|  |
| --- |
| Section III. Evaluation and Qualification Criteria (Without Prequalification) |

This Section contains all the criteria that the Employer shall use to evaluate bids and qualify Bidders. In accordance with ITB 35 and ITB 37, no other factors, methods or criteria shall be used. The Bidder shall provide all the information requested in the forms included in Section IV, Bidding Forms.

Wherever a Bidder is required to state a monetary amount, Bidders should indicate the USD equivalent using the rate of exchange determined as follows:

* + For turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted) was originally established.
  + Value of single contract - Exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available source identified in the ITB 32.1. Any error in determining the exchange rates in the Bid may be corrected by the Employer.

**1. Domestic Preference**

NA

**2. Evaluation**

In addition to the criteria listed in ITB 35.2 (a) – (e) the following criteria shall apply:

**2.1** **Assessment of adequacy of Technical Proposal with Requirements**

**2.3 Alternative Completion Times**, if permitted under ITB 13.2, will be evaluated as follows: Not Applicable

**2.4 Technical alternatives** , if permitted under ITB 13.4, will be evaluated as follows: Not Applicable

**2.5 Specialized Subcontractors**

Only the specific experience of sub-contractors for specialized works permitted by the Employer will be considered. The general experience and financial resources of the specialized sub-contractors shall not be added to those of the Bidder for purposes of qualification of the Bidder.

The specialized sub-contractors proposed shall be fully qualified for their work proposed, and meet the following criteria:

**3. Qualification**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Eligibility and Qualification Criteria** | | | **Compliance Requirements** | | | | **Documentation** |
| **No.** | **Subject** | **Requirement** | **Single Entity** | **Joint Venture (existing or intended)** | | | **Submission Requirements** |
| **All Parties Combined** | **Each Member** | **One Member** |
| 1. Eligibility | | | | | | | |
| 1.1 | **Nationality** | Nationality in accordance with ITB 4.3 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| 1.2 | **Conflict of Interest** | No conflicts of interest in accordance with ITB 4.2 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Letter of Bid |
| 1.3 | **Fund Eligibility** | Not having been declared ineligible by the Client, as described in ITB4.4, 4.5, 4.6 and 4.7 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Letter of Bid |
| 1.4 | **Government Owned Entity of the Beneficiary country** | Meets conditions of ITB 4.5 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| 2. Historical Contract Non-Performance | | | | | | | |
| 2.1 | **History of Non-Performing Contracts** | Non-performance of a contract[[1]](#footnote-1) did not occur as a result of contractor default since 1st January *2010* | Must meet requirement1,2 | Must meet requirements | Must meet requirement[[2]](#footnote-2) | N/A | Form CON-2 |
| 2.2 | **Suspension Based on Execution of Bid Securing Declaration by the Employer or withdrawal of the Bid within Bid validity** | Not under suspension based on execution of a Bid Securing Declaration pursuant to ITB4.6 or withdrawal of the Bid pursuant ITB 19.9. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Bid Submission Form |
| 2.3 | **Pending Litigation** | Bidder’s financial position and prospective long term profitability sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Bidder | Must meet requirement | N/A | Must meet requirement | N/A | Form CON – 2 |
| 2.4 | **Litigation History** | No consistent history of court/arbitral award decisions against the Bidder[[3]](#footnote-3) since 1st January *2010* | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form CON – 2 |
| 3. Financial Situation and Performance | | | | | | | |
| 3.1 | **Financial Capabilities** | (i) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the cash flow requirements estimated as **MVR 5*,000,000*** for the subject contract(s) net of the Bidders other commitments  (ii) The Bidders shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.  (iii) The audited balance sheets or, if not required by the laws of the Bidder’s country, other financial statements acceptable to the Employer, for the last ***3***years shall be submitted and must demonstrate the current soundness of the Bidder’s financial position and indicate its prospective long-term profitability. | Must meet requirement  Must meet requirement  Must meet requirement | N/A  Must meet requirement  N/A | Must meet requirement  N/A  Must meet requirement | N/A  N/A  N/A | Form FIN – 3.1, with attachments |
| 3.2 | **Average Annual Turnover** | Minimum average annual turnover of MVR 15,000,000.00within the last *3* years | Must meet requirement | Must meet requirement | Must meet  *30* %, *\_\_\_\_\_\_\_\_\_\_\_*of the requirement | Must meet  30%, *\_\_\_\_\_\_\_\_\_\_\_*of the requirement | Form FIN – 3.2 |
| 4. Experience | | | | | | | |
| 4.1 (a) | **General Construction Experience** | Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor within the last 5 years. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |
| 4.2 (a) | **Specific Construction & Contract Management Experience** | (i) A minimum number of similar[[4]](#footnote-4) contracts specified below that have been satisfactorily and substantially[[5]](#footnote-5) completed as a prime contractor, joint venture member[[6]](#footnote-6), management contractor or sub-contractor between 1st January 2012 and application submission deadline: (i) 2 contracts, each of minimum value MVR 4,000,000;  Or  (ii) Less than or equal to 3 contracts, each of minimum value MVR 1,500,000, but with total value of all contracts equal or more than MVR 4,500,000 | Must meet requirement | Must meet requirement[[7]](#footnote-7)  Must meet requirements | N/A  At least one contract each of minimum value of MVR 1,500,00.00 | N/A  NA | Form EXP 4.2(a) |
| 4.2 (b) |  | For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or sub-contractor[[8]](#footnote-8) on or after the first day of the calendar year during the period stipulated in 4.2 (a) above, a minimum construction experience in the following key activities successfully completed[[9]](#footnote-9):  Supply and laying of Sewerage system pipe lines- 3000m  Sea Outfall- 1No  Manholes/chambers- 30 Nos  Lifting stations-2 Nos | Must meet requirements | Must meet requirements | 50% of the scope completed successfully commissioned of a project at least. | NA | Form EXP – 4.2 (b) |

