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Letter of Bid

-Note-

*The Bidder must accomplish the Letter of Bid on its letterhead clearly showing the Bidder’s complete name and address.*

Date:

OCB No.:

Invitation for Bid No.:

To: Ms. Fathimath Rishfa Ahmed

Chief Procurement Executive,

National Tender Department

Ministry of Finance and Planning

Male’, Republic of Maldives

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 acknowledge that we have read and understand ADB’s Anticorruption Policy (1998) and Integrity Principles and Guidelines (2015), both as amended from time to time.
3. We offer to execute in conformity with the Bidding Documents the following Works: [*insert narrative*]

1. The total price of our Bid, excluding any discounts offered in item (d) below is:

[*amount of foreign currency in words*], [*amount in figures*], and [*amount of local currency in words*], [*amount in figures*]

*The total bid price from the Summary of Bill of Quantities for admeasurement contracts or Activity Schedule for lump sum contracts should be entered by the Bidder inside this box. Absence of the total bid price in the Letter of Bid may result in the rejection of the bid.*

1. The discounts offered and the methodology for their application are as follows: [*insert discounts and methodology for their application if any*]
2. Our bid shall be valid for a period of [*insert bid validity period as specified in ITB 18.1 of the BDS*] days starts from the date fixed for the bid submission deadline in accordance with ITB 22.1, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
3. If our bid is accepted, we commit to obtain a performance security in accordance with the Bidding Document.
4. Our firm, including any Subcontractors or Suppliers for any part of the Contract, have nationalities from eligible countries in accordance with ITB 4.2.
5. We, our directors, key officers, key personnel, including any Subcontractors, consultants, subconsultants, manufacturers, service providers or Suppliers for any part of the contract, do not have any conflict of interest in accordance with ITB 4.3.

If there is any conflict of interest, please state details:

1. Parties involved in the conflict of interest: \_\_\_\_\_\_\_\_\_\_
2. Details about the conflict of interest: \_\_\_\_\_\_\_\_\_
3. We are not participating, as a Bidder, either individually or as partner in a Joint Venture, in more than one Bid in this bidding process in accordance with ITB 4.3(e), other than alternative offers submitted in accordance with ITB 13.
4. Our firm, Joint Venture partners, our respective direct and indirect shareholders, directors, key officers, key personnel, associates, parent company, affiliates or subsidiaries, including any Subcontractors, consultants, subconsultants, manufacturers, service providers or Suppliers for any part of the contract, are not subject to, or not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Asian Development Bank or a debarment imposed by the Asian Development Bank in accordance with the Agreement for Mutual Enforcement of Debarment Decisions between the Asian Development Bank and other development banks.[[1]](#footnote-1)
5. Our firm, Joint Venture partners, our respective direct and indirect shareholders, directors, key officers, key personnel, associates, parent company, affiliates or subsidiaries, including any Subcontractors, consultants, subconsultants, manufacturers, service providers or Suppliers for any part of the contract, are not under ongoing investigation and/or sanctions proceedings by the Asian Development Bank or any multilateral development bank.

If under ongoing investigation and/or sanction proceedings by the Asian Development Bank or any multilateral development bank, please state details:

1. Name of the multilateral development bank: \_\_\_\_\_\_\_\_\_\_
2. Reason for the ongoing investigation/allegations: \_\_\_\_\_\_\_\_\_\_
3. Our firm, Joint Venture partners, our respective direct and indirect shareholders, directors, key officers, key personnel, associates, parent company, affiliates or subsidiaries, including any Subcontractors, consultants, subconsultants, manufacturers, service providers or Suppliers for any part of the Contract, are not temporarily suspended, debarred, declared ineligible, or subject to any national and/or international sanctions by any country, any international organization, any multilateral development bank and other donor agency.

If so temporarily suspended, debarred, declared ineligible, or subject to any national and/or international sanctions by any country, any international organization, any multilateral development bank and other donor agency, please state details (as applicable to each Joint Venture partner, their respective direct or indirect shareholders, directors, key officers, key personnel, associate, parent company, affiliate, subsidiaries, Subcontractors, consultants, subconsultants, manufacturers, service providers and/or Suppliers):

1. Name of Institution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Period of the temporary suspension, debarment, ineligibility, or national or international sanction [*start and end date*]: \_\_\_\_\_\_\_\_\_\_\_\_
3. Reason for the temporary suspension, debarment, ineligibility, or national or international sanction: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Our firm, Joint Venture partners, associates, parent company, affiliates or subsidiaries, including any Subcontractors, consultants, subconsultants, manufacturers, service providers, Suppliers, key officers, directors and key personnel have never been charged or convicted with any criminal offense (including felonies but excluding misdemeanors) or infractions and/or violations of ordinance; nor charged or found liable in any civil or administrative proceedings in the last 10 years; or undergoing investigation for such, or subject to any criminal, civil or administrative orders, monitorship or enforcement actions.

