**Republic of Maldives**

Standard

Prequalification

Document

|  |  |
| --- | --- |
| **for the Prequalification of Contractors for:** | **CONSTRUCTION OF H BLOCK AT K. MAAFUSHI JAIL** |
| **Procurement Reference No:** | **TEB/2013/46** |
| **Employer:** | DEPARTMENT OF PENITENTIARY AND REHIBILITATION SERVICES |
|  |  |

**Document Contents**

[PART 1 – Prequalification Procedures 5](#_Toc239514958)

[Section I. Instructions to Applicants 5](#_Toc239514959)

[Section II. Prequalification Data Sheet 13](#_Toc239514960)

[Section III. Qualification Criteria and Requirements 15](#_Toc239514961)

[Section IV. Application Forms 18](#_Toc239514962)

[Section V. Eligible Countries 29](#_Toc239514963)

[PART 2 – Works Requirements 30](#_Toc239514964)

[Section VI. Scope of Works 30](#_Toc239514965)

PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

**Table of Clauses**

[A. General 6](#_Toc239514978)

[1. Scope of Application 6](#_Toc239514979)

[2. Source of Funds 6](#_Toc239514980)

[3. Fraud and Corruption 6](#_Toc239514981)

[4. Eligible Applicants 6](#_Toc239514982)

[5. Eligible Goods and Related Services 8](#_Toc239514983)

[B. Contents of the Prequalification Document 8](#_Toc239514984)

[6. Sections of Prequalification Document 8](#_Toc239514985)

[7. Clarification of Prequalification Document 8](#_Toc239514986)

[8. Amendment of Prequalification Document 8](#_Toc239514987)

[C. Preparation of Applications 9](#_Toc239514988)

[9. Cost of Applications 9](#_Toc239514989)

[10. Language of Application 9](#_Toc239514990)

[11. Documents Comprising the Application 9](#_Toc239514991)

[12. Application Submission Form 9](#_Toc239514992)

[13. Documents Establishing the Eligibility of the Applicant 9](#_Toc239514993)

[14. Documents Establishing the Qualifications of the Applicant 9](#_Toc239514994)

[15. Signing of the Application and Number of Copies 10](#_Toc239514995)

[D. Submission of Applications 10](#_Toc239514996)

[16. Sealing and Identification of Applications 10](#_Toc239514997)

[17. Deadline for Submission of Applications 10](#_Toc239514998)

[18. Late Applications 10](#_Toc239514999)

[19. Opening of Applications 10](#_Toc239515000)

[E. Procedures for Evaluation of Applications 10](#_Toc239515001)

[20. Confidentiality 10](#_Toc239515002)

[21. Clarification of Applications 11](#_Toc239515003)

[22. Responsiveness of Applications 11](#_Toc239515004)

[23. Domestic Tenderer Price Preference 11](#_Toc239515005)

[24. Subcontractors 11](#_Toc239515006)

[F. Evaluation of Applications and Prequalification of Applicants 11](#_Toc239515007)

[25. Evaluation of Applications 11](#_Toc239515008)

[26. Employer’s Right to Accept or Reject Applications 12](#_Toc239515009)

[27. Prequalification of Applicants 12](#_Toc239515010)

[28. Notification of Prequalification 12](#_Toc239515011)

[29. Invitation to Tender 12](#_Toc239515012)

[30. Changes in Qualifications of Applicants 12](#_Toc239515013)

