**Section 4**

**-Technical Proposals of Water systems of project islands**

Letter of Technical Bid

(Bidders Letter Head)

Date:

ICB No.:

Invitation for Bid No.:

To:

Project Director,

XXXXXXX

We, the undersigned, declare that:

1. We have examined and have no reservations to the Bidding Documents, including Addenda issued in accordance with Instructions to Bidders (ITB) Clause 8;
2. We offer to execute in conformity with the Bidding Documents the following Works:

Design and Build Basis for Water Supply Network, Water Storage Tanks and Reverse Osmosis Plant and Allied Works based on Integrated Water Resources Management approach in L. Fonadhoo, Maldives.

1. Our bid consisting of the Technical Bid and Price Bid shall be valid for a period of 120 days from the date fixed for the bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
2. If our bid is accepted, we commit to obtain a performance security in accordance with the Bidding Document;
3. Our firm, including any subcontractors or suppliers for any part of the Contract, have nationalities from eligible countries in accordance with ITB 3.2;
4. We, including any subcontractors or suppliers for any part of the contract, do not have any conflict of interest in accordance with ITB 3.3;
5. We are not participating, as a Bidder or as a subcontractor, in more than one bid in this bidding process in accordance with ITB 3.3, other than alternative offers submitted in accordance with ITB 13;
6. Our firm, its affiliates or subsidiaries, including any Subcontractors or Suppliers for any part of the contract, has not been declared ineligible by the Government of Republic of Maldives, under the Employer’s country laws or official regulations or by an act of compliance with a decision of the United Nations Security Council;
7. We are not a government owned entity / We are a government owned entity but meet the requirements of ITB 3.5;[[1]](#footnote-1)
8. We agree to permit the MHE or its representative to inspect our accounts and records and other documents relating to the bid submission and to have them audited by auditors appointed by the Bank
9. We understand that this bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal contract is prepared and executed;
10. We understand that you are not bound to accept the lowest evaluated bid or any other bid that you may receive; and
11. If awarded the contract, the person named below shall act as Contractor’s Representative:

Name

In the capacity of

Signed

Duly authorized to sign the Bid for and on behalf of

Date

Bid Security

##### Bank Guarantee

Bank’s Name, and Address of Issuing Branch or Office

Beneficiary:

Date:

Bid Security No.:

We have been informed that . . . . . ***name of the Bidder****. . . . .*  (hereinafter called "the Bidder") has submitted to you its bid dated . . . . . . . . . (hereinafter called "the Bid") for the execution of . . . . . . . . ***name of contract*** . . . . . . . under Invitation for Bids No. . . . . . . . . . (“the IFB”).

Furthermore, we understand that, according to your conditions, bids must be supported by a bid guarantee.

At the request of the Bidder, we . . . . . ***name of Bank****. . . . .*  hereby irrevocably undertake to pay you any sum or sums not exceeding in total an amount of . . . . . . . . . .***amount in figures*** . . . . . . . . . (. . . . . . .***amount in words*** . . . . . . . )upon receipt by us of your first demand in writing accompanied by a written statement stating that the Bidder is in breach of its obligation(s) under the bid conditions, because the Bidder:

1. has withdrawn its Bid during the period of bid validity specified by the Bidder in the Form of Bid; or
2. does not accept the correction of errors in accordance with the Instructions to Bidders (hereinafter “the ITB”) or
3. having been notified of the acceptance of its Bid by the Employer during the period of bid validity, (i) fails or refuses to execute the Contract Agreement, or (ii) fails or refuses to furnish the Performance Security, in accordance with the ITB.

This guarantee will expire: (a) if the Bidder is the successful Bidder, upon our receipt of copies of the Contract Agreement signed by the Bidder and the performance security issued to you upon the instruction of the Bidder; and (b) if the Bidder is not the successful Bidder, upon the earlier of (i) our receipt of a copy your notification to the Bidder of the name of the successful Bidder; or (ii) twenty-eight days after the expiration of the Bidder’s bid.

Consequently, any demand for payment under this guarantee must be received by us at the office on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees, ICC Publication No. 458.

. . . . . . . . . . . ***.Bank’s seal and authorized signature(s)*** . . . . . . . . . .

-- Note --

All italicized text is for use in preparing this form and shall be deleted from the final document. If the bank issuing the performance security is located outside the country of the Employer, it shall have a correspondent financial institution located in the country of the Employer.

Form of Bid-Securing Declaration

Date: [insert date (as day, month and year)]

Bid No.: [insert number of bidding process]

Alternative No.: [insert identification No if this is a Bid for an alternative]

To: [insert complete name of Employer]

We, the undersigned, declare that:

We understand that, according to your conditions, bids must be supported by a Bid-Securing Declaration.

