Employer* during the period of bid validity, (i) fail or refuse to execute the Contract, if required, or (ii) fail or refuse to furnish the Performance Security, in accordance with the ITB.

We understand this Bid-Securing Declaration shall expire if we are not the successful Bidder, upon the earlier of (i) our receipt of your notification to us of the name of the successful Bidder; or (ii) twenty-eight days after the expiration of our Bid.

Signed: [insert signature of person whose name and capacity are shown] In the capacity of [insert legal capacity of person signing the Bid-Securing Declaration]

Name: [insert complete name of person signing the Bid-Securing Declaration]

Duly authorized to sign the bid for and on behalf of: *[insert complete name of Bidder]*

Dated on \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ *[insert date of signing]*

Corporate Seal (where appropriate)

[Note: In case of a Joint Venture, the Bid-Securing Declaration must be in the name of all partners to the Joint Venture that submits the bid.]

1. [↑](#footnote-ref-1)