**Section I. Instructions to Applicants**

|  |
| --- |
| A. General |
| 1. Scope of Application |
| 1.1 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 (PQD) to applicants interested in registering for the works described in Section VI, Scope of Works. The number of contracts and the name and identification of each contract, and the procurement reference number corresponding to this prequalification, are provided in the PDS. |
| 2. Source of Funds |
| 2.1 The Employer has an approved budget from the Government of the Maldives which has been allocated towards the project(s) indicated in the **PDS**. The Employer intends to apply the allocated funds to eligible payments under contract(s) resulting from the tendering for which this prequalification is conducted. All procurement will be carried out in accordance with legislation currently in force. |
| 3. Fraud and Corruption |
| 3.1 It is the Government’s policy to require that Employers, as well as tenderers, suppliers, contractors and their subcontractors, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, the Government:  (a) will reject a proposal for award if it determines that the tenderer recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for the contract in question;  (b) will cancel in whole or in part a contract if it determines at any time that representatives of the Employer engaged in corrupt, fraudulent, collusive, or coercive practices during the procurement or the execution of that contract, without the Employer having taken timely and appropriate action satisfactory to the Government to address such practices when they occur;  (c) will suspend a firm or individual from participation in public procurement, by declaring it ineligible for a stated period of time, to be awarded a Government funded contract if it at any time determines that the firm has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive orobstructivepractices in competing for, or in executing, a Government funded contract. The list of suspended firms is available at the electronic address specified in the **PDS**; and  (d) Will inspect tenderers, suppliers, contractors and their sub-contractors accounts and records and other documents relating to the tender submission and contract performance and to have them audited by auditors appointed by the Government. |
| 4. Eligible Applicants |
| 4.1 An Applicant shall be a private, public or government owned legal entity, subject to ITA 4.7, or any combination of them in the form of association(s) including Joint Venture (JV) with the formal intent, as evidenced by a letter of intent), to enter into an agreement or under an existing agreement. In the case of a JV, unless otherwise specified in the PDS, (i) all parties shall be jointly and severally liable, and (ii) there shall be no limit on the number of partners. |
| 4.2 An Applicant, and all parties constituting the Applicant, shall have the nationality of an eligible country, in accordance with Section V (Eligible Countries). An Applicant shall be deemed to have the nationality of a country if the Applicant is a citizen, or is constituted, incorporated or registered and operates in conformity with the provisions of the laws of that country, as evidenced by its Articles of Incorporation or Documents of Constitution, and its Registration Documents. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. |
| 4.3 An Applicant shall meet the following criteria to be eligible to participate in public procurement:   * + 1. have the legal capacity to enter into the contract;     2. not be insolvent, in receivership, bankrupt or being wound up, its affairs not being administered by a court or a judicial officer, its business activities not being suspended and not the subject of legal proceedings for any of the foregoing;     3. have fulfilled its obligations to pay taxes and social security contributions;     4. not have been, and its directors or officers not have been, convicted of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a contract within a period of five years preceding the commencement of the procurement proceedings; and     5. not have a conflict of interest in relation to the procurement requirement in accordance with Sub-Clause 4.4. |
| 4.4 Applicants and all parties constituting the Applicant 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 of the Works that are the subject of this prequalification. Where a firm, or a firm from the same economic or financial group, in addition to consulting, also has the capability to manufacture or supply goods or to construct works, that firm, or a firm from the same economic or financial group, cannot normally be a supplier of goods or works, if it provided consulting services for the contract corresponding to this prequalification, unless it can be demonstrated that there is not a significant degree of common ownership, influence or control. |
| 4.5 An Applicant shall submit only one application in the same Prequalification process, either individually as an Applicant or as a partner of a joint venture. No Applicant can be a subcontractor while submitting an application individually or as a partner of a joint venture in the same Prequalification process. A Subcontractor may participate in more than one application, but only in that capacity. An Applicant who submits, or participates in, more than one application will cause all the applications in which the Applicant has participated to be disqualified. |
| 4.6 An Applicant that has been suspended and is currently suspended from participation in public procurement by the Government in accordance with ITA 3*,* at the date of submission of the application or thereafter, shall be disqualified. |
| 4.7 Government-owned entities in the Republic of Maldives shall be eligible only if they can establish that they are legally and financially autonomous, and operate under commercial law, and that they are not dependent agencies of the Employer. |
| 4.8 Applicants and all parties constituting the Applicant shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request. |
| 4.9 Applicants shall not be under execution of a Tender–Securing Declaration in the Republic of Maldives. |
| 5. Eligible Goods and Related Services |
| 5.1 All goods and related services to be supplied under the Contract to be funded by the Government shall have as their origin in any country in accordance with Section V, Eligible Countries. |
| B. Contents of the Prequalification Document |
| 6. Sections of Prequalification Document |
| 6.1 The document for the prequalification of Applicants (hereinafter - “prequalification document”) consists of parts 1 and 2 which comprise all the sections indicated below, and should be read in conjunction with any Addendum issued in accordance with ITA 8. |
| **PART 1 Prequalification Procedures**   * 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   **PART 2 Works Requirements**   * Section VI. Scope of Works |
| 6.2 The “Invitation for Prequalification Applications” issued by the Employer is not part of the prequalification document. A sample form is provided as an attachment to this Prequalification Document for information only. |
| 6.3 The Employer accepts no responsibility for the completeness of the prequalification document and its addenda unless they were obtained directly from the Employer. |
| 6.4 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish all information or documentation required by the Prequalification Document. |
| 7. Clarification of Prequalification Document |
