STANDARD PROCUREMENT DOCUMENT

Standard Pre-qualification Document for

Procurement of Works

 

January 2019

**Foreword**

The Standard Prequalification Document has been prepared by the Islamic Development Bank (IsDB), based on the Master Procurement Document “Prequalification Document for Procurement of Works” developed by the Multilateral Development Banks and International Financing Institutions which represents the best practices of these institutions.

The Standard Prequalification Document shall be used by the Beneficiary with minimum changes as may be necessary, and acceptable to IsDB, when a prequalification process takes place prior to the bidding process for procurement of Works through International Competitive Bidding (ICB or International Competitive Bidding limited to Member Countries (ICB/MC) in projects that are financed in whole or in part by the Islamic Development Bank. With suitable modifications, this Standard Prequalification Document may also be used for other types of procurements, including Information Systems and Plant Design, Supply, and Installation.

Those wishing to submit comments or questions on these documents or to obtain additional information on procurement under Islamic Development Bank financed projects are encouraged to contact:

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**Summary Description**

This Standard Prequalification Document (SPD) consists of Prequalification Document for Procurement of Works (Prequalification Procedures and Works Requirements) and a “User’s Guide”.

A brief description of this document is given below.

**Prequalification Document for Procurement of Works**

**PART 1 – PREQUALIFICATION PROCEDURES Section I. Instructions to Applicants (ITA)**

This Section provides information to help the Applicants in preparing and submitting their Applications for Prequalification (“Applications”). Information is also provided on opening and evaluation of Applications. **Section I contains provisions that are to be used without modification.**

**Section II. Prequalification Data Sheet (PDS)**

This Section includes provisions that are specific to each prequalification and supplement Section I, Instructions to Applicants.

**Section III. Qualification Criteria and Requirements**

This Section specifies the methods, criteria, and requirements to be used to determine how Applicants shall be prequalified and later invited to bid.

**Section IV. Application Forms**

This Section includes the Application Submission Form and other forms required to be submitted with the Application.

**Section V. Eligible Countries**

This Section contains information regarding eligible countries.

**Section VI. Bank Policy – Corrupt and Fraudulent Practices**

This Section provides the Applicants with the reference to IsDB’s policy in regard to corrupt and fraudulent practices applicable to the prequalification process.

**PART 2 -- WORKS REQUIREMENTS Section VII. Scope of Works**

This Section includes a summary description, delivery and completion schedules, and Site and other Data of the Works subject of this prequalification.

**Pre-qualification Document for**

**Procurement of:**

[*Insert Title of the proposed Works*]

**Invitation for Prequalification No.:** [*insert number*]

**[ICB or] ICB/MC No.:** [*insert number*]

**Project:** [*insert Project name*]

**Employer:** [*insert full name of Employer*]

**Country:** [*insert Country*]

**Issued on:** [*insert date*]

**Preface**

This Prequalification Document for Procurement of Works is based on the Standard Prequalification Document prepared by the Islamic Development Bank (IsDB). This Prequalification Document incorporates the features of the *Guidelines for Procurement of Goods, Works and Related Services under Islamic Development Bank Project Financing, September 2018*

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PART 1 – Pre-qualification Procedures

Section I. Instructions to Applicants

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**Section I. Instructions to Applicants**