We accept that we will automatically be suspended from being eligible for bidding in any contract with the Borrower for the period of time of *[insert number of months or years]* starting on *[insert date],* if we are in breach of our obligation(s) under the bid conditions, because we:

(a) have withdrawn our Bid during the period of bid validity specified in the Form of Bid; or

(b) having been notified of the acceptance of our Bid by the *Employer* during the period of bid validity, (i) fail or refuse to execute the Contract, if required, or (ii) fail or refuse to furnish the Performance Security, in accordance with the ITB.

We understand this Bid-Securing Declaration shall expire if we are not the successful Bidder, upon the earlier of (i) our receipt of your notification to us of the name of the successful Bidder; or (ii) twenty-eight days after the expiration of our Bid.

Signed: [insert signature of person whose name and capacity are shown] In the capacity of [insert legal capacity of person signing the Bid-Securing Declaration]

Name: [insert complete name of person signing the Bid-Securing Declaration]

Duly authorized to sign the bid for and on behalf of: *[insert complete name of Bidder]*

Dated on \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ *[insert date of signing]*

Corporate Seal (where appropriate)

[Note: In case of a Joint Venture, the Bid-Securing Declaration must be in the name of all partners to the Joint Venture that submits the bid.]

# 4.1 Bidders Qualification

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

Form ELI - 1: Bidder’s Information Sheet

|  |  |  |
| --- | --- | --- |
| Bidder’s Information | | |
| Bidder’s legal name |  |
| In case of JV, legal name of each partner |  |
| Bidder’s country of constitution |  |
| Bidder’s year of constitution |  |
| Bidder’s legal address in country of constitution |  |
| Bidder’s authorized representative  (name, address, telephone numbers, fax numbers, e-mail address) |  |
| Attached are copies of the following original documents.   * 1. In case of single entity, articles of incorporation or constitution of the legal entity named above, in accordance with ITB 4.1 and 4.2. * 2. Authorization to represent the firm or JV named in above, in accordance with ITB 22.2. * 3. In case of JV, letter of intent to form JV or JV agreement, in accordance with ITB 4.1. * 4. In case of a government-owned entity, any additional documents not covered under 1 above required to comply with ITB 4.5. | |

Form ELI - 2: JV Information Sheet

Each member of a JV must fill in this form

|  |  |
| --- | --- |
| JV Information | |
| Bidder’s legal name |  |
| JV Partner’s legal name |  |
| JV Partner’s country of constitution |  |
| JV Partner’s year of constitution |  |
| JV Partner’s legal address in country of constitution |  |
| JV Partner’s authorized representative information  (name, address, telephone numbers, fax numbers, e-mail address) |  |
| Attached are copies of the following original documents.   * 1. Articles of incorporation or constitution of the legal entity named above, in accordance with ITB 4.1 and 4.2. * 2. Authorization to represent the firm named above, in accordance with ITB 20.2. * 3. In the case of government-owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITB 4.5. | |

Form LIT - Pending Litigation

Each Bidder or member of a JV must fill in this form

|  |  |  |  |
| --- | --- | --- | --- |
| Pending Litigation | | | |
| * No pending litigation in accordance with Criteria 2.2 of Section 3 (Evaluation and Qualification Criteria) * Pending litigation in accordance with Criteria 2.2 of Section 3 (Evaluation and Qualification Criteria) | | | |
| Year | Matter in Dispute | Value of Pending Claim in US$ Equivalent | Value of Pending Claim as a Percentage of Net Worth |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Form FIN - 1: Financial Situation

Each Bidder or member of a JV must fill in this form

|  |  |  |
| --- | --- | --- |
| Financial Data for Previous 3 Years [US$ Equivalent] | | |
| Year 2012-2013: | Year 2011-2010: | Year 2009-2008: |

Information from Balance Sheet

|  |  |  |  |
| --- | --- | --- | --- |
| Total Assets |  |  |  |
| Total Liabilities |  |  |  |
| Net Worth |  |  |  |
| Current Assets |  |  |  |
| Current Liabilities |  |  |  |
| Working Capital |  |  |  |

Information from Income Statement

|  |  |  |  |
| --- | --- | --- | --- |
| Total Revenues |  |  |  |
| Profits Before Taxes |  |  |  |
| Profits After Taxes |  |  |  |
| * Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the last three years, as indicated above, complying with the following conditions. * All such documents reflect the financial situation of the Bidder or partner to a JV, and not sister or parent companies. * Historic financial statements must be audited by a certified accountant. * Historic financial statements must be complete, including all notes to the financial statements. * Historic financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted). | | | |