| 7.1 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 fourteen (14) days prior to the deadline for submission of applications. The Employer shall forward copies of its response to all applicants who have acquired the prequalification document directly from the Employer including a description of the inquiry but without identifying its source. 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. |
| 8. Amendment of Prequalification Document |
| 8.1 At any time prior to the deadline for submission of applications, the Employer may amend the Prequalification Document by issuing addenda. |
| 8.2 Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all who have obtained the prequalification document from the Employer. |
| 8.3 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. |
| C. Preparation of Applications |
| 9. Cost of Applications |
| 9.1 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. |
| 10. Language of Application |
| 10.1 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. |
| 11. Documents Comprising the Application |
| 11.1 The application shall comprise the following:  (a) Application Submission Form, in accordance with ITA 12;  (b) documentary evidence establishing the Applicant’s eligibility to prequalify, in accordance with ITA 13;  (c) documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and  (d) any other document required as specified in the PDS. |
| 12. Application Submission Form |
| 12.1 The Applicant shall prepare an Application Submission Sheet using the form furnished in Section IV, Application Forms. This Form must be completed without any alteration to its format. |
| 13. Documents Establishing the Eligibility of the Applicant |
| 13.1 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. |
| 14. Documents Establishing the Qualifications of the Applicant |
| 14.1 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. |
| 15. Signing of the Application and Number of Copies |
| 15.1 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.  15.2 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 |
| 16. Sealing and Identification of Applications |
| 16.1 The Applicant shall enclose the original and the copies of the application in a sealed envelope that shall:  (a) bear the name and address of the Applicant;  (b) be addressed to the Employer, in accordance with ITA 17.1; and  (c) bear the specific identification of this prequalification process indicated in the PDS 1.1. |
| 16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required. |
| 17. Deadline for Submission of Applications |
| 17.1 Applicants may always submit their applications by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated in the PDS. |
| 17.2 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. |
| 18. Late Applications |
| 18.1 Any application received by the Employer after the deadline for submission of applications prescribed in accordance with ITA 17 will be returned unopened to the Applicant. |
| 19. Opening of Applications |
| 19.1 The Employer shall prepare a record of the opening of applications that shall include, as a minimum, the name of the Applicant. A copy of the record shall be distributed to all Applicants. |
| E. Procedures for Evaluation of Applications |
| 20. Confidentiality |
| 20.1 Information relating to the evaluation of applications, and recommendation for prequalification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of prequalification is made to all Applicants. |
| 20.2 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, may do so but only in writing. |
| 21. Clarification of Applications |
| 21.1 To assist in the evaluation of applications, the Employer may, at its discretion, ask any Applicant for a clarification of its application which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing. |
| 21.2 If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer’s request for clarification, its application may be rejected. |
| 22. Responsiveness of Applications |
| 22.1 The Employer may reject any application which is not responsive to the requirements of the prequalification document. |
| 23. Domestic Tenderer Price Preference |
| 23.1 Unless otherwise specified in the PDS, a margin of preference for domestic tenderers shall not apply in the tendering process resulting from this prequalification. |
| 24. Subcontractors |
| 24.1 Applicants planning to subcontract any of the key activities indicated in Section III, Qualification Criteria, shall specify the activity(ies) or parts of the works to be subcontracted in the Application Submission Form. Applicants shall clearly identify the proposed specialist subcontractors in Forms ELI-1.2 and EXP (experience)-4.2(b) in Section IV. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in Section III, Qualification Criteria and Requirements. |
| 24.2 At this time, the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance by the Employer (Nominated Subcontractors) unless otherwise stated in the PDS. |
| F. Evaluation of Applications and Prequalification of Applicants |
| 25. Evaluation of Applications |
| 25.1 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. The use of other methods, criteria, or requirements shall not be permitted. The Employer reserves the right to waive minor deviations in the qualification criteria if they do not materially affect the capability of an Applicant to perform the contract. |
| 25.2 Only the qualifications of subcontractors that have been identified in the application may be considered in the evaluation of an Applicant. However, the general experience and financial resources of subcontractors may not be added to those of the Applicant for purposes of prequalification of the Applicant. |
| 25.3 In case of multiple contracts, the Employer shall prequalify each Applicant for the maximum number and types of contracts for which the Applicant meets the appropriate aggregate requirements of such contracts, as specified in Section III, Qualification Criteria and Requirements. |
| 26. Employer’s Right to Accept or Reject Applications |
| 26.1 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 Applicants. |
| 27. Prequalification of Applicants |
| 27.1 All Applicants whose applications have met or exceeded (“passed”) the specified threshold requirements will, to the exclusion of all others, be prequalified by the Employer. |
| 28. Notification of Prequalification |
| 28.1 Once the Employer has completed the evaluation of the applications it shall notify all Applicants in writing of the names of those applicants who have been prequalified. |
| 29. Invitation to Tender |
| 29.1 Promptly after the notification of the results of the prequalification the Employer shall invite tenders from all the Applicants that have been prequalified. |
| 29.2 Tenderers may be required to provide a Tender Security or a Tender Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Tendering Documents, and the successful Tenderer shall be required to provide a Performance Security to be specified in the Tendering Documents. |
| 30. Changes in Qualifications of Applicants |
| 30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to tender shall be subject to the written approval of the Employer prior to the deadline for submission of tenders. Such approval shall be denied if 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 if in the opinion of the Employer, a substantial reduction in competition may result. Any such changes shall be submitted to the Employer not later than 14 days after the date of the Invitation for Tenders. |