A. General

|  |  |
| --- | --- |
| 1. Scope of Application | 1.1 In connection with the Invitation for Prequalification[[1]](#footnote-1) indicated in Section II, Prequalification Data Sheet (PDS), the Employer, as defined in the **PDS,** issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Works described in Section VII, Scope of Works. In case the Works are to be bid as individual contracts (i.e. the slice and package procedure), these are listed in the PDS. The International Competitive Bidding (ICB) or International Competitive Bidding limited to member countries (ICB/MC) number corresponding to this prequalification is also provided in the **PDS.** |
| 2. Source of Funds | 2.1 The Beneficiary or Recipient (hereinafter called “Beneficiary”) indicated in the **PDS** has applied for or received financing (hereinafter called “funds”) from the Islamic Development Bank (hereinafter called “IsDB”) towards the cost of the project named in the **PDS.** The Beneficiary intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted. 2.2 Payment by IsDB will be made only at the request of the Beneficiary and upon approval by IsDB, and will be subject, in all respects, to the terms and conditions of the financing agreement. The financing agreement prohibits a withdrawal from the financing account for the purpose of any payment to persons or entities, or for any import of goods, if such payment or import, to the knowledge of IsDB, is prohibited by the Boycott Regulations of the Organization of the Islamic Cooperation, the League of Arab States and the African Union. No party other than the Beneficiary shall derive any rights from the financing agreement or have any claim to the proceeds of the financing. |
| 3. Corrupt and Fraudulent Practices | 3.1 IsDB requires compliance with its policy in regard to corrupt and fraudulent practices as set forth in Section VI.3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), sub-contractors, sub-consultants, service providers, suppliers, and their personnel to permit IsDB to inspect all accounts, records and other documents relating to the submission of the Application, bid submission (in case prequalified), and contract performance (in the case of award), and to have them audited by auditors appointed by IsDB. |
| 4. Eligible Applicants | 4.1 Applicants shall meet the eligibility criteria as per clause 5.1. 4.2 An Applicant may be a firm that is a private entity, a government-owned entity—subject to ITA 4.9 - or a combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, bidding (in the event the JV submits a bid) and during contract execution (in the event the JV is awarded the Contract).Unless specifiedin the **PDS**, there is no limit on the number of members in a JV. |
|  | 4.3 A firm may apply for prequalification both individually, and as part of a joint venture, or as a sub-contractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture or as a sub-contractor. However, a firm may participate as a sub-contractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.4.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a sub-contractor among them for the same contract. However, if prequalified only one prequalified applicant will be allowed to bid for the same contract. All bids submitted in violation of this procedure will be rejected. |
|  | 4.5 An Applicant may have the nationality of any countries, subject to the restrictions pursuant to ITA 5.1. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. This criterion also shall apply to the determination of the nationality of proposed specialized sub-contractors or suppliers for any part of the Contract including related Services. |
|  | 4.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Employer or Beneficiary as Engineer for contract implementation of the works that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Beneficiary (or of the project implementing agency, or of a recipient of a part of the financing) who: (i) are directly or indirectly involved in the preparation of the prequalification Document or Bidding Document or specifications of the Contract, and/or the Bid evaluation process of such Contract; or (ii) would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to IsDB throughout the prequalification, bidding process and execution of the Contract |
|  | 4.7 An Applicant that has been sanctioned by IsDB in accordance with the above ITA 3.1, including in accordance with IsDB’s Guidelines on Preventing and Combating Corruption in Projects Financed by IsDB financing (“Anti-Corruption Guidelines”), shall be ineligible to be prequalified, to bid for, awarded an IsDB-financed contract or benefit from an IsDB-financed contract, financially or otherwise, during such period of time as IsDB shall have determined. |
|  | 4.8 The list of debarred firms and individuals is available at the electronic address specified in the **PDS**. |
|  | 4.9 Government-owned enterprises or institutions in the Employer’s Country may participate only if they can establish that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not dependent agencies of the Employer To be eligible, a government-owned enterprise or institution shall establish to IsDB’s satisfaction, through all relevant documents, including its Charter and other information IsDB may request, that it: (i) is a legal entity separate from the government (ii) does not currently receive substantial subsidies or budget support; (iii) operates like any commercial enterprise, and, inter alia, is not obliged to pass on its surplus to the government, can acquire rights and liabilities, borrow funds and be liable for repayment of its debts, and can be declared bankrupt; and (iv) is not bidding for a contract to be awarded by the department or agency of the government which under their applicable laws or regulations is the reporting or supervisory authority of the enterprise or has the ability to exercise influence or control over the enterprise or institution.  |
|  | 4.10 An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid–Securing Declaration. |
|  | 4.11 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request. |
| 5. Eligibility | 5.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated in Section V. The countries, persons or entities are ineligible if (a) as a matter of law or official regulations, the Beneficiary’s country prohibits commercial relations with that country, provided that IsDB is satisfied that such exclusion does not preclude effective competition for the supply of goods or the contracting of works or services required; or (b) by the Boycott Regulations of the Organization of the Islamic Cooperation, the League of Arab States and the African Union, the Beneficiary’s country prohibits any import of goods or contracting of works or services from that country, or any payments to any country, person, or entity in that country. |
|  | B. Contents of the Prequalification Document |
| 6. Sections of Prequalifica­tion Document | 6.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8. |
|  |  PART 1 Prequalification 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
* Section VI. IsDB Policy – Corrupt and Fraudulent practices

