## 

**Ministry of Finance**

**Republic of Maldives**

**PREQUALIFICATION DOCUMENT**

**For**

Extension of Runway at N. Maafaru Airport, on E.P.C Turnkey Basis.

**TES/2020/W-052**

**Issued on:**

**April 12, 2020**

**National Tender**

**Ministry of Finance**

**Contents**

**Prequalification Document**

[PART 1 – PREQUALIFICATION PROCEDURES 3](#_Toc34205348)

[SECTION I. INSTRUCTIONS TO APPLICANTS 4](#_Toc34205349)

[SECTION II. PREQUALIFICATION DATA SHEET 18](#_Toc34205350)

[SECTION III. QUALIFICATION CRITERIA AND REQUIREMENTS 21](#_Toc34205351)

[SECTION IV. APPLICATION FORMS 24](#_Toc34205352)

[SECTION V. ELIGIBLE COUNTRIES 36](#_Toc34205353)

[SECTION VI. BANK POLICY - CORRUPT AND FRAUDULENT PRACTICES 37](#_Toc34205354)

[PART 2 – PROJECT REQUIREMENTS 39](#_Toc34205355)

[SECTION VII. SCOPE OF THE PROJECT 40](#_Toc34205356)

PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

**Table of Contents**

[A. General 6](#_Toc34207543)

[1. Scope of Application 6](#_Toc34207544)

[2. Source of Funds 6](#_Toc34207545)

[3. Corrupt and Fraudulent Practices 6](#_Toc34207546)

[4. Eligible Applicants 6](#_Toc34207547)

[5. Eligibility 8](#_Toc34207548)

[B. Contents of the Prequalification Document 9](#_Toc34207549)

[6. Sections of Prequalification Document 9](#_Toc34207550)

[7. Clarification of Prequalification Document and Pre-Application Meeting 9](#_Toc34207551)

[8. Amendment of Prequalification Document 10](#_Toc34207552)

[C. Preparation of Applications 11](#_Toc34207553)

[9. Cost of Applications 11](#_Toc34207554)

[10. Language of Application 11](#_Toc34207555)

[11. Documents Comprising the Application 11](#_Toc34207556)

[12. Application Submission Form 11](#_Toc34207557)

[13. Documents Establishing the Eligibility of the Applicant 11](#_Toc34207558)

[14. Documents Establishing the Qualifications of the Applicant 11](#_Toc34207559)

[15. Signing of the Application and Number of Copies 12](#_Toc34207560)

[D. Submission of Applications 13](#_Toc34207561)

[16. Sealing and Identification of Applications 13](#_Toc34207562)

[17. Deadline for Submission of Applications 13](#_Toc34207563)

[18. Late Applications 13](#_Toc34207564)

[19. Opening of Applications 13](#_Toc34207565)

[E. Procedures for Evaluation of Applications 14](#_Toc34207566)

[20. Confidentiality 14](#_Toc34207567)

[21. Clarification of Applications 14](#_Toc34207568)

[22. Responsiveness of Applications 14](#_Toc34207569)

[23. Domestic Bidder Price Preference 14](#_Toc34207570)

[24. Sub-contractors 14](#_Toc34207571)

[F. Evaluation of Applications and Prequalification of Applicants 16](#_Toc34207572)

[25. Evaluation of Applications 16](#_Toc34207573)

[26. Employer’s Right to Accept or Reject Applications 16](#_Toc34207574)

[27. Prequalification of Applicants 16](#_Toc34207575)

[28. Notification of Prequalification 16](#_Toc34207576)

[29. Invitation for Bids 17](#_Toc34207577)

[30. Changes in Qualifications of Applicants 17](#_Toc34207578)

**Section I. Instructions to Applicants**

## A. General

## Scope of Application

* 1. In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer, as defined in the PDS, issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Project described in Section VII, Scope of the Project. In case the Works are to be bid as individual contracts (i.e. the slice and package procedure), these are listed in the PDS. The International Competitive Bidding (“ICB”) number corresponding to this prequalification is also provided in the PDS.

## Source of Funds

* 1. The project is being funded by the Abu Dhabi Fund for Development (ADFD), with approved payments paid directly to the contractor from ADFD.