If so charged, convicted/found liable, under ongoing investigation, or subject to orders, monitorship or enforcement actions, please state details:

1. Nature of the offense, violation, proceedings, investigation, and/or monitorship or enforcement actions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Court, area of jurisdiction and/or the enforcement agency: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Resolution [i*.e. dismissed; settled; or convicted/duration of penalty*]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Other relevant details [*please specify*]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. Our firm, Joint Venture partners, our respective direct and indirect shareholders, directors, key officers, key personnel, associates, affiliates or subsidiaries, including any Subcontractors, consultants, subconsultants, manufacturers, service providers or Suppliers, can make and receive electronic fund transfer payments through the international banking system or otherwise discharge the Employer’s obligation upon initiation of wire transfer.

If unable to make or receive funds through the international banking system or otherwise discharge the Employer’s obligation upon initiation of wire transfer, please state the details:

1. Nature of the restriction: \_\_\_\_\_\_\_\_\_\_
2. Jurisdiction of the restriction: \_\_\_\_\_\_\_\_\_\_
3. Other relevant details: \_\_\_\_\_\_\_\_\_\_
4. Our firm, Joint Venture partners, associates, parent company, affiliates or subsidiaries, including any Subcontractors, consultants, subconsultants, manufacturers, service providers or Suppliers, key officers, directors and key personnel are not from a country which is prohibited to export goods or services to, or receive any payments from the Employer’s country and/or are not prohibited to receive payments for particular goods or services by the Employer’s country 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.
5. We understand that it is our obligation to notify the Employer of any changes in connection with the matters described in paragraphs (i), (k), (l), (m), (n), (o), (p) and (t) of this Letter of Bid.
6. [We are not a government-owned enterprise] / [We are a government-owned enterprise but meet the requirements of ITB 4.5].**[[2]](#footnote-2)**
7. We have not been suspended nor declared ineligible by the Employer based on execution of a Bid-Securing Declaration in accordance with ITB 4.6.
8. We have paid, or intend to pay, either directly or indirectly, the following commissions, gratuities, or fees with respect to the bidding process or execution of the Contract:**[[3]](#footnote-3)**

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

1. We understand that this Bid, together with your written acceptance thereof included in your notification of award through the issuance of Letter of Acceptance, shall constitute a binding contract between us, until a formal contract is prepared and executed.
2. We understand that you are not bound to accept the lowest evaluated Bid or any other Bid that you may receive.
3. At any time following submission of our Bid, we shall permit, and shall cause our Joint Venture partners, directors, key officers, key personnel, associates, parent company, affiliates or subsidiaries, including any Subcontractors, consultants, subconsultants, manufacturers, service providers or Suppliers for any part of the contract to permit ADB or its representative to inspect our site, assets, accounts and records and other documents relating to the bid submission and to have them audited by auditors appointed by ADB. We understand that failure of this obligation may constitute obstructive practice that may result in debarment and/or contract termination.
4. Regardless of whether the contract will be awarded to us, we shall preserve all accounts, records and other documents related to bid submission for at least 3 years from the date of submission of the bid or the period prescribed in applicable law, whichever is longer.
5. If we are awarded the contract, we shall preserve all accounts, records and other documents related to the procurement and execution of the contract for at least 5 years after completing the works contemplated in the relevant contracts or the period prescribed in applicable law, whichever is longer.
6. If our Bid is accepted, we commit to mobilizing key equipment and personnel in accordance with the requirements set forth in Section 6 (Employer’s Requirements) and our technical proposal, or as otherwise agreed with the Employer.
7. We certify on behalf of the Bidder, that the information provided in the bid has been fully reviewed, given in good faith, and to the best of our knowledge is true and complete. We understand that it is our obligation to inform the Employer of any changes to the information as and when it becomes known to us. We understand that any misrepresentation that knowingly or recklessly misleads, or attempts to mislead may lead to the automatic rejection of the Bid or cancellation of the contract, if awarded, and may result in remedial actions, in accordance with ADB’s Anticorruption Policy (1998, as amended to date) and Integrity Principles and Guidelines (2015, as amended from time to time).