Section II. Prequalification Data Sheet

| **ITA Ref:** | **Prequalification Data that supplements the ITA** |
| --- | --- |
| A. General | |
| **1.1** | The Employer is: *National Tender Board, Ministry of Finance and Treasury* |
| **1.1** | The list of contracts is: |
| **1.1** | Procurement Reference number(s) is/are: *TEB/2013/46* |
| **2.1** | The name of the Project is: Construction of H Block at K. Maafushi Jail |
| **3.1(c)** | A list of firms suspended from participating in Government funded projects is available at <http://www.finance.gov.mv> |
| **4.1** | (i) The parties in a JV *shall* be jointly and severally liable.  (ii) Maximum number of partners in the JV shall be: *not limited* |
| B. Contents of the Prequalification Document | |
| **7.1** | For **clarification purposes,** the Employer's address is:  Attention: *Tender Evaluation Section,*  Address: *Ministry of Finance and Treasury*  *Ameenee Magu,*  City: *Male’*  Post Code: *20049*  Country: *Republic of Maldives*  Telephone: *+ 960-334- 9106, +960-334-9191*  Facsimile number: *+960-332-0706*  Electronic mail address: *tender@finance.gov.mv* |
| C. Preparation of Applications | |
| **10.1** | The language of the application as well as of all correspondence is: *English* |
| **11.1 (d)** | The Applicant shall submit with its application, the following additional documents:  - *[insert list of additional documents, if any]* |
| **15.2** | In addition to the original, the number of copies to be submitted with the application is: ***one*** |
| D. Submission of Applications | |
| **17.1** | For Application **submission purposes** only**,** the Employer's address is:  Attention: *Tender Evaluation Section,*  Address: *Ministry of Finance and Treasury*  *Ameenee Magu,*  City: *Male’*  Post Code: *20049*  Country: *Republic of Maldives*  Telephone: *+ 960-334- 9191, +960-334-9191*  **The deadline for application submission is:**  Date: *28th April 2013, Sunday*  Time: *On or* *Before 14:00 hrs* |
| E. Procedures for Evaluation of Applications | |
| **23.1** | A margin of preference shall not apply for eligible domestic tenderers. |
| **24.2** | At this time the Employer *does not* to execute certain specific parts of the Works by subcontractors selected in advance (Nominated Subcontractors). |

Section III. Qualification Criteria and Requirements

This Section contains all the methods, criteria, and requirements that the Employer shall use to evaluate applications. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the respective Application Forms.