## Corrupt and Fraudulent Practices

* 1. The Maldives requires compliance with its policy in regard to corrupt and fraudulent practices as set forth in Section VI.
  2. In further pursuance of this policy, Applicants shall permit and shall cause their agents to permit ADFD to inspect all accounts, records and other documents relating to the submission of the Application, bid submission (in case prequalified), and contract performance (in the case of award), and to have them audited by auditors appointed by ADFD.

## Eligible Applicants

* 1. Applicants shall meet the eligibility criteria as per clause 5.1. For the purpose of applying the eligibility criteria listed in this Clause 4 and 5, references to the “Applicant” include all entities involved or intended to be involved with the proposed Project (including all partners and any of their affiliates that directly or indirectly control, or are controlled by or are under common control with the firm), specialized sub-contractors, consultants, manufacturers or suppliers (as mentioned in Form ELI-1.2 Applicant’s JV Member’s Information Form), and the personnel of each, for any part of the contract including related services.
  2. An Applicant may be a firm that is a private entity, a partner with a government-owned entity—subject to ITA 4.9 - or a combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, bidding (in the event the JV submits a bid) and during contract execution (in the event the JV is awarded the Contract). Unless specified in the PDS, there is no limit on the number of members in a JV
  3. A firm may apply for prequalification both individually, or part of a joint venture, or as a sub-contractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture or as a sub-contractor. However, a firm may participate as a sub-contractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.
  4. A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a sub-contractor among them for the same contract. However, if prequalified only one prequalified applicant will be allowed to bid for the same contract. All bids submitted in violation of this procedure will be rejected.
  5. An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. This criterion also shall apply to the determination of the nationality of proposed specialized sub-contractors or suppliers for any part of the Contract including related Services.
  6. Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Employer or Borrower as Engineer for contract implementation of the works that are the subject of this prequalification.
  7. Not used
  8. The list of debarred firms and individuals is available as specified in the PDS.
  9. Government-owned enterprises or institutions in the Employer’s Country may participate only if they can establish that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not dependent agencies of the Employer . To be eligible, a government-owned enterprise or institution shall establish to ADFD’s satisfaction, through all relevant documents, including its Charter and other information ADFD may request, that it: (i) is a legal entity separate from the government (ii) does not currently receive substantial subsidies or budget support; (iii) operates like any commercial enterprise, and, inter alia, is not obliged to pass on its surplus to the government, can acquire rights and liabilities, borrow funds and be liable for repayment of its debts, and can be declared bankrupt; and (iv) is not bidding for a contract to be awarded by the department or agency of the government which under their applicable laws or regulations is the reporting or supervisory authority of the enterprise or has the ability to exercise influence or control over the enterprise or institution.
  10. An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid–Securing Declaration.
  11. An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.

## Eligibility

* 1. Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated in Section V.

## B. Contents of the Prequalification Document

## Sections of Prequalification Document

* 1. This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.

PART 1 Prequalification Procedure:

* + - Section I. Instructions to Applicants (ITA)
    - Section II. Prequalification Data Sheet (PDS)
    - Section III Qualification Criteria and Requirements
    - Section IV. Application Forms
    - Section V. Eligible Countries
    - Section VI. Corrupt and Fraudulent practices

PART 2 Project Requirements

* Section VII. Scope of the Project
  1. Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.
  2. The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

## Clarification of Prequalification Document and Pre-Application Meeting

* 1. A prospective Applicant requiring any clarification of the Prequalification Document shall contact the Employer in writing at the Employer’s address indicated in the PDS. The Employer will respond in writing to any request for clarification provided that such request is received no later than the date stated in the PDS. The Employer shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated in the PDS, the Employer shall also promptly publish its response at the web page identified in the PDS. Should the Employer deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.
  2. If indicated in the PDS, the prospective Applicant’s designated representative is invited at the Applicant’s cost to attend a pre-Application meeting at the place, date and time mentioned in the PDS. During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Prequalification Documents.
  3. Minutes of the pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any responses prepared after the meeting will be transmitted promptly to all prospective Applicants who have obtained the Prequalification Document. Any modification to the Prequalification Document that may become necessary as a result of the pre-Application meeting shall be made by the Employer exclusively through the use of an Addendum pursuant to ITA 8. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant.