Name

In the capacity of

Signed

Duly authorized to sign the Bid for and on behalf of

Date ­­

Schedules

Schedule of Payment Currencies

For ...........................*insert name of Section of the Works*

Separate tables may be required if the various sections of the Works (or of the Bill of Quantities) will have substantially different foreign and local currency requirements. In such a case, the Employer should prepare separate tables for each Section of the Works.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **A** | **B** | **C** | **D** |
| **Name of Payment Currency** | **Amount of Currency** | **Rate of Exchange**  **to Local Currency** | **Local Currency Equivalent**  **C = A x B** | **Percentage of  Net Bid Price (NBP)**  **100xC**  **NBP** |
| **Local Currency** |  | **1.00** |  |  |
| **Foreign Currency #1** |  |  |  |  |
| **Foreign Currency #2** |  |  |  |  |
| **Foreign Currency #3** |  |  |  |  |
| **Net Bid Price** |  |  |  | **100.00** |
| **Provisional Sums Expressed in Local Currency** |  | **1.00** |  |  |
| **BID PRICE** |  |  |  |  |

-- Note --

*The rates of exchange shall be the selling rates 28 days prior to the deadline for submission of bids published by the source specified in BDS 15.*

Table(s) of Adjustment Data

Table A - Local Currency Payment

To be entered by the Employer

*To be entered by the Bidder. (Employer may prescribed the range. of weighing)*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Index**  **Code** | **Index Description** | **Source of Index** | **Base Value**  **and Date** | **Bidder’s**  **Proposed**  **Weighting (coefficient)** |
| L: Labor  E: Equipment  M1: Material 1  M2: Material 2  …etc… | Nonadjustable | — | — | a: \_\_\_\_\_\_\_\_\_  b:  c:  d:  e: |
|  |  |  | **Total** | **1.00** |

Table B - Foreign Currency Payment

Name of Currency: [Insert name of currency. If the Bidder wishes to quote in more than one foreign currency, this table should be repeated for each foreign currency such as #1, #2, and #3.]

To be entered by the Bidder

*To be entered by the Bidder. (Employer may prescribed the range. of weighing)*

| **Index Code** | **Index Description** | **Source of Index** | **Base Value and Date** | **Bidder’s Proposed Weighting (coefficient)** |
| --- | --- | --- | --- | --- |
| L: Labor  E: Equipment  M1: Material 1  M2: Material 2  …etc… | Nonadjustable | — | — | a: \_\_\_\_\_\_\_\_\_  b:  c:  d:  e: |
|  |  |  | **Total** | **1.00** |

-- Notes --

* *“Base Date” means the date 28 days prior to the deadline for submission of bids.*
* *For a given currency, the “Source of Index” should be issued or published within the country to which the currency relates.*
* *Tables of Adjustment Data shall only be included if prices are to be quoted as adjustable prices in accordance with ITB 14.5.*

Activity Schedule

[Schedules of Prices – Lump Sum Contract]

The Employer shall indicate the list of major activities comprising the works and the number of measurement units consistent with the description of works, drawings, and specifications in Section 6 (Employer’s Requirements). Each work item shall be described in sufficient detail to provide clear guidance to Bidders with respect to the type of works, their scope and complexity, and compliance with the required standards.

Bidders are required to enter the prices against each work item on a lump sum basis. Work items against which no lump sum price is entered by the Bidder will not be paid by the Employer when executed and shall be deemed covered by other work items against which the lump sum prices were entered. The sum of prices entered against each work item will represent the total bid price.

The whole cost of complying with the provisions of the Contract shall be included in the Items provided in the Activity Schedule, and where no Items are provided, the cost shall be deemed to be distributed among the Amounts for the related Items of Work.

Bill of Quantities

Bid Security

##### Bank Guarantee

[*Bank’s name, and address of issuing branch or office*]**[[4]](#footnote-4)**

**Beneficiary:** Ministry of Finance and Planning

**Date:**

**Bid Security No.:**

We have been informed that [*name of the bidder*] (hereinafter called “the Bidder”) has submitted to you its bid dated [*please specify*] (hereinafter called “the Bid”) for the execution of [ *name of contract*] under Invitation for Bids No. [*please specify*] (“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 words*] [*amount in figures*]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

(a) has withdrawn its Bid during the period of bid validity specified by the Bidder in the Letter of Bid; or

(b) does not accept the correction of errors in accordance with the Instructions to Bidders (hereinafter “the ITB”); or

(c) 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, or (iii) fails or refuses to furnish the domestic preference security, if required.

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) 28 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 indicated above on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees (URDG) 2010 Revisions, ICC Publication No. 758.**[[5]](#footnote-5)**

[*Authorized signature(s) and bank’s seal (where appropriate)*]

Technical Proposal

Personnel

Form PER – 1: Proposed Personnel

Bidder should provide the details of the proposed personnel and their experience record in the relevant Information Forms below for each candidate:

|  |  |
| --- | --- |
| **1.** | **Title of position** |
|  | **Name** |
| **2.** | **Title of position** |
|  | **Name** |
| **3.** | **Title of position** |
|  | **Name** |
| **4.** | **Title of position** |
|  | **Name** |
| **5.** | **Title of position** |
|  | **Name** |
| **etc.** | **Title of position** |
|  | **Name** |

-- Note --

All titles of positions will be as listed in Section 6 (Employer’s Requirements).