Form FIN - 2: Average Annual Construction Turnover

Each Bidder or member of a JV must fill in this form

|  |  |  |  |
| --- | --- | --- | --- |
| Annual Construction Turnover Data for the Last 3 Years | | | |
| Year | Amount  Currency | Exchange  Rate | US$  Equivalent |
| 2012-2013 |  |  |  |
| 2011-2010 |  |  |  |
| 2009-2008 |  |  |  |
| Average Annual Construction Turnover | | |  |

The information supplied should be the Annual Construction Turnover of the Bidder or each member of a JV in terms of the amounts billed to clients for each year for contracts in progress or completed, converted to US Dollars at the rate of exchange at the end of the period reported.

Form FIN – 3: Financial Resources

Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject contract or contracts as indicated in Section 3 (Evaluation and Qualification Criteria)

|  |  |  |
| --- | --- | --- |
| Financial Resources | | |
| **No.** | **Source of financing** | **Amount (US$ equivalent)** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
|  |  |  |

Form FIN- 4: Current Contract Commitments

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

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | **Name of Contract** | **Employer’s**  **Contact Address, Tel, Fax** | **Value of Outstanding Work**  **[Current US$ Equivalent]** | **Estimated Completion Date** | **Average Monthly Invoicing Over Last Six Months [US$/month)]** |
| 1 |  |  |  |  |  |
| 2 |  |  |  |  |  |
| 3 |  |  |  |  |  |
| 4 |  |  |  |  |  |
| 5 |  |  |  |  |  |
|  |  |  |  |  |  |

Form EXP – 1: General Experience

Each Bidder or member of a JV must fill in this form

| General Experience | | | | |
| --- | --- | --- | --- | --- |
| Starting  Month  Year | Ending  Month  Year | Years | Contract Identification and Title  Name and Address of Employer  Brief Description of the Works Executed by the Bidder | Role of Bidder |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Form EXP – 2(a): Specific Experience

Fill up one (1) form per contract.

|  |  |  |  |
| --- | --- | --- | --- |
| Contract of Similar Size and Nature | | | |
| **Contract No** . . . . . . **of** . . . . . . | Contract Identification |  | |
| Award Date |  | Completion Date |  |
| Role in Contract | * Contractor | * Management Contractor | * Subcontractor |
| Total Contract Amount | US$ | | |
| If partner in a JV or subcontractor, specify participation of total contract amount | Percent of Total | Amount | |
| Employer’s Name  Address  Telephone/Fax Number  E-mail |  | | |
| Description of the similarity in accordance with Criteria 2.4.2(a) of Section 3 | | | |

|  |  |
| --- | --- |
| Bidder or the Sub contractor to whom the Bidder intends to sub contract part of Water Supply System i.e. Bore Hole, Water Distribution Network, Ro Plants and Rainwater Harvesting participated as contractor, management contractor, or subcontractor, in at least **One** contract within the last **Ten years**, with a value of at least MVR 28 Million (Rufiyaa Twenty Eight Million**) …..**that have been successfully or are substantially completed and that are similar to the proposed plant and services. The similarity shall be based on the physical size, complexity, methods, technology or other characteristics as described in Section 6 (Employer’s Requirements) |  |

**Form EXP - 2(b): Specific Experience in Key Activities**

Fill up one (1) form per contract

|  |  |  |  |
| --- | --- | --- | --- |
| Contract with Similar Key Activities | | | |
| **Contract No** . . . . . . **of** . . . . . . | Contract Identification |  | |
| Award Date |  | Completion Date |  |
| Role in Contract | * Contractor | * Management Contractor | * Subcontractor |
| Total Contract Amount | US$ | | |
| If partner in a JV or subcontractor, specify participation of total contract amount | Percent of Total | Amount | |
| Employer’s Name  Address  Telephone Number  Fax Number  E-mail |  | | |
| Description of the key activities in accordance with Criteria 2.4.2(b) of Section 3 | | | |

|  |  |
| --- | --- |
| 1. The bidder or Sub Contractor to whom the Bidder intends to sub contract part of Water Supply works shall have constructed at least one Reverse Osmosis Plant and Rainwater Harvesting scheme of same capacity on turnkey basis in last 10 years. The RO plant and Rain Water Harvesting Scheme should be under successful operation at least for last one year up to the date of bid submission. |  |

|  |  |
| --- | --- |
|  |  |

1. [↑](#footnote-ref-1)