Section 3 - Evaluation and Qualification Criteria

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# Evaluation

## Technical Evaluation

In addition to the criteria listed in ITB 34.1 (a) – (b), other relevant factors are as follows:

If the Bidder´s offer has deviations to the Employer´s requirements, they shall be listed and described using the corresponding Form in the Section 4, List of non-compliance. The Employer shall examine the technical aspects of the non-compliance, in particular to confirm that non-compliance does not affect the functional of the Facilities as described in Section 6. In case the functional requirements are no longer met, the non-compliance will be considered a major deviation and the bid may be rejected.

Evaluation of the Bidder’s Technical Proposal will include an assessment of the Bidder’s technical capacity to successfully implement the contract considering its proposed site organization, method statement, mobilization, and construction schedule (to be described by the Bidder in sufficient detail to demonstrate the adequacy of its work methods, scheduling, and material sourcing) including the extent to which they are presented in a consistent manner and comply with requirements stipulated in Section 6 (Employer’s Requirements) without material deviation, reservation, or omission.

Non-compliance with equipment and personnel requirements described in Section 6 (Employer’s Requirements) shall not normally be a ground for bid rejection and such non-compliance will be subject to clarification during bid evaluation and rectification prior to contract award.

## Alternative Technical Solutions

Alternative technical solutions are not permitted.

## Economic Evaluation

In addition to the criteria listed in ITB 39.2 I (a)–(f), other relevant factors are as follows:

Adjustments in price that result from the procedures outlined below shall be added, for purposes of

comparative evaluation only, to arrive at an “Evaluated Bid Price.”

Bid prices quoted by Bidders shall remain unaltered.

### Quantifiable Deviations and Omissions

Quantifiable Deviations and Omissions from the contractual obligations: the evaluation shall be based on the evaluated cost of fulfilling the contract in compliance with all contractual obligations under this Bidding Document.

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

### Time Schedule

Time to complete the plant and services from the effective date specified in Article 3 of the Contract Agreement for determining the time for completion of pre-commissioning activities is: **540 days (for each lot)**. No credit will be given for earlier completion. Bids offering a completion date beyond the maximum designated period shall be rejected.

### Operating and Maintenance Costs

Not applicable.

### Functional Guarantees of the Facilities

Not applicable.

### Work, Services, Facilities, etc., to be provided by the Employer

No works, services, facilities, etc. to be provided by the Employer. The Contractor to make his

own arrangements at his own cost.

### Specific Additional Criteria

The following additional criteria will be used in the evaluation:

### 1.3.6.1 Environmental, Health and Safety Management Plan (EHSMP)

Bidder shall submit an outline EHSMP commensurate with the risks and impacts of the proposed works and activities in the bidding document.

Any bid not accompanied by the EHSMP may be rejected by the Employer as nonresponsive. If a Bidder submits an EHSMP that is not commensurate with the risks and impacts of the proposed works and activities in the bidding document, the Employer shall issue a clarification to request for further information from the Bidder. The Bidder must submit the requested information within, 5 working days of receiving such a request. Failure to provide a satisfactory response to the request for further information within the prescribed period of receiving such a request may cause the rejection of the Bid.

### 1.3.6.2 Sustainable Procurement

The following sustainable procurement technical requirements will be evaluated on a pass/fail basis based on information provided in the technical proposal (method statement), schedule of deviations, GTPs or elsewhere in the bid submission. Failure to meet any of the following requirements will result in mandatory rejection of the bid.

1. Bidder’s agreement for complying with the requirements specified in Environmental Management Plan (EMP) and any applicable local environmental / ecological regulations.
2. In respect of SF6 insulated switchgear, Bidders shall supply switchgear as per specified requirements; that do not require handling / refilling of gas throughout the expected operating life and the maximum leakage rate of SF6 gas lower than 0.1% of the total initial mass of SF6 gas per annum.
3. Bidders shall supply dry type step-down transformers for Prefabricated Package Sub-Station (PSS) as per specifications.
4. Bidders shall comply with the specified design requirements for supply and installation of facilities and microgrid networks to ensure optimal utilisation of renewable energy from PV / FPV sites and minimize technical losses, thereby ensuring minimal CO2 emissions during operation of the facilities.