Form PER – 2: Resume of Proposed Personnel

The Bidder shall provide all the information requested below. Use one form for each position.

|  |  |  |
| --- | --- | --- |
| **Position** | | |
| **Personnel information** | **Full Legal Name** | **Date of birth** |
| **Known as** | **Place of Birth** |
| **Nationality** | **Citizenship** |
| **Type of Government ID**  **Attach a copy of ID to this form** | **ID number** |
| **Professional qualifications** | |
| **Present employment** | **Name of employer** | |
|  | **Address of employer** | |
|  | **Telephone** | **Contact (manager / personnel officer)** |
|  | **Fax** | **E-mail** |
|  | **Job title** | **Years with present employer** |

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

|  |  |  |
| --- | --- | --- |
| From | To | Company, Project, Position and RelevantTechnical and Management Experience |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Equipment

**Form EQU: Equipment**

The Bidder shall provide adequate information and details to demonstrate clearly that it has the capability to meet the equipment requirements indicated in Section 6 (Employer’s Requirements), using the Forms below. A separate Form shall be prepared for each item of equipment listed, or for alternative equipment proposed by the Bidder.

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

Omit the following information for equipment owned by the Bidder.

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

Site Organization

Method Statement

Mobilization Schedule

Please reflect the no-objection request and approval step for Site Specific Environmental, Health and Safety Management Plan as per Contract Conditions in the Mobilization Schedule.

Construction Schedule

The construction schedule shall include the following key milestones:

Environmental, Health and Safety Management Plan (EHSMP)

The Bidder shall submit an outline Environmental, Health and Safety Management Plan (EHSMP) commensurate with the risks and impacts of the proposed works and activities. These strategies and plans shall describe in detail the actions, materials, equipment, management processes etc. that will be implemented by the Contractor, and its subcontractors.

In developing these strategies and plans, the Bidder shall have regard to the EHS provisions of the contract and EHS risks including those as may be more fully described in Section 6 (Employer’s Requirements).

Environmental, Health and Safety Code of Conduct

Environmental, Health and Safety Code of Conduct for Contractor’s Personnel Form

***Note to Bidder***

*The minimum content of the* *EHS Code of Conduct form as set out by the Employer shall not be substantially modified. However, the Bidder may add requirements as appropriate, including to take into account Contract-specific issues/risks.*

*The Bidder shall initial and submit the EHS Code of Conduct form as part of its bid.*

**ENVIRONMENTAL, HEALTH AND SAFETY CODE OF CONDUCT FOR CONTRACTOR’S PERSONNEL**

We are the Contractor, [*enter name of Contractor*]. We have signed a contract with [*enter name of Employer*] for [*enter description of the Works*]. These Works will be carried out at [*enter the Site and other locations where the Works will be carried out*]. Our contract requires us to implement measures to address environmental, health and safety risks related to the Works.

This EHS Code of Conduct is part of our measures to deal with environmental, health and safety risks related to the Works. It applies to all our staff, labourers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as “**Contractor’s Personnel”** and are subject to this EHS Code of Conduct.

This EHS Code of Conduct identifies the behavior that we require from all Contractor’s Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

**REQUIRED CONDUCT**

Contractor’s Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this EHS Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. maintain a safe working environment including by:
4. ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
5. wearing required personal protective equipment;
6. using appropriate measures relating to chemical, physical and biological substances and agents; and
7. following applicable emergency operating procedures.
8. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
9. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
10. report violations of this EHS Code of Conduct; and
11. not retaliate against any person who reports violations of this EHS Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor’s Personnel or the project’s Grievance Redress Mechanism.

**RAISING CONCERNS**

If any person observes behavior that he/she believes may represent a violation of this EHS Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done by call [ ] to reach the Contractor’s hotline *(if any)* and leave a message.

The person’s identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

**CONSEQUENCES OF VIOLATING THE ENVIRONMENTAL, HEALTH AND SAFETY CODE OF CONDUCT**

Any violation of this EHS Code of Conduct by Contractor’s Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR’S PERSONNEL:

I have received a copy of this EHS Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this EHS Code of Conduct, I can contact [*enter name of Contractor’s contact person(s) with relevant experience)*] requesting an explanation.

Name of Contractor’s Personnel: [*insert name*]

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: [*day month year*]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Countersignature of authorized representative of the Contractor:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: [*day month year*]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Bidder’s Qualification

To establish its qualifications to perform the contract in accordance with Section 3 (Evaluation and Qualification Criteria) the Bidder shall provide the following information requested in the corresponding Information Sheets.