**3.5 Personnel**

The Bidder must demonstrate that it has the personnel for the key positions that meet the following requirements:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **SlNo.** | **Position** | **Qualification** | **Number** | **Total Work**  **Experience (years)** | **In Similar Works Experience**  **(years)** |
| 1 | Project Manager | Bachelor’s Degree in Civil Engineering | 1 | 7 | 5 |
| 2 | Site Engineer | Bachelor’s Degree in Civil Engineering | 1 | 5 | 3 |
| 3 | Mechanical Engineer | Bachelor’s Degree in Mechanical Engineering | 1 | 5 | 3 |
| 4 | Electrical Engineer | Bachelor’s Degree in Electrical Engineering | 1 | 5 | 3 |
| 5 | Site Supervisors | Engineering Diploma | 1 | 5 | 3 |
| 6 | Quantity Surveyor | Diploma in Quantity Surveying | 1 | 5 | 3 |
| 7 | Land Surveyor | Diploma in Engineering/ Surveying | 1 | 5 | 3 |

The Bidder shall provide details of the proposed personnel and their experience records using Forms PER-1 and PER-2included in Section IV, Bidding Forms.

**3.6 Equipment**

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

|  |  |  |
| --- | --- | --- |
| **No.** | **Equipment Type and Characteristics** | **Minimum Number required** |
| 1 | Total Station/Theodolite | 1 |
| 2 | Dumpy level | 1 |
| 3 | Mini Excavator/ backhoe | 1 |
| 4 | Earth compactors | 1 |
| 5 | Electrical testing equipments | 1 |
| 6 | Pressure testing equipments | 1 |
| 7 | Butt fusion/Electro fusion equipments | 1 |
| 7 | Concrete batch machine | 1 |

The Bidder shall provide further details of proposed items of equipment using Form EQU in Section IV, Bidding Forms.

1. Non performance, as decided by the Employer, 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. Non performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non performance 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. [↑](#footnote-ref-1)
2. This requirement also applies to contracts executed by the Bidder as JV member. [↑](#footnote-ref-2)
3. The Bidder shall provide accurate information on the letter of Bid about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of court/arbitral awards against the Bidder or any member of a joint venture may result in disqualifying the Bidder. [↑](#footnote-ref-3)
4. The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VII, Work’s Requirements. Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted. [↑](#footnote-ref-4)
5. Substantial completion shall be based on **80%** or more works completed under the contract. [↑](#footnote-ref-5)
6. For contracts under which the Bidder participated as a joint venture member or sub-contractor, only the Bidder’s share, by value, shall be considered to meet this requirement. [↑](#footnote-ref-6)
7. In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated. [↑](#footnote-ref-7)
8. For contracts under which the Bidder participated as a joint venture member or sub-contractor, only the Bidder’s share shall be counted to meet this requirement. [↑](#footnote-ref-8)
9. Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period. The rate of production shall be the annual production rate for the key construction activity (or activities). [↑](#footnote-ref-9)