|  | | | **Compliance Requirements** | | | | **Documentation** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **No.** | **Subject** | **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Parties Combined** | **Each Partner** | **One Partner** |
| 1. Eligibility | | | | | | | |
| 1.1 | **Nationality** | Nationality in accordance with ITA Sub-Clause 4.2 | Must meet requirement | Existing or intended JV 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 ITA Sub-Clause 4.4 | Must meet requirement | Existing or intended JV must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.3 | **Government Suspension** | Not having been suspended from participation in public procurement by the Government as described in ITA Sub-Clause 4.6 | Must meet requirement | Existing JV must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.4 | **Government Owned Entity** | Applicant required to meet conditions of ITA Sub-Clause 4.7 | 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 did not occur within the last *5* years prior to the deadline for application submission based on all information on fully settled disputes or litigation. A fully settled dispute or litigation is one 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. | Must meet requirement by itself or as partner to past or existing JV | N/A | Must meet requirement by itself or as partner to past or existing JV | N/A | Form CON-2 |
| 2.2 | **Failure to Sign Contract** | Not being under execution of a Tender Securing Declaration pursuant to Sub-Clause 4.9 for *5* years | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 2.3 | **Pending Litigation** | All pending litigation shall in total not represent more than *5*%, of the Applicant’s net worth and shall be treated as resolved against the Applicant | Must meet requirement by itself or as a partner to past or existing JV | N/A | Must meet requirement by itself or as a partner to past or existing JV | N/A | Form CON – 2 |
| 3. Financial Situation | | | | | | | |
| 3.1 | **Financial Performance** | Submission of audited balance sheets or if not required by the law of the Applicant’s country, other financial statements acceptable to the Employer, for the last *5* years to demonstrate: | Must meet requirement | N/A | Must meet requirement | N/A | Form FIN – 3.1 with attachments |
|  |  | (a) the current soundness of the applicant’s financial position and its prospective long term profitability, and | (a) Must meet requirement | (a) N/A | (a) Must meet requirement | (a) N/A |  |
|  |  | (b) capacity to have a cash flow amount of **MVR *500,000 or* equivalent** | (b) Must meet requirement | (b) Must meet requirement | (b) N/A | (b) N/A |  |
| 3.2 | **Average Annual Construction Turnover** | Minimum average annual construction turnover of **MVR 10,000,000** calculated as total certified payments received for contracts in progress or completed, within the last *3* years. | Must meet requirement | Must meet requirement | Must meet *[insert number]* %, of the requirement | Must meet *[insert number]* %, of the requirement | Form FIN – 3.2 |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 4. Experience | | | | | | | |
| 4.1 | **General Construction Experience** | Experience under construction contracts in the role of contractor, subcontractor, or management contractor for at least the last *5* years prior to the application submission deadline, and with activity in at least nine months in each yr. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |
| 4.2 (a) | **Specific Construction Experience** | Participation as contractor, management contractor or subcontractor, in at least *2*contracts within the last *5* years, each with a value of at least ***Mrf 10,000,000****,* that have been successfully and substantially completed and that are similar to the proposed works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Scope of Works | Must meet requirement | Must meet requirement | N/A | Must meet require for one contract (can be a specialist subcontractor) | Form EXP 4.2(a) |
| 4.2 (b) |  | For the above or other contracts executed during the period stipulated in 4.2 (a) above, a minimum construction experience in the following key activities:   1. Building Construction | Must meet requirement | Must meet requirement | Must meet requirement | Must meet the following requirements for the key activities listed below (can be a specialist subcontractor) | Form EXP – 4.2 (b) |

Section IV. Application Forms

**Table of Forms**

[Application Submission Form 19](#_Toc239678458)

[Applicant Information Form 21](#_Toc239678459)

[Applicant's Party Information Form 22](#_Toc239678460)

[Historical Contract Non-Performance 23](#_Toc239678461)

[Financial Situation 24](#_Toc239678462)

[Average Annual Construction Turnover 25](#_Toc239678463)

[General Construction Experience 26](#_Toc239678464)

[Similar Construction Experience 27](#_Toc239678465)

[Construction Experience in Key Activities 28](#_Toc239678466)

Application Submission Form

{The Applicant must prepare the Submission Form on stationery with its letterhead clearly showing the Applicant’s complete name and address.

**Note: All italicized text is for use in preparing this form should be deleted from the final submission}.**

Date: *{insert day, month, year}*

Procurement reference No: *{insert reference number}*

To: {insert full name of Employer}

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

(a) we have examined and have no reservations to the Prequalification Documents, including Addendum(s) No(s)……. {insert the number and issue date of each addendum}, issued in accordance with Instructions to Applicants (ITA) Clause 8*.*

(b) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification process, have nationalities from eligible countries, in accordance with ITA Sub-Clause 4.2: {insert the nationality of the Applicant, including that of all partners in case of a Joint Venture, and the nationality of each already identified subcontractor and supplier of related services, if applicable};

(c) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, do not have any conflict of interest, in accordance with ITA Sub-Clause 4.4;

(d) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, have not been suspended from public procurement by the Government, under the laws or official regulations of the Republic of Maldives in accordance with ITA Sub-Clauses 4.6 or under execution of a Tender Securing Declaration in the Republic of Maldives in accordance with ITA Sub-Clauses 4.9;

(e){insert either "we are not a Government owned entity" or "we are a Government entity, and we meet the requirements of ITA Sub-Clause 4.7};