Form ELI – 1: Bidder’s Information Sheet

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Bidder’s Information | | | | |
|  | | **Information of the Bidder** | **If the Bidder is a subsidiary or branch, information of any parent company/companies** |
| **Names** | **Full legal name(s)** |  |  |
| **Full trading name(s) (if any)** |  |  |
| **Addresses** | **Registered address(es)** |  |  |
| **Trading address(es)** |  |  |
| **Postal address(es) (if different from trading address)** |  |  |
| **Type of organization** | |  |  |
| **Country of constitution/incorporation/registration** | |  |  |
| **Year of constitution/incorporation/ registration** | |  |  |
| **Corporate or registration number** | |  |  |
| **In case of a Joint Venture, legal name of each partner** | |  |  |
| **Bidder’s authorized representative**  (name, address, telephone number(s), fax number(s), e-mail address) | |  | |
| **Attached are copies of the following documents.**   * + - 1. In case of a single entity, articles of incorporation or constitution and company incorporation/registration of the legal entity named above, in accordance with ITB 4.1 and ITB 4.2.       2. Authorization to represent the firm or Joint Venture named above, in accordance with ITB 20.2.       3. In case of a Joint Venture, a letter of intent to form a Joint Venture or Joint Venture agreement, in accordance with ITB 4.1.       4. In case of a government-owned enterprise, any additional documents not covered under 1 above required to comply with ITB 4.5. | | | |

Form ELI - 2: Joint Venture Information Sheet

Each partner of the Joint Venture and Specialist Subcontractor must fill out this form separately.

|  |  |  |  |
| --- | --- | --- | --- |
| Joint Venture / Specialist Subcontractor Information | | | |
| **Bidder’s legal name** | |  | |
|  | | **Information of Joint Venture Partner or Specialist Subcontractor** | **If any Joint Venture Partner or Specialist Subcontractor is a subsidiary or branch, information of any parent company/companies** |
| **Names** | **Full legal name(s)** |  |  |
| **Full trading name(s) (if any)** |  |  |
| **Addresses** | **Registered address(es)** |  |  |
| **Trading address (es)** |  |  |
| **Postal address (es) (if different from trading address)** |  |  |
| **Type of organization** | |  |  |
| **Country of constitution/incorporation/ registration** | |  |  |
| **Year of constitution/incorporation/ registration** | |  |  |
| **Corporate or registration number** | |  |  |
| **Joint Venture Partner’s or Specialist Subcontractor’s authorized representative information**  (name, address, telephone number(s), fax number(s), e-mail address) | |  | |
| **Attached are copies of the following documents.**   * + - 1. Articles of incorporation or constitution and company incorporation/registration of the legal entity named above, in accordance with ITB 4.1 and ITB 4.2.       2. Authorization to represent the firm named above, in accordance with ITB 20.2.       3. In the case of a government-owned enterprise, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITB 4.5. | | | |

Form CON - 1: Historical Contract Nonperformance

#### Each Bidder must fill out this form in accordance with Criteria 2.2.1 and 2.2.3 of Section 3 (Evaluation and Qualification Criteria) to describe any history of nonperforming contracts and pending litigation or arbitration formally commenced against it.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

#### Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Table 1: History of Nonperforming Contracts | | | | | | | |
| **Choose one of the following:**   * No nonperforming contracts. * Below is a description of nonperforming contracts involving the Bidder (or each Joint Venture partner if Bidder is a Joint Venture). | | | | | | | |
| **Year** | | | **Description** | **Amount of Nonperformed Portion of Contract**  **($ equivalent)** | | **Total Contract Amount ($ equivalent)** | |
| *[insert year]* | | | Contract Identification: *[indicate complete contract name/ number, and any other identification]*  Name of Employer: *[insert full name]*  Address of Employer: *[insert street/city/country]*  Reason(s) for nonperformance: *[indicate main reason(s)]* | *[insert amount]* | | *[insert amount]* | |
| Table 2: Pending Litigation and Arbitration | | | | | | | |
| **Choose one of the following:**   * No pending litigation, arbitration or any other material events impacting the net worth and/or liquidity of the bidder. * Below is a description of all pending litigation, arbitration involving the Bidder or any other material events impacting the net worth and/or liquidity of the bidder (or each Joint Venture partner if Bidder is a Joint Venture). | | | | | | | |
| **Year** | **Matter in Dispute** | | | **Value of Pending Claim in $ Equivalent** | | **Value of Pending Claim as a Percentage of Net Worth** | |
| *[insert year]* | Contract Identification, as applicable: *[indicate complete contract name/ number, and any other identification]*  Name of Employer, parties involved in the material events impacting the net worth and/or liquidity of the bidder: *[insert full name]*  Address of Employer, parties involved in the material events impacting the net worth and/or liquidity of the bidder: *[insert street/city/country]*  Matter of Dispute: *[indicate full description of dispute]*  Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*  Status: *[indicate status of dispute]* | | | *[insert amount]* | | *[insert amount]* | |

- Note -

*Table 2 of this form shall only be included if Criterion 2.2.3 of Section 3 (Evaluation and Qualification Criteria) is applicable.*

**Form CON – 2:** **EHS Performance Declaration**

Each Bidder must fill out this form in accordance with Criterion 2.2.4 of Section 3 (Evaluation and Qualification Criteria).