### Domestic Preference

Not applicable.

## Multiple Contracts

The procurement is grouped in Contracts (3 Lots). Pursuant to ITB 39.4, the Employer will evaluate and compare Bids on the basis of a contract, or a combination of contracts, or as a total of contracts to arrive at the least cost combination for the Employer by taking into account discounts offered by Bidders in case of award of multiple contracts.

If a Bidder as defined in ITB 4.1 submits successful Bids for multiple lots (lowest evaluated substantially responsive Bids), the evaluation will also include an assessment of the Bidder’s capacity to meet the aggregated qualifying requirements relating to following qualification criteria:

• Average Annual Turnover

• Financial Resources

• Equipment to be allocated, and

• Personnel to be fielded.

The above capacity assessment would be done for all lots issued under the bid proposed to be financed by ADB Loan. If the successful bidder’s capacity does not meet the aggregated requirements for all the contracts where the bidder’s bids are found to be lowest evaluated and substantially responsive (L-1), but can meet the aggregated requirements for one or more contracts, he will be awarded the contracts in descending order of contract value for which he meets the eligibility requirements.

# Qualification

It is the legal entity or entities comprising the Bidder, and not the Bidder’s parent companies, subsidiaries, or affiliates, that must satisfy the qualification criteria described below.

## Eligibility

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

### Nationality

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Nationality in accordance with ITB 4.2. | must meet requirement | must meet requirement | must meet requirement | not applicable | Forms  ELI - 1; ELI - 2  with attachments |

### Conflict of Interest

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No conflicts of interest in accordance with ITB 4.3. | must meet requirement | must meet requirement | must meet requirement | not applicable | Letter of Technical Bid |

### Eligibility

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been declared ineligible by ADB, as described in ITB 4.4. | must meet requirement | must meet requirement | must meet requirement | not applicable | Letter of Technical Bid |

### Government-Owned Enterprise

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Bidder required to meet conditions of ITB 4.5. | must meet requirement | must meet requirement | must meet requirement | not applicable | Forms ELI - 1; ELI - 2  with attachments |

### United Nations Eligibility

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been excluded by an act of compliance with a UN Security Council resolution in accordance with ITB 4.8. | must meet requirement | must meet requirement | must meet requirement | not applicable | Letter of Technical Bid |

## Historical contract non-performanCe

### History of Nonperforming Contracts

| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| --- | --- | --- | --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Non-performance of a contracta did not occur as a result of contractor default since 1 January 2020 | Must meet requirement | Must meet requirement | Must meet requirementb | Not applicable | Form CON-1 |

a *Non-performance, as decided by the Employer, shall include all contracts where (a) non-performance 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.*

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

### Suspension Based on Execution of Bid-Securing Declaration

| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| --- | --- | --- | --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Not under suspension based on execution of a Bid Securing Declaration pursuant to ITB 4.6. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Letter of Technical Bid |

### Pending Litigation and Arbitration

Pending litigation and arbitration criterion shall not apply.

### Declaration: Environmental, and Health and Safety Past Performance

| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| --- | --- | --- | --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Declare any contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the noncompliance of any environmental, health and safety contractual obligations in the past five years. | Must make the declaration. If the bidder proposes Specialist Sub-contractor/s to meet EQC 2.4.2, those Specialist Sub-contractor/s must also make the declaration | Not  applicable | Each partner must make the declaration. If the bidder proposes Specialist Sub-contractor/s to meet EQC 2.4.2, those Specialist Sub-contractor/s must also make the declaration | Not  applicable | Form CON-2 |

## Financial Situation

### Historical Financial Performance

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Submission of audited financial statements or, if not required by the law of the Bidder’s country, other financial statements acceptable to the Employer, for the last **05 years** to demonstrate the current soundness of the Bidder’s financial position. As a minimum, the Bidder’s net worth for the last year calculated as the difference between total assets and total liabilities should be positive. | Must meet requirement | Not applicable | Must meet requirement | Not applicable | Form FIN - 1 with attachments |