(f) we, in accordance with ITA Sub-Clause 24.1, plan to subcontract the following key activities and/or parts of the works:  
{insert any of the key activities identified in Section III- 4.2 (b) which the Applicant intends to subcontract}

(g) 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 tendering 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 in US$ equivalent}* |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

*{If none has been paid or is to be paid, indicate “none”}.*

(h) 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 tender for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA Clause 26.

|  |  |
| --- | --- |
| Signed: | ……………………........…{*insert signature of authorised person}* |
| Name: | ………………………..…{*insert complete name of person signing}* |
| In the capacity of: | …………….……….........{*insert legal capacity of person signing}* |
| Duly authorized to sign the tender for and on behalf of | ……………..…………….{*insert complete name of Tenderer}* |
| Applicant’s Name & address | *…………………………………{insert full name & address of Applicant]* |
| Date: | ……... day of ……….…………….. …………. *{DD/MM/YY}* |

**Form ELI -1.1**

Applicant Information Form

Date: {insert day, month, year}

Procurement reference No: {insert reference and title}

Page {insert page number} of {insert total number} pages

|  |  |
| --- | --- |
| Applicant's legal name | *{insert full legal name}* |
| In case of Joint Venture (JV), legal name of each partner: | *{insert full legal name of each partner in JV}* |
| Applicant's Actual or Intended country of constitution: | *{indicate country of Constitution}* |
| Applicant's actual or Intended year of constitution: | *{indicate year of Constitution}* |
| Applicant's legal address in country of constitution: | *{insert street/ number/ town or city/ country}* |
| Applicant's authorized representative information | |
| Name: | *{insert full legal name}* |
| Address: | *{insert street/ number/ town or city/ country}* |
| Telephone/Fax numbers: | *{insert tel/fax numbers, including country and city codes}* |
| E-mail address: | *{indicate e-mail address}* |
| Attached are copies of original documents of: | |
| 🞎 Articles of Incorporation or Documents of Constitution, and documents of registration of the legal entity named above, in accordance with ITA 4.2.  🞎 In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1.  🞎 In case of Government owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA 4.7. | |

**Form ELI -1.2**

Applicant's Party Information Form

Date: *{insert day, month, year}*

Procurement reference No: *{insert reference and title}*

Page *{insert page number}* of *{insert total number}* pages

|  |  |
| --- | --- |
| JV applicant legal name: | *{insert full legal name}* |
| Applicant's Party legal name: | *{insert full legal name of Applicant's Party}* |
| Applicant's Party country of registration: | *{indicate country of registration}* |
| Applicant Party's year of constitution: | *{indicate year of constitution}* |
| Applicant Party's legal address in country of constitution: | *{insert street/ number/ town or city/ country}* |
| Applicant Party's authorized representative information | |
| Name: | *{insert full legal 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}* |
| Attached are copies of original documents of: | |
| 🞎 Articles of Incorporation or Documents of Constitution, and Registration Documents of the legal entity named above, in accordance with ITA 4.2.  🞎 In case of a Government owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA 4.7. | |

**Form CON – 2**

Historical Contract Non-Performance

*{The following table shall be filled in for the Applicant and for each partner of a Joint Venture}*

|  |  |  |
| --- | --- | --- |
| Applicant’s Legal Name: | *………………………………………………….….{insert full name}* | |
| Joint Venture Party Legal Name: | *……………………………………………….…….{insert full name}* | |
| Procurement reference No: | *…………………………………….{insert reference number}* | |
| Date:…………………………………. {day/month/year format} | | Page ….. of …… pages |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Non-Performing Contracts in accordance with Section III, Qualification Criteria and Requirements** | | | | | | |
| 🞎 Contract non-performance did not occur during the number of years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.  🞎 Contract(s) not performed during the number of years specified in Section III, Qualification Criteria and Requirements, requirement 2.1 | | | | | | |
| **Year** | **Non performed portion of contract (%)** | | **Contract Identification** | | **Total Contract Amount (current value US$ equiv)** | |
|  |  | | Contract Identification:  Name of Employer:  Address of Employer:  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** | | **Outcome as Percentage of Total Assets** | | **Contract Identification** | | **Total Contract Amount (current value US$ equiv)** |
|  | |  | | Contract Identification:  Name of Employer:  Address of Employer:  Matter in dispute: | | {insert amount} |
|  | |  | | Contract Identification:  Name of Employer:  Address of Employer:  Matter in dispute: | |  |