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In case of a Specialist Subcontractors, each Specialist Subcontractor must fill out this form and provide the Specialist Subcontractor’s name:

Specialist Subcontractor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
| **Environmental and Health and Safety Performance Declaration**  **in accordance with Section 3 (Evaluation and Qualification Criteria)** | | | |
|  **No suspension or termination of contract**: An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental or Health and Safety performance since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5.   **Declaration of suspension or termination of contract**: The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental or Health and Safety performance since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5. Details are described below:   **Declaration of request for replacement of Key Environment, Health and Safety Personnel**: The following contract(s) has/have experienced a request by the Employer to replace Environmental, Health and Safety Personnel for reasons related to Environmental or Health and Safety performance since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5. Details are described below:   **Declaration of past fatality resulted from EHS issues on site**: The following contract(s) has/have experienced a fatality resulted from EHS issues on site since the date specified in Section 3 (Evaluation and Qualification Criteria), Criterion 2.5. Details are described below: | | | |
| **Year** | **Suspended or terminated portion of contract** | **Contract Identification** | **Total Contract Amount (current value, currency, exchange rate and US$ equivalent)** |
| *[insert year]* | *[insert amount and percentage]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*  Name of Employer: *[insert full name]*  Address of Employer: *[insert street/city/country]*  Reason(s) for suspension or termination: *[indicate main reason(s) e.g. discharge over environmental limit, workers did not have required health and safety permits to undertake high risk work, work carried out was not adhered to approved construction methodology and quality control plan]* | *[insert amount]* |
| *[insert year]* | *[insert amount and percentage]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*  Name of Employer: *[insert full name]*  Address of Employer: *[insert street/city/country]*  Reason(s) for suspension or termination: *[indicate main reason(s)]* | *[insert amount]* |
| *…* | *…* | *[list all applicable contracts]* | *…* |
| **Performance Security called by an employer(s) for reasons related to EHS performance** | | | |
| **Year** | **Contract Identification** | | **Total Contract Amount (current value, currency, exchange rate and US$ equivalent)** |
| *[insert year]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*  Name of Employer: *[insert full name]*  Address of Employer: *[insert street/city/country]*  Reason(s) for suspension or termination: *[indicate main reason(s) e.g. discharge over environmental limit, workers did not have required health and safety permits to undertake high risk work, work carried out was not adhered to approved construction methodology and quality control plan]* | | *[insert amount]* |
|  |  | |  |
| **Key EHS personnel replacement requested by the Employer for reasons related to EHS performance** | | | |
| **Year** | **Contract Identification and Reasons** | | **Personnel replacement action and results** |
| *[insert year]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*  Name of Employer: *[insert full name]*  Address of Employer: *[insert street/city/country]*  Reason(s) for requesting for replacement: *[indicate main reason(s)]* | | *[insert description]* |
|  |  | |  |
| *Fatality due to EHS issues on Site* | | | |
| **Year** | **Contract Identification** | | **Follow-on actions taken by the contractor** |
| *[insert year]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*  Name of Employer: *[insert full name]*  Address of Employer: *[insert street/city/country]*  Description of fatality event:  Causation: | | *[insert description]* |
|  |  | |  |

Form FIN - 1: Historical Financial Performance

Each Bidder must fill out this form.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Financial Data for Previous \_\_\_Years [$ Equivalent]** | | |
| Year 1: | Year 2: | Year \_\_\_: |

Information from Balance Sheet

|  |  |  |  |
| --- | --- | --- | --- |
| **Total Assets (TA)** |  |  |  |
| **Total Liabilities (TL)** |  |  |  |
| **Net Worth =TA – TL** |  |  |  |
| **Current Assets (CA)** |  |  |  |
| **Current Liabilities (CL)** |  |  |  |
| **Working Capital = CA - CL** |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Most Recent**  **Working Capital** |  | To be obtained for most recent year and carried forward to FIN - 3 Line 1; in case of Joint Ventures, to the corresponding Joint Venture Partner’s FIN - 3. |

Information from Income Statement

|  |  |  |  |
| --- | --- | --- | --- |
| **Total Revenues** |  |  |  |
| **Profits Before Taxes** |  |  |  |
| **Profits After Taxes** |  |  |  |
| * Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the last \_\_\_\_\_ years, as indicated above, complying with the following conditions.  1. Unless otherwise required by Section 3 of the Bidding Document, all such documents reflect the standalone financial situation of the legal entity or entities comprising the Bidder and not the Bidder’s parent companies, subsidiaries, or affiliates. 2. Historical financial statements must be audited by a certified accountant. 3. Historical financial statements must be complete, including all notes to the financial statements. 4. Historical financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted). | | | |

Form FIN - 2: Average Annual Construction Turnover

Each Bidder must fill out this form.