### Average Annual Turnover

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Minimum average annual turnover calculated as total certified payments received for contracts in progress or completed, in the **last five (05)** years as follows for respective Lots;  **Lot 1: USD 6.6 Million**  **Lot 2: USD 6.9 Million**  **Lot 3: USD 7.9 Million** | Must meet requirement | Must meet requirement | Must meet  25%  of the requirement | Must meet  40%  of the requirement | Form FIN - 2 |

### Financial Resources

If the bid evaluation process and the decision for the award of the Contract takes more than 1 year from the date of bid submission, Bidders may be asked to resubmit their current contract commitments and latest information on financial resources supported by latest audited accounts or audited financial statements, or if not required by the law of the Bidder’s country, other financial statements acceptable to the Employer, and the Bidders’ financial capacity, will be reassessed on this basis.

| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| --- | --- | --- | --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| For Single Entities:  The Bidder must demonstrate that its financial resources defined in FIN-3, less its financial obligations for its current contract commitments defined in FIN-4, meet or exceed the total requirement for the Subject Contract as follows:  **Lot 1: USD 1,100,000**  **Lot 2: USD 1,150,000**  **Lot 3: USD 1,310,000** | Must meet requirement | Not applicable | Not applicable | Not applicable | Form FIN – 3 and Form FIN - 4 |
| For Joint Ventures:   1. One partner must demonstrate that its financial resources defined in FIN-3, less its financial obligations for its own current contract commitments defined in FIN-4, meet or exceed the total requirement for the Subject Contract as follows;   Lot 1: USD 440,000  Lot 2: USD 460,000  Lot 3: USD 525,000  AND | Not applicable | Not applicable | Not applicable | Must meet requirement | Form FIN – 3 and Form FIN - 4 |
| 1. Each partner must demonstrate that its financial resources defined in FIN-3, less its financial obligations for its own current contract commitments defined in FIN-4, meet or exceed the total requirement for the Subject Contract as follows;   Lot 1: USD 275,000  Lot 2: USD 287,500  Lot 3: USD 327,500  AND | Not applicable | Not applicable | Must meet requirement | Not applicable | Form FIN – 3 and Form FIN - 4 |
| 1. The Joint Venture must demonstrate that the combined financial resources of all partners defined in FIN-3, less all the partners’ total financial obligations for the current contract commitments defined in FIN-4, meet or exceed the total requirement for the Subject Contract as follows;   **Lot 1: USD 1,100,000**  **Lot 2: USD 1,150,000**  **Lot 3: USD 1,310,000** | Not applicable | Must meet requirement | Not applicable | Not applicable | Form FIN – 3 and Form FIN - 4 |

## Bidder’s Experience

### Contracts of Similar Size and Nature

| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| --- | --- | --- | --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Participation as a contractor, Joint Venture partner, or Subcontractor, in at least **two contracts** that have been satisfactorily and substantially completed within the last 5 years from the bid submission deadline and that are similar to the proposed contract, where the value of the Bidder’s participation for each lot exceeds the amount stated as below for each Lot;  **Lot 1: USD 4.0 Million**  **Lot 2: USD 4.1 Million**  **Lot 3: USD 4.7 Million**    The similarity of the Bidder’s participation shall be based on:a,b   1. Nature of scope of works including design, supply and installation. 2. Physical size of work 3. Complexity of work 4. Methods 5. Technology or other characteristics as described in Section 6 (Employer`s Requirements). | Must meet requirement | Must meet requirement as follows:  (i) Either one partner must meet requirement Or  (ii) any two partners must each demonstrate one (1) satisfactorily and substantially completed contract of similar size and nature | Not applicable | Not applicable | Form EXP – 1c |

*a  For contracts under which the Bidder participated as a Joint Venture partner or Subcontractor, only the Bidder’s share, by value, shall be considered to meet this requirement.*

*b For contracts implemented by a Joint Venture contractor, if the Bidder comprises the same Joint Venture, the 'SingleEntity‘ requirements will apply.*