## Amendment of Prequalification Document

* 1. At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Document by issuing an Addendum.
  2. Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all prospective Applicants who have obtained the Prequalification Document from the Employer. The Employer shall promptly publish the Addendum at the Employer’s web page identified in the PDS.
  3. To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

## C. Preparation of Applications

## Cost of Applications

* 1. The Applicant shall bear all costs associated with the preparation and submission of its Application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

## Language of Application

* 1. The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, 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 the language specified in the PDS, in which case, for purposes of interpretation of the Application, the translation shall govern.

## Documents Comprising the Application

* 1. The Application shall comprise the following:
     1. Application Submission Form, in accordance with ITA 12.1;
     2. documentary evidence establishing the Applicant’s eligibility, in accordance with ITA 13.1;
     3. documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and
     4. Any other document required as specified in the PDS.
  2. The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

## Application Submission Form

* 1. The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.

## Documents Establishing the Eligibility of the Applicant

* 1. To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Form and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Application Forms).

## Documents Establishing the Qualifications of the Applicant

* 1. To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.
  2. Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the USD equivalent using the rate of exchange determined as follows:
     1. 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.
     2. Value of single contract - Exchange rate prevailing on the date of the contract.
     3. Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Application may be corrected by the Employer.

## Signing of the Application and Number of Copies

* 1. The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it “ORIGINAL”. The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
  2. The Applicant shall submit copies of the signed original 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.

## D. Submission of Applications

## Sealing and Identification of Applications

* 1. The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
     1. Bear the name and address of the Applicant;
     2. Be addressed to the Employer, in accordance with ITA 17.1; and
     3. Bear the specific identification of this prequalification process indicated in the PDS 1.1.
  2. The Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

## Deadline for Submission of Applications

* 1. Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated in the PDS. When so specified in the PDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic application submission procedures specified in the PDS.
  2. The Employer 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 Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

## Late Applications

* 1. The Employer shall not accept applications received after the deadline for submission of applications, unless otherwise specified in the PDS.

## Opening of Applications

* 1. The Employer shall open all Applications at the date, time and place specified in the PDS. Late Applications shall be treated in accordance with ITA 18.1.
  2. Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the PDS.
  3. The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

## E. Procedures for Evaluation of Applications

## Confidentiality

* 1. Information relating to the Applications, their evaluation and result shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
  2. From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process (except as specified in 20.1 above), may do so only in writing.

## Clarification of Applications

* 1. To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.
  2. If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer’s request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

## Responsiveness of Applications

* 1. The Employer may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.

## Domestic Bidder Price Preference

* 1. Unless otherwise specified in the PDS, a margin of preference for domestic bidders shall not apply in the bidding process resulting from this prequalification.

## Sub-contractors

* 1. Unless otherwise stated in the PDS, the Employer does not intend to execute any specific elements of the Works by sub-contractors selected in advance by the Employer.
  2. Applicants may propose subcontracting for the works mentioned in Section VII and as further described in ITA 25.2.
  3. Contractor cannot subcontract any portion of the work, without written approval of the employer. (I.e. approval for any subcontractor must be pre-approved).
  4. Contractor cannot subcontract more than 50% of the work, without pre-approval from the employer.

## F. Evaluation of Applications and Prequalification of Applicants

## Evaluation of Applications

* 1. The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the contract.
  2. Applicants planning to subcontract any work shall specify, in the Application Submission Form, the activity (ies) or parts of the works to be subcontracted along with complete details of the sub-contractors. The Applicant on its own (without taking into account the qualification and experience of the sub-contractor) should meet the prequalification criteria.
  3. Not used
  4. Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 (or participating as a sub-contractor as per ITA 25.2) shall not be considered.

## Employer’s Right to Accept or Reject Applications

## The Employer reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

## Prequalification of Applicants

## All Applicants who’s Applications substantially meet or exceed the specified qualification requirements will be prequalified by the Employer.

## An Applicant may be “conditionally prequalified,” that is, qualified subject to the Applicant submitting or correcting certain specified nonmaterial documents or deficiencies to the satisfaction of the Employer.

## Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the Employer before or at the time of submitting their bids.

## Notification of Prequalification

* 1. The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.
  2. Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.

## Invitation for Bids

* 1. Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified or conditionally prequalified.
  2. Bidders may be required to provide a Bid Security or a Bid-Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Bidding Documents.
  3. The successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.
  4. If applicable, the successful Bidder shall be required to provide a separate Environmental, Social, Health and Safety (ESHS) Performance Security.
  5. Bidders shall be required to provide the Code of Conduct which will apply to their employees and sub-contractors to ensure compliance with the Environmental, Social (including sexual exploitation and abuse (SEA) and gender-based violence (GBV)), Health and Safety (ESHS) requirements.
  6. Bidder shall be required to submit management strategies and implementation plans to ensure compliance with key Environmental, Social (including sexual exploitation and abuse (SEA) and gender-based violence (GBV)), Health and Safety (ESHS) requirement.

## Changes in Qualifications of Applicants

* 1. Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III, Qualification Criteria and Requirements; or (iii) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids.

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| Section II. Prequalification Data Sheet | |
| **A. General** | |
| **ITA 1.1** | The identification of the Invitation for Prequalification is:  **(IUL)13-K/13/2020/120**  The Employer is:  **Ministry of National Planning and Infrastructure**  ICB name and number are:   1. **TES/2020/W-052- Extension of Runway at N. Maafaru Airport, Maldives, on E.P.C Turnkey Basis.** |
| **ITA 2.1** | The name of the Project is:   1. **Extension of Runway at N. Maafaru Airport, Maldives, on E.P.C Turnkey Basis.** |
| **ITA 4.2** | Maximum number of members in the JV shall be: **3 (Three)** |
| **ITA 4.8** | Companies, JV’s etc. from the country of Israel are not allowed |
| **B. Contents of the Prequalification Document** | |
| **ITA 7.1** | For **clarification purposes,** the Employer's address is:  National Tender  Ministry of Finance  Ameenee Magu, Maafannu,  Male’, 20379  Republic of Maldives  Tel: (960) 3349102, (960) 3349106  E-Mail: [aminath.naaheen@finance.gov.mv](mailto:aminath.naaheen@finance.gov.mv)  Copy to: [tender@finance.gov.mv](mailto:tender@finance.gov.mv)  Requests for clarification should be received by the Employer no later than:  **Date: April 15, 2020**  **Time: 1200 Hours Maldivian Time** |
| **ITA 7.2** | Pre – application meeting ***shall not*** take place |
| **ITA 7.1 & 8.2** | Web page: [**www.finance.gov.mv**](http://www.finance.gov.mv) |

|  |  |
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| **C. Preparation of Applications** | |
| **ITA 10.1** | This Prequalification document has been issued in the *English* language*.*  All correspondence exchange shall be in *English* language.  The Application as well as all correspondence shall be submitted in *English*. |
| **ITA 11.1 (d)** | The Applicant shall submit with its Application, the following additional documents: **None** |
| **ITA 15.2** | In addition to the original, the number of copies to be submitted with the Application is: **One (01) Original, One (01) Copy and One (01) Soft Copy of the applicant’s document** |
| **D. Submission of Applications** | |
| **ITA 17.1** | For **application submission purposes only,** the Employer's address is:  National Tender  Ministry of Finance  Ameenee Magu, Maafannu,  Male’, 20379  Republic of Maldives  Tel: (960) 3349102, (960) 3349106  E-Mail: [aminath.naaheen@finance.gov.mv](mailto:aminath.naaheen@finance.gov.mv)  Copy to: [tender@finance.gov.mv](mailto:tender@finance.gov.mv)  **The deadline for Application submission is:**  **Date: April 20, 2020**  **Time: 1300 Hours Maldivian Time** |
| **ITA 19.2** | If electronic submission of Applications shall be permitted, electronic Application opening procedures are: **Not Permitted** |