The information supplied should be the Annual Turnover of the Bidder or each partner of a Joint Venture for the total certified payments received from the clients for contracts in progress or completed, converted to US dollars at the rate of exchange at the end of the period reported.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
| **Annual Turnover Data for the Last \_\_\_\_Years (Construction only)** | | | |
| **Year** | **Amount**  **Currency** | **Exchange**  **Rate** | **$**  **Equivalent** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Average Annual Construction Turnover** | | |  |

Form FIN – 3: Availability of Financial Resources

Bidder must demonstrate sufficient financial resources, usually comprising of Working Capital supplemented by credit line statements or overdraft facilities and others to meet the Bidder’s financial requirements for

1. its current contract commitments, and
2. the subject contract.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
| **Financial Resources** | | |
| **No.** | **Source of financing** | **Amount ($ equivalent)** |
| 1 | Working Capital (to be taken from FIN - 1) |  |
| 2 | Credit Line**a** |  |
| 3 | Other Financial Resources |  |
|  | Total Available Financial Resources |  |

*a To be substantiated by a letter from the bank issuing the line of credit.*

Form FIN- 4: Financial Resources Requirement

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

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **Current Contract Commitments** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Name of Contract | Employer’s **Contact (Address, Tel, Fax)** | **Contract Completion Date** | **Outstanding Contract  Value**  **(X) a** | **Remaining Contract Period in months (Y)  b** | **Monthly Financial Resources Requirement**  **(X / Y)** |
| 1 |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |
| 4 |  |  |  |  |  |  |
| Total Monthly Financial Requirements for Current Contract Commitments | | | | | | $ …………………. |

a *Remaining outstanding contract values to be calculated from 28 days prior to the bid submission deadline ($ equivalent based on the foreign exchange rate as of the same date).*

b *Remaining contract period to be calculated from 28 days prior to bid submission deadline.*

**Form FIN - 5: Self-Assessment Tool for Bidder’s Compliance to Financial Resources (Criterion 2.3.3 of Section 3)**

This form requires the same information submitted in Forms FIN - 3 and FIN - 4. All conditions of “Available Financial Resources Net of CCC **≥** Requirement for the Subject Contract” must be satisfied to qualify.

**Form FIN - 5A: For Single Entities**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| For Single Entities:  (A) | Total Available Financial Resources from FIN – 3 (B) | Total Monthly Financial Requirement for Current Contract Commitments (CCC) from FIN – 4 (C) | Available Financial Resources Net of CCC D = (B - C) | Requirement  for the Subject Contract  (E) | Results:  Yes or No  [*D must be greater than or equal to E*]  (F) |
| \_\_\_\_\_\_\_\_\_  (Name of Bidder) |  |  |  | . . . . . . . . . . .\_ |  |

**Form FIN - 5B: For Joint Ventures**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| For Joint Ventures:  (A) | Total Available Financial Resources from FIN – 3  (B) | Total Monthly Financial Requirement for Current Contract Commitments (CCC) from FIN – 4 (C) | Available Financial Resources Net of CCC D = (B - C) | Requirement  for the Subject Contract  (E) | Results:  Yes or No  [*D must be greater than or equal to E*]  (F) |
| One Partner: |  |  |  |  |  |
| \_\_\_\_\_\_\_\_\_\_\_\_  (Name of Partner) |  |  |  | . . . . . . . . . . . |  |
| Each Partner: |  |  |  |  |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_  (Name of Partner 1) |  |  |  | . . . . . . . . . . . |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_  (Name of Partner 2) |  |  |  | . . . . . . . . . . . |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_  (Name of Partner 3) |  |  |  | . . . . . . . . . . . |  |
| All partners  combined | ∑ D = Sum of available financial resources net of current contract commitments for all partners | | ∑ D = \_\_\_\_\_\_\_ | . . . . . . . . . . . |  |

**- Note -**

Form FIN – 5 is made available for use by the bidder as a self-assessment tool, and by the Employer as an evaluation work sheet, to determine compliance with the financial resources requirement as stated in 2.3.3. Failure to submit Form FIN - 5 by the Bidder shall not lead to bid rejection.

Form EXP – 1: Contracts of Similar Size and Nature

Fill up one (1) form per contract. Each contract shall be supported by documents such as Signed Contract Agreement or Certificate of Completion of the Works.