*c In addition to the submission requirement Form EXP – 1, the bidder shall provide the following supporting documents:*

*1. Signed Contract Agreement, and*

*2. Taking-Over Certificate, Contract Completion Certificate or Performance Certificate,*

*in sufficient detail to verify the contract name, value, scope of works and completion time (or substantial completion). If the documents are other than in English, an accurate certified translation of these documents in English shall be provided.*

*.*

### Experience in Key Activities

2.4.2(a) Must be complied with by the Bidder. In case of a Joint Venture Bidder, the Bidder or at least one of the partners must meet the requirement in the key activity. For contracts under which the Bidder participated as a Joint Venture partner, only the Bidder’s designated scope of works under the contracts shall be considered to meet this requirement.

**Table A**

| **Criteria** | **Compliance Requirements** | | **Documents** |
| --- | --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| For the above or other contracts  executed during the period  stipulated in 2.4.1, a minimum  experience in the following key  activities: (applicable for each Lot) | Must meet requirement | Must meet requirement | Form EXP – 2\*\* |
| 1. Design, supply, installation, testing and commissioning of Low Voltage (LV) and Medium Voltage switchgear panels providing multiple power source synchronization. 2. Supply, installation, testing and commissioning of step-up / step-down transformers upto 2500 KVA capacity for voltage class 11 kV or above. 3. Integration of switchgear panels and equipment with automated control systems such as DG Controllers, Battery Management Systems (BMS) and Energy Management Systems (EMS) in a microgrid environment. 4. The above experience shall cover at least two projects. |

*\*\** *Submission requirements: Form EXP – 2 shall be supported by documents such as Signed Contract Agreement, Taking-Over Certificate or Contract Completion Certificate indicating the contract name, value, completion date (or percentage of substantial completion), activities performed by Joint Venture partners, and other relevant details sufficient to demonstrate compliance with the requirements.*

2.4.2 (b) The Employer accepts any of the following activities to be subcontracted. They may be complied with by the Bidder or by its proposed specialist subcontractor.

If the key activity is to be undertaken by a Specialist Subcontractor, the Employer shall require evidence of the subcontracting agreement from the Bidder.

**Table B**

| **Criteria** | **Compliance Requirements** | | **Documents** |
| --- | --- | --- | --- |
| **Requirement** | **Single Entity or its Specialist Subcontractors** | **Joint Venture or its Specialist Subcontractors** | **Submission Requirements** |
| For the above or other contracts  executed during the period  stipulated in 2.4.1, a minimum  experience in the following key  activities: (applicable for each Lot) | One must meet requirement | One must meet requirement | Form EXP – 2\*\* |
| 1. Supply and installation of Low Voltage (LV) and Medium Voltage (MV) Underground Cables, packaged substations (PSS) and Outdoor Low Voltage Feeder Pillars with following minimum quantities of demonstrated experience;  * LV / MV Underground Cables : **15 km** * 11/0.415 kV or higher voltage class Packaged Substations (PSS) upto 630 KVA or higher capacity : **10 Nos** * Outdoor Low Voltage Feeder Pillars : **15 Nos** |  |  |  |

*\*\* Submission requirements: Form EXP – 2 shall be supported by documents such as Signed Contract Agreement, Taking-Over Certificate or Contract Completion Certificate indicating the contract name, value, completion date (or percentage of substantial completion), activities performed by Joint Venture partners, and other relevant details sufficient to demonstrate compliance with the requirements.*

### Specific Experience in Managing Environmental, Health and Safety Aspect

| **Criteria** | **Compliance Requirements** | | **Documents** |
| --- | --- | --- | --- |
| **Requirement** | **Single Entity or Its Specialist Subcontractors** | **Joint Venture or Its Specialist Subcontractors** | **Submission Requirements** |
| For the contracts in 2.4.1 and 2.4.2 above and/or any other contracts [substantially completed and under implementation] as prime contractor, Joint Venture partner, or Subcontractor within 5 years from bid submission deadline, experience in managing EHS risks and impacts in the following aspects: (applicable for each Lot)   * Health and Safety on worksites * Preparation and implementation of safety procedures for carrying out similar electrical works. * Community stakeholder engagement | Must meet requirements | One member must meet requirements | Form EXP – 3 |