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| **E. Procedures for Evaluation of Applications** | |
| **ITA 23.1** | A margin of preference ***shall not*** apply for domestic bidders. |
| **ITA 24.1** | At this time the Employer ***does not intend***to execute certain specific parts of the Project by sub-contractors selected in advance. |
| **ITA 24.2** | Applicants planning to subcontract any works shall specify, in the Application Submission Form, the activity (ies) or parts of the works to be subcontracted along with complete details of the sub-contractors.  Sub-contractors’ qualification and experience will not be considered for evaluation of the Applicant. The Applicant on its own (without taking into account the qualification and experience of the sub-contractor) should meet the prequalification criteria. |

Section III. Qualification Criteria and Requirements

**Contents**

[1. Eligibility 22](#_Toc107899636)

[2. Historical Contract Non-Performance 2](#_Toc107899637)2

[3. Experience 2](#_Toc107899639)3

| **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 ITA 4.5 | | 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 ITA 4.6 | | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.3 | **Government Owned Entity of the Borrower country** | Meet conditions of ITA 4.9 | | 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’s default since ***31st December 2017***. | Must meet requirement2 | | 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** | Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.10. | Must meet requirement | | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 2.3 | **Litigation History** | No consistent history of court/arbitral award decisions against the Applicant[[3]](#footnote-3) since  ***31st December 2017.*** | Must meet requirement | | Must meet requirement | Must meet requirement | N/A | Form CON – 2 |
| 3. Experience | | | | | | | | |
| 3.1 (a) | **Specific Experience - Developing Projects** | (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-contractor7 between  ***31st December 2014*** and application submission deadline: (i) cumulative experience of similar contracts of value **USD 10,000,000.00, OR**  **(ii)** at least **2** contracts, each with a value of at least **USD 6,000,000.00 each** | Must meet requirement | | NA | N/A | Must meet requirement | Form EXP 4.1(a) |

Section IV. Application Forms

**Table of Forms**

[Application Submission Form 25](#_Toc34208915)

[Applicant Information Form 27](#_Toc34208916)

[Applicant's JV Information Form 28](#_Toc34208917)

[Historical Contract Non-Performance, Pending Litigation and Litigation History 29](#_Toc34208918)

[Financial Situation and Performance 32](#_Toc34208919)

[Specific Experience - in "Related Projects" 34](#_Toc34208920)

Application Submission Form

Date: *[insert day, month, and year]*ICB No. and title: *[insert ICB number and title]*

To: *[insert full name of Employer]*

**PROJECT NAME: Extension of Runway at N. Maafaru Airport, Maldives, on E.P.C Turnkey Basis.**

We, the undersigned, apply to be prequalified for the referenced ICB and declare that:

(a) We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s). issued in accordance with Instructions to Applicants (ITA) 8: *[insert the number and issuing date of each addendum].*

(b) We have no conflict of interest in accordance with ITA 4.6;

(c) We meet the eligibility requirements as stated ITA 4.1; we have not been suspended by the Employer based on execution of a Bid Securing Declaration in accordance with ITA 4.10;

(d) We, in accordance with ITA 24.2, plan to subcontract the following activities and/or parts of the works:

*[Insert activities which the Applicant intends to subcontract along with complete details of the sub-contractors]*

(e) We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding bidding process or execution of the Contract:

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Recipient | Address | Reason | Amount |
| *[insert full name for each occurrence]* | *[insert street/ number/city/country]* | *[indicate reason]* | *[specify amount currency, value, exchange rate and US$ equivalent]* |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

*[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application]*

(f) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to bid for the contract subject of this prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.

(g) All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

*Name [insert full name of person signing the Application]*

In the capacity of *[insert capacity of person signing the Application]*

Duly authorized to sign the Application for and on behalf of: Applicant’s Name *[insert full name of Applicant or the name of the JV]*