**Form FIN – 3.1**

Financial Situation

*{The following table shall be filled in for the Applicant and for each partner of a Joint Venture}*

|  |  |  |
| --- | --- | --- |
| Applicant’s Legal Name: | *……………………………………………….….{insert full name}* | |
| Joint Venture Party Legal Name: | *…………………………………………….…….{insert full name}* | |
| Procurement reference No: | *………………………………….{insert reference number}* | |
| Date:…………………………………. {day/month/year format} | | Page ….. of …… pages |

**1. Financial data**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Financial information in** | **Historic information for previous ….... *years* (US$ equiv in ,000s)** | | | | |
|  | **2012** | **2011** | **2010** | **2009** | **2008** |
| **Information from Balance Sheet** | | | | | |
| **Total Assets (TA)** |  |  |  |  |  |
| **Total Liabilities (TL)** |  |  |  |  |  |
| **Net Worth (NW)** |  |  |  |  |  |
| **Current Assets (CA)** |  |  |  |  |  |
| **Current Liabilities (CL)** |  |  |  |  |  |
| **Information from Income Statement** | | | | | |
| **Total Revenue (TR)** |  |  |  |  |  |
| **Profits Before Taxes (PBT)** |  |  |  |  |  |

**2. Financial documents**

The Applicant and its parties shall provide copies of the balance sheets and/or financial statements for the number ofyears pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

(a) reflect the financial situation of the Applicant or partner to a JV, and not sister or parent companies.

(b) be audited by a certified accountant.

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

(d) correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).

🞎 Attached are copies of financial statements (balance sheets, including all related notes, and income statements) for the *{number}* years required above; and complying with the requirements

**Form FIN - 3.2**

Average Annual Construction Turnover

*{The following table shall be filled in for the Applicant and for each partner of a Joint Venture}*

|  |  |  |
| --- | --- | --- |
| Applicant’s Legal Name: | *……………………………………………….….{insert full name}* | |
| Joint Venture Party Legal Name: | *…………………………………………….…….{insert full name}* | |
| Procurement reference No: | *………………………………….{insert reference number}* | |
| Date:…………………………………. {day/month/year format} | | Page ….. of …… pages |

|  |  |  |
| --- | --- | --- |
| **Annual turnover data (construction only)** | | |
| **Year** | **Amount and Currency** | **US$ equivalent** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| \*Average Annual Construction Turnover |  |  |

\* Average annual construction turnover calculated as total certified payments received for work in progress or completed, divided by the number of years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 3.2.

**Form EXP - 4.1**

General Construction Experience

*{The following table shall be filled in for the Applicant and for each partner of a Joint Venture}*

|  |  |  |
| --- | --- | --- |
| Applicant’s Legal Name: | *……………………………………………….….{insert full name}* | |
| Joint Venture Party Legal Name: | *…………………………………………….…….{insert full name}* | |
| Procurement reference No: | *………………………………….{insert reference number}* | |
| Date:…………………………………. {day/month/year format} | | Page ….. of …… pages |

*{Identify contracts that demonstrate continuous construction work over the past* number of *years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1.  
List contracts chronologically, according to their commencement (starting) dates.}*

|  |  |  |  |
| --- | --- | --- | --- |
| **Starting Month/Year** | **Ending Month /Year** | **Contract Identification** | **Role of Applicant** |
|  |  | Contract name:  Brief Description of the Works performed by the Applicant:  Amount of contract: *{insert amount in US$ equiv}*  Name of Employer:  Address: | *{insert "Contractor” or "Subcontractor” or "Contract Manager”}* |
|  |  | Contract name:  Brief Description of the Works performed by the Applicant:  Amount of contract: *{insert amount in US$ equiv}*  Name of Employer:  Address: | *{insert "Contractor” or "Subcontractor” or "Contract Manager”}* |
|  |  | Contract name:  Brief Description of the Works performed by the Applicant:  Amount of contract: *{insert amount in US$ equiv}*  Name of Employer:  Address: | *{insert "Contractor” or "Subcontractor” or "Contract Manager”}* |