## Organizational Environmental, Health and Safety System

### Environmental, Health and Safety Certification

| **Criteria** | **Compliance Requirements** | | **Documents** |
| --- | --- | --- | --- |
| **Requirement** | **Single Entity or Its Specialist Subcontractors** | **Joint Venture or Its Specialist Subcontractors** | **Submission Requirements** |
| Availability of a valid ISO certification or internationally recognized equivalent (equivalency  to be demonstrated by the Bidder),  and applicable to the worksite:  **At least one** or more certifications indicated below; (applicable for each Lot)  1 Quality management certificate ISO 9001  2 Environmental management certificate ISO 14001  3 Health and Safety management certificate ISO 45001 | Must meet requirements | One member must meet requirements | Form EXP – 4 |

### Environmental, Health and Safety Documentation

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | **Documents** |
| **Requirement** | **Single Entity or Its Specialist Subcontractors** | **Joint Venture or Its Specialist Subcontractors** | **Submission Requirements** |
| Availability of documented in-house policies and procedures for EHS management:  Existence of documented policies / procedures / manuals in respect of at least 3 of the following; (Applicable for each Lot)  - Company procedures for management ISO certifications indicated in 2.5.1.  - Ethics Charter  - Protection of water resources;  - Biodiversity protection practices  - EHS monitoring system  - Community stakeholder engagement practice  - Waste management practice  - Hazardous products management practice  - Health and Safety on worksites policy and related guidance | Must meet requirements | One member must meet requirements | Form EXP – 5 |

### Environmental, Health and Safety Dedicated Personnel

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | **Documents** |
| **Requirement** | **Single Entity or Its Specialist Subcontractors** | **Joint Venture or Its Specialist Subcontractors** | **Submission Requirements** |
| Availability of following personnel assigned to project to manage EHS issues: (Applicable for each Lot)  - Environmental Specialist  - Health and Safety Specialist | Must meet requirements | One member must meet requirements | Form EXP – 6 |

## Subcontractors

Subcontractors or Manufacturers for the following major items of plant and services must meet the following minimum qualification criteria, herein listed for a Subcontractor for that item. Failure to comply with this requirement will result in the rejection of the Subcontractor but not the Bidder.

| **Item No.** | **Description of Item** | **Minimum Criteria to be met** | **Documents**  **Submission Requirements** |
| --- | --- | --- | --- |
| 1 | Manufacturers of following key equipment;  (a) LVDB  (b) MVDB  (d) LV Underground Cables and Accessories  (d) MV Underground Cables and Accessories  (e) Step-up transformers  (f) Packaged Substations (PSS)  (g) Outdoor LV Distribution Box (Feeder Pillars) | Must have designed, manufactured, type tested and supplied specified items in sufficient quantities acceptable to the Employer, during past five years from the deadline for bid submission which are in successful operation for at least 3 (three) years in field | Form EXP-7  Manufacturer’s Authorization together with certified profile / letter confirming compliance to specified criteria |
| 2 | Subcontractor for civil works | Subcontractor must have relevant license for Maldives and experience in design and construction of powerhouse / substation or similar buildings or modifications to such buildings having completed at least two contracts within the last 5 years from the deadline for the bid submission. | Form Exp-7  company profile and experience records |

In the case of a Bidder who offers to supply and install major items of plant under the contract, which the Bidder did not manufacture or otherwise produce, the Bidder shall provide the Manufacturer’s authorization, using the form provided in Section 4 (Bidding Forms), showing that the Bidder has been duly authorized by the Manufacturer or producer of the related plant and equipment or component to supply and install that item in the Employer’s country. Failure to submit the Manufacturer’s authorization at the first instance is considered a minor, nonmaterial omission and shall be subject to clarification. However, failure of the Bidder to submit the omitted authorization shall lead to rejection of the Subcontractor or Manufacturer of the item under evaluation in accordance with ITB 35.4.