Address *[insert street number/town or city/country address]*

Dated on *[insert day number]* day of *[insert month], [insert year]*

[For an a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

**Form ELI -1.1**

Applicant Information Form

Date: *[insert day, month, year*]  
ICB No. and title: *[insert ICB number and title]*  
Page *[insert page number]* of *[insert total number]* pages

|  |
| --- |
| Applicant's name  *[insert full name]* |
| In case of Joint Venture (JV), name of each member:  *[insert full name of each member in JV]* |
| Applicant's actual or intended country of registration:  *[indicate country of Constitution]* |
| Applicant's actual or intended year of incorporation:  *[indicate year of Constitution]* |
| Applicant's legal address [in country of registration]:  *[insert street/ number/ town or city/ country]* |
| Applicant's authorized representative information  Name: *[insert full name]*  Address: *[insert street/ number/ town or city/ country]*  Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*  E-mail address: *[indicate e-mail address]* |
| 1. Attached are copies of original documents of  🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.5.  🞎 In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.2.  🞎 In case of Government-owned enterprise or institution, in accordance with ITA 4.9 documents establishing:   * Legal and financial autonomy * Operation under commercial law * Establishing that the Applicant is not dependent agency of the Employer   2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

**Form ELI -1.2**

Applicant's JV Information Form

*[The following form is additional to Form ELI – 1.1., and shall be completed to provide information relating to each JV member (in case the Applicant is a JV) as well as any Specialized Sub-contractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification]*

Date: *[insert day, month, year]*ICB No. and title: *[insert ICB number and title]*Page *[insert page number]* of *[insert total number]* pages

|  |
| --- |
| Applicant name:  *[insert full name]* |
| Applicant's JV Member’s name:  *[insert full name of Applicant's JV Member]* |
| Applicant's JV Member’s country of registration:  *[indicate country of registration]* |
| Applicant JV Member’s year of constitution:  *[indicate year of constitution]* |
| Applicant JV Member’s legal address in country of constitution:  *[insert street/ number/ town or city/ country]* |
| Applicant JV Member’s authorized representative information  Name: *[insert full name]*  Address: *[insert street/ number/ town or city/ country]*  Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*  E-mail address: *[indicate e-mail address]* |
| 1. Attached are copies of original documents of  🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 4.5.  🞎 In case of a Government-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and absence of dependent status, in accordance with ITA 4.9.  2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

**Form CON – 2**

Historical Contract Non-Performance, Pending Litigation and Litigation History

*[The following table shall be filled in for the Applicant and for each member of a Joint Venture]*

Applicant’s Name: *[insert full name]*Date: *[insert day, month, year]*Joint Venture Member Name: *[insert* *full name]*ICB No. and title: *[insert ICB number and title]*Page *[insert page number]* of *[insert total number]* pages

|  |  |  |  |
| --- | --- | --- | --- |
| Non-Performed Contracts in accordance with Section III, Qualification Criteria and  Requirements | | | |
| 🞎 Contract non-performance did not occur since 1st January *[insert year]* specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.  🞎 Contract(s) not performed since 1st January *[insert year]* specified in Section III, Qualification Criteria and Requirements, requirement 2.1 | | | |
| **Year** | **Non- performed portion of contract** | **Contract Identification** | **Total Contract Amount (current value, currency, exchange rate and USD$ 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 non-performance: *[indicate main reason(s)]* | *[insert amount]* |
| Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements | | | |
| 🞎 No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2. | | | |
| 🞎 Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 as indicated below. | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **Year of dispute** | **Amount in dispute (currency)** | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
| *[insert year]* | *[insert amount]* | Contract Identification: [indicate complete contract name, number, and any other identification]  Name of Employer: *[insert full name]*  Address of Employer: *[insert street/city/country]*  Matter in dispute: *[indicate main issues in dispute]*  Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*  Status of dispute: *[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]* | *[insert amount]* |
| 🞎 No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2.  🞎 Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 as indicated below. | | | |
| **Year of award** | **Outcome as percentage of Net Worth** | **Contract Identification** | **Total Contract Amount (currency), USD$ Equivalent (exchange rate)** |
| *[insert year]* | *[insert 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]*  Matter in dispute: *[indicate main issues in dispute]*  Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*  Status of dispute: *[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]* | *[insert amount]* |

**Form FIN – 3.1**

Financial Situation and Performance

*[The following table shall be filled in for the Applicant and for each member of a Joint Venture]*

Applicant’s Name: *[insert full name]*Date: *[insert day, month, year]*Joint Venture Member Name: *[insert* *full name]*ICB No. and title: *[insert ICB number and title]*Page *[insert page number]* of *[insert total number]* pages