The exchange rate to be used to calculate the value of the contract for conversion to a specific currency shall be the selling rate of the Borrower’s Central bank on the date of the contract.

|  |  |  |
| --- | --- | --- |
| **Contract of Similar Size and Nature** | | |
| **Contract No** . . . . . . **of** . . . . . | **Contract Identification** | |
| **Award Date** | | **Completion Date** |
| **Total Contract Amount** | **$** | |
| **If partner in a Joint Venture or Subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name**  **Address**  **Telephone/Fax Number**  **E-mail** |  | |
| **Description of the Similarity in Accordance with Criterion 2.4.1 of Section 3 (Evaluation and Qualification Criteria)** | | |
|  |  | |

Form EXP - 2: Construction Experience in Key Activities

Fill up one (1) form per contract. Each contract shall be supported by documents such as Signed Contract Agreement or Certificate of Completion of the Works.

Each Bidder must fill out this form.

If complied by Specialist Subcontractor, each Specialist Subcontractor must fill out this form and provide the Specialist Subcontractor’s name:

Specialist Subcontractor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
| **Contract with Similar Key Activities** | | |
| **Contract No** . . . . . . **of** . . . . . | **Contract Identification** | |
| **Award Date** | | **Completion Date** |
| **Total Contract Amount** | **$** | |
| **If partner in a Joint Venture or Subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name**  **Address**  **Telephone Number**  **Fax Number**  **E-mail** |  | |
| **Description of the Key Activities in Accordance with Criterion 2.4.2 of Section 3 (Evaluation and Qualification Criteria)** | | |
|  |  | |

Form EXP – 3: Specific Experience in Managing Environmental, Health and Safety Aspects

Fill out one form per contract.

Each Bidder must fill out this form.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_

* + - 1. Key Requirement no 1 in accordance with Criterion 2.4.3 of Section 3: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Contract Identification** |  | | | |
| **Award date** |  | | | |
| **Completion date** |  | | | |
| **Role in Contract** | **Prime Contractor**  **** | **Member in  JV**  **** | **Management Contractor**  **** | **Subcontractor**  **** |
| **Total Contract Amount** |  | | **US$** | |
| **Details of relevant experience** |  | | | |

* + - 1. Key Requirement no 2 in accordance with Criterion 2.4.3 of Section 3: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      2. Key Requirement no 3 in accordance with Criterion 2.4.3 of Section 3: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Form EXP – 4: Environmental, Health and Safety Certification

Please provide the following information:

Availability of the following valid ISO certification or internationally-recognized equivalent (equivalency to be demonstrated by the Bidder), and applicable to the worksite:

* Quality management certificate ISO 9001
* Environmental management certificate ISO 14001

a *Depending on the environmental, health and safety issues of the worksite and the type of competition planned (national or international), the list of required certifications may be restricted to those corresponding to the main issue of the worksite management, or removed altogether.*

Form EXP – 5: Environmental, Health and Safety Documentation

Please provide the following information:

Availability of in-house policies and procedures acceptable to the Employer for EHS management:

1. Existence of an Ethics Charter.
2. Existence of a system for monitoring compliance with EHS commitments for the Bidder’s Subcontractors and all its partners.
3. Existence of official company procedures for the management of the following relevant points:

* EHS resources and facilities and EHS monitoring system
* Health and safety on worksites policy and related guidance
* Waste management practice
* Hazardous products management practice
* Control of infectious and communicable diseases (HIV/AIDS, malaria, COVID-19…ETC)

Form EXP – 6: Environmental, Health and Safety Dedicated Personnel

Please provide CV {Form PER-2] of the in-house personnel of the main contractor/Joint Venture partners for the EHS positions specified in Section 6 (Employer’s Requirements):

* Environmental Specialist
* Health and Safety Specialist

Availability of in-house personnel dedicated to EHS issues:

Trained personnel to ensure the proper implementation of environmental safeguards

Trained personnel to ensure occupational health and safety, and safety at work

1. These institutions include African Development Bank, European Bank for Reconstruction and Development (EBRD), Inter-American Development Bank (IADB), and the World Bank Group. According to paragraph 9 of the Agreement, other international financial institutions may join upon the consent of all Participating Institutions and signature of a Letter of Adherence by the international financial institution substantially in the form provided (Annex B to the Agreement). Upon adherence, such international financial institution shall become a Participating Institution for purposes of the Agreement. Bidders are advised to check [www.adb.org/integrity](http://www.adb.org/integrity) for updates. [↑](#footnote-ref-1)
2. Use one of the two options as appropriate. [↑](#footnote-ref-2)
3. If none has been paid or is to be paid, indicate “None”. [↑](#footnote-ref-3)
4. All italicized text is for use in preparing this form and shall be deleted from the final document. [↑](#footnote-ref-4)
5. Or the employer may use “Uniform Rules for Demand Guarantees (URDG) ICC Publication No. 458” as appropriate. [↑](#footnote-ref-5)