**Form EXP - 4.2(a)**

Similar Construction Experience

*{The following table shall be filled in for contracts performed by the Applicant, each partner of a Joint Venture, and specialist sub contractors}*

|  |  |  |
| --- | --- | --- |
| Applicant’s Legal Name: | *……………………………………………….….{insert full name}* | |
| Joint Venture Party Legal Name: | *…………………………………………….…….{insert full name}* | |
| Procurement reference No: | *………………………………….{insert reference number}* | |
| Date:…………………………………. {day/month/year format} | | Page ….. of …… pages |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Similar Contract No.**  *{insert number]* of *[insert number of similar contracts required}* | **Information** | | | | |
| **Contract Identification** | *{insert contract name and number}* | | | | |
| **Award date** | *{insert day, month, year}* | | | | |
| **Completion date** | *{insert day, month, year}* | | | | |
| **Role in Contract *{check the appropriate box}*** | 🞎 Contractor | | 🞎 Management Contractor | | 🞎 Subcontractor |
| **Total Contract Amount** | *{insert total contract amount in local currency}* | | | US$ {*insert total contract amount in US$ equiv}* | |
| **If partner in a JV, or subcontractor, specify participation in total contract amount** | *….. % {insert a percentage amount}* | | *{insert total contract amount in local currency}* | *{insert total contract amount in US$ equiv}* | |
| **Employer's Name:** | *{insert full name}* | | | | |
| **Address:** | *{indicate street / number / town or city / country}* | | | | |
| **Telephone/fax number & E-mail:** | *{insert telephone/fax numbers, including country and city area codes} {insert e-mail address, if available}* | | | | |
| **Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:** | |  | | | |
| **1. Amount** | | *{insert amount in US$ equiv}*  *Figures]* | | | |
| **2. Physical size** | | *{insert physical size of activities}* | | | |
| **3. Complexity** | | *{insert description of complexity}* | | | |
| **4. Methods/Technology** | | *{insert specific aspects of the methods/technology involved in the contract}* | | | |
| **5. Other Characteristics** | | *{insert other characteristics as described in Section V, Scope of Works}* | | | |

**Form EXP - 4.2(b)**

Construction Experience in Key Activities

|  |  |  |
| --- | --- | --- |
| Applicant’s Legal Name: | ……………………………………………….….*{insert full name}* | |
| Joint Venture Party Legal Name: | …………………………………………….……*.{insert full name}* | |
| Nominated Subcontractor's Legal Name(as per ITA 24.2): | …………………………..…………………….*{insert full name}* | |
| Procurement reference No: | *………………………………………….….{insert reference number}* | |
| Date:…………………………………. {day/month/year format} | | Page ….. of …… pages |

*All Subcontractors for key activities must complete the information in this form as per ITA 24.2 and Section III, Qualification Criteria and Requirements, Sub-Factor 4.2.*

**1. Key Activity No One:** *{insert brief description of the Activity, emphasizing its specificity}*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Information** | | | |
| **Contract Identification** | *…………………………………………………{insert contract name/number}* | | | |
| **Award date** | *…………………………………………...………………….{insert day, month, year}* | | | |
| **Completion date** | *………………………………………………………………..{insert day, month, year}* | | | |
| **Role in Contract *{check the appropriate box}*** | 🞎 Contractor | 🞎 Management Contractor | | 🞎 Subcontractor |
| **Total Contract Amount** | *{insert total contract amount in local currency}* | | | US$ *{insert total contract amount in US$ equiv}* |
| **If party in a JV, specify participation of total contract amount** | *{insert a percentage amount}* | | *{insert total contract amount in local currency}* | *{insert total contract amount in US$ equiv}* |
| **Employer’s Name:** | *…………………………………………………………………. {insert full name}* | | | |
| **Address:** | *…………………………….{indicate street / number / town or city / country}* | | | |
| **Telephone/fax number** | *……….{insert telephone/fax numbers, including country & city area codes}* | | | |
| **E-mail:** | *……………………………………………………………{insert e-mail address}* | | | |

**2. Activity No Two** *[insert brief description of the Activity, emphasizing its specificity]*

|  |  |
| --- | --- |
|  | **Information** |
| **Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:** |  |
| **{1. Amount}** | *{insert response to inquiry indicated in left column}* |
| **{2. Physical size}** |  |
| **{3. Complexity}** |  |
| **{4. Methods/Technology}** |  |
| **{5. Other Characteristics}** |  |

Section V. Eligible Countries

**Eligibility for the Provision of Works in Public Procurement**

1. The Government of the Maldives permits firms and individuals from all countries to offer works for publically funded contracts.

2. As an exception, firms of a Country or goods manufactured in a Country may be excluded if:

i) as a matter of law or official regulation, the Republic of Maldives prohibits commercial relations with that Country, or

ii) by an Act of Compliance with a Decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Republic of Maldives prohibits any import of goods from that Country or any payments to persons or entities in that Country.

2. For the information of Tenderers, at the present time firms, goods, works and services from the following countries are excluded from this tendering:

**No countries at excluded from tendering.**