**1. Financial data**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Financial information in**  **(currency)** | **Historic information for previous** *[insert number] years,*  *[insert in words]*  **(amount in currency, currency, exchange rate\*, USD equivalent)** | | |
|  | Year 1 | Year 2 | Year 3 |
| Statement of Financial Position (Information from Balance Sheet) | | | |
| Equity Share Capital |  |  |  |
| Reserves |  |  |  |
| Revaluation Reserves |  |  |  |
| Intangible Assets |  |  |  |
| Miscellaneous Expenditures |  |  |  |
| Total Equity/Net Worth (NW) |  |  |  |

\* Refer ITA 14 for the exchange rate

Net worth = Equity share capital

Add: Reserves

Subtract: Revaluation Reserves

Subtract: Intangible Assets

Subtract: Miscellaneous Expenditures to the extent not written off and carry forward losses

**2. Financial documents**

The Applicant and its parties shall provide copies of financial statements for last ***3***years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

(a) Reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).

(b) Be independently audited or certified in accordance with local legislation.

(c) Be complete, including all notes to the financial statements.

(d) Correspond to accounting periods already completed and audited.

🞎 Attached are copies of financial statements[[7]](#footnote-7) for the last ***3***years required above; and complying with the requirements

**Form EXP - 4.1(a)**

Specific Experience - in "Related Projects"

***"Related Projects" (asphalt paving/dredging projects) in the aviation industry means successful commissioning of a project and declaring commercial operation, in which the Applicant – (i) was an EPC contractor; or (ii) held an equity stake of not less than [51] % at the time of declaring commercial operation; or (iii) The Applicant developed the project on his own balance sheet.***

*[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]*

Applicant’s Name: *[insert full name]*Date: *[insert day, month, year]*Joint Venture Member Name:*[insert* *full name]*ICB No. and title: *[insert ICB number and title]*Page *[insert page number]* of *[insert total number]* pages

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Similar Contract No.**  *[insert number]* of *[insert number of similar contracts required]* | **Information** | | | |
| Contract Identification | *[insert contract name and number, if applicable]* | | | |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* | | | |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* | | | |
| Role in Contract  *[check the appropriate box]* | Prime Contractor 🞎 | Member in  JV  🞎 | Management Contractor  🞎 | Sub-contractor 🞎 |
| Size of Contract | *[insert size of the contract in USD$]* | | | |
| Total Contract Amount | *[insert total contract amount in local currency]* | | USD$ *[insert*  *Exchange rate and total contract amount in USD$*  *equivalent] \** | |

**Form EXP - 4.1(a) (cont.)**

**Specific Experience (cont.)**

|  |  |  |  |
| --- | --- | --- | --- |
| If member in a JV or sub-contractor, specify participation in total Contract amount | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in US$ equivalent] \** |
| Employer's Name: | *[insert full name]* | | |
| Address:  Telephone/fax number  E-mail: | *[indicate street / number / town or city / country]*  *[insert telephone/fax numbers, including country and*  *city area codes]*  *[insert e-mail address, if available]* | | |

\* Refer ITA 14 for date and source of exchange rate.

|  |  |
| --- | --- |
| **Similar Contract No.**  *[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Description of the similarity in accordance with Sub-Factor 4.1(a) of Section III: | |
| 1. Amount | *[insert amount in local currency, exchange rate, USD$ in words and in Figures]* |
| 2. Physical size of required works items | *[insert physical size of items]* |
| 3. Complexity | *[insert description of complexity]* |
| 4. Methods/Technology  5. Rates for key activities | *[insert specific aspects of the methods/technology involved in the contract]*  *[insert rates and items]* |
| 6. Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Works]* |

Section V. Eligible Countries

**Eligibility for the Provision of Goods, Works and Services in Bank-Financed  
Procurement**

In reference to ITA 5.1, for the information of the Applicants, at the present time firms and individuals, supply of goods, or contracting of works or services, from the following countries are excluded from this prequalification process:

Under ITA 5.1 (a) ***Israel***

Under ITA 5.1 (b) ***Israel***

Section VI. Corrupt and Fraudulent Practices

Guidelines for Procurement of Goods, Works, and Non-Consulting Services

“**Fraud and Corruption**

It is required that bidders, suppliers, contractors and their agents (whether declared or not), sub-contractors, sub-consultants, service providers or suppliers and any personnel thereof, observe the highest standard of ethics during the procurement and execution of contracts.[[8]](#footnote-8) In pursuance of this policy, the Ministry of Finance:

(a) Defines, for the purposes of this provision, the terms set forth below as follows:

(i) “Corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;[[9]](#footnote-9)

(ii) “fraudulent practice” is 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;[[10]](#footnote-10)

(iii) “Collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;[[11]](#footnote-11)

(iv) “Coercive practice” is 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;[[12]](#footnote-12)

(v) "Obstructive practice" is

(aa) deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or

(bb) acts intended to materially impede the exercise of the inspection and audit rights provided for under paragraph 1.16(e) below.

(b) will reject a proposal for award if it determines that the bidder recommended for award, or any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;

(c) Will declare mis-procurement and cancel the contract if it determines at any time that representatives of any party of the proceeds engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices during the procurement or the implementation of the contract in question.

(d) will sanction a firm or individual, at any time, including by publicly declaring such firm or individual ineligible, either indefinitely or for a stated period of time: (i) to be awarded by ADFD; and (ii) to be a nominated.

PART 2 – Project Requirements

Section VII. Scope of the Project

**Contents**

[1. Overview 41](#_Toc34215464)

[2. Scope of Work 42](#_Toc34215465)

1. Overview

The Republic of Maldives is a South Asian Island country, located southwest of Sri Lanka and India. It is comprised of 1,192 coral islands grouped into 26 geographical atolls, spreading over an area of 115,300 sq. km and occupying a total land area of 224 sq. km.

The Government of Maldives, in cooperation with the Abu Dhabi Fund for Development (ADFD) is planning to extend the existing runway at the Maafaru International Airport in the Noonu Atoll. This airport was newly constructed and began operations on December 1st, 2019.

2. Scope of Work

This Extension contract for the Maafaru Airport Runway Extension will include but not limited to:

* Asphalt overlay of the existing 2,200 x 45 meter runway
* Lengthen the runway 650 meters (new asphalt and rock base)
* Remove, replace and widen the existing taxiways and relocate the taxiway lighting
* Associated AGL upgrades (runway and approach lights)
* An alteration to existing AGL CCR’s and adds appx. 4 new CCR’s
* Approximately 1.0 million cubic meters of reclamation
* Approximately 5,000 m of revetment (rock and sandbag)
* Approximately 500 meters of boundary fence
* Assume an 8 month programme

The contract is based on FIDIC conditions of contract, for EPC Turnkey Projects 1999 (Silver Book), 2017 edition.

The contract will be a lump sum.

1. Nonperformance, 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. Nonperformance shall not include contracts where Employers 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 applicant have been exhausted. [↑](#footnote-ref-1)
2. This requirement also applies to contracts executed by the Applicant as JV member. [↑](#footnote-ref-2)
3. The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in failure of the application. [↑](#footnote-ref-3)
4. The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VI, Scope of Works. 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 Applicant participated as a joint venture member or sub-contractor, only the Applicant’s share, by value, shall be considered to meet this requirement. [↑](#footnote-ref-6)
7. If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified. [↑](#footnote-ref-7)
8. In this context, any action to influence the procurement process or contract execution for undue advantage is improper. [↑](#footnote-ref-8)
9. 9. Not used [↑](#footnote-ref-9)
10. For the purpose of this sub-paragraph, “party” refers to a public official; the terms “benefit” and “obligation” relate to the procurement process or contract execution; and the “act or omission” is intended to influence the procurement process or contract execution. [↑](#footnote-ref-10)
11. For the purpose of this sub-paragraph, “parties” refers to participants in the procurement process (including public officials) attempting either themselves, or through another person or entity not participating in the procurement or selection process, to simulate competition or to establish bid prices at artificial, non-competitive levels, or are privy to each other’s bid prices or other conditions. [↑](#footnote-ref-11)
12. For the purpose of this sub-paragraph, “party” refers to a participant in the procurement process or contract execution. [↑](#footnote-ref-12)