PART 2 Works Requirements* Section VII. Scope of Works
 |
|  | 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application conference (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail. |
|  | 6.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document. |
| 7. Clarification of Pre-qualification Document and Pre-Application Conference | 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 the applications. The Employer shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Employer shall also promptly publish its response at the web page identified in the **PDS**. Should the Employer deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.7.2 If indicated in the **PDS**, the prospective Applicant’s designated representative is invited at the Applicant’s cost to attend a pre-Application conference at the place, date and time mentioned in the **PDS**. During this pre-Application conference, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Prequalification Document.7.3 Minutes of the pre-Application conference, if applicable, including the text of the questions asked by Applicants, including those during the conference (without identifying the source) and the responses given, together with any responses prepared after the conference will be transmitted promptly to all prospective Applicants who have obtained the Prequalification Document. Any modification to the Prequalification Document that may become necessary as a result of the pre-Application conference shall be made by the Employer exclusively through the use of an Addendum pursuant to ITA 8. Non-attendance at the pre-Application conference will not be a cause for disqualification of an Applicant. |
| 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 an Addendum. |
|  | 8.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all prospective Applicants who have obtained the Prequalification Document from the Employer. The Employer shall also promptly publish the Addendum at the Employer’s web page identified in the **PDS**. |
|  | 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 in accordance with ITA 17.2. |
|  | 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 12.1;(b) documentary evidence establishing the Applicant’s eligibility, in accordance with ITA 13.1;(c) documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and(d) Any other document required as specified in the **PDS**.11.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application  |
| 12. Application Submission Form | 12.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format. |
| 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.14.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the USD equivalent using the rate of exchange determined as follows:(a) For construction turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year.(b) Value of single contract - Exchange rate prevailing on the date of the contract.Exchange rates shall be taken from the publicly available source identified in the **PDS**. Any error in determining the exchange rates in the Application may be corrected by the Employer.  |
| 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. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.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 in ITA 16.1 above. |
| 17. Deadline for Submission of Applications | 17.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated in the **PDS.** When so specified in the **PDS,** Applicants have the option of submitting their Applications electronically, in accordance with electronic application submission procedures specified in the **PDS.**  |
|  | 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 The Employer reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the **PDS**. |
| 19. Opening of Applications | 19.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 18.1.19.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS.**19.3 The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants. |
|  | E. Procedures for Evaluation of Applications |
| 20. Confidentiality | 20.1 Information relating to the Applications, their evaluation and result shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28. |
|  | 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 only in writing. |
| 21. Clarification of Applications | 21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing. |
|  | 21.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer’s request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application. |
| 22. Responsiveness of Applications | 22.1 The Employer may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant. |
| 23. Domestic Bidder Price Preference | 23.1 Unless otherwise specified in the **PDS,** a margin of preference for domestic bidders[[2]](#footnote-2) shall not apply in the bidding processresulting from this prequalification. |
| 24. Sub-contrac­tors | 24.1 Unless otherwise stated in the **PDS,** the Employer does not intend to execute any specific elements of the Works by sub-contractors selected in advance by the Employer (so-called “Nominated Subcontractors”)**.**24.2 The Applicant shall not propose to subcontract the whole of the Works. The Employer, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the work as indicated therein as (“Specialized Subcontractors”). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.  |
|  | 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, and no other methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the contract. |
|  | 25.2 Sub-contractors proposed by the Applicant shall be fully qualified for their parts of the Works. The subcontractor’s qualifications shall not be used by the Applicant to qualify for the Works unless their parts of the Works were previously designated by the Employer **in the PDS** as can be met by Specialized Subcontractors, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation.  |
|  | 25.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Employer shall prequalify each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements. The Qualification Criteria and Requirements are mentioned in Section III. 25.4 However, with respect to the specific experience under item 4.2 (a) of Section III, the Employer will select any one or more of the options as identified below:N is the minimum number of contractsV is the minimum value of a single contract **(a) Prequalification for one Contract**:Option 1: (i) N contracts, each of minimum value V;Or Option 2: (i) N contracts, each of minimum value V, Or(ii) Less than or equal to N contracts, each of minimum value V, but with total value of all contracts equal or more than N x V;**(b) Prequalification for multiple Contracts**Option 1: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N1,N2,N3, etc. shall be different contracts:Lot 1: N1 contracts, each of minimum value V1;Lot 2: N2 contracts, each of minimum value V2; Lot 3: N3 contracts, each of minimum value V3; ----etc.OrOption 2: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N1,N2,N3, etc. shall be different contracts:Lot 1: N1 contracts, each of minimum value V1;Lot 2: N2 contracts, each of minimum value V2; Lot 3: N3 contracts, each of minimum value V3; ----etc, Or(ii) Lot 1: N1 contracts, each of minimum value V1; or number of contracts less than or equal to N1, each of minimum value V1, but with total value of all contracts equal or more than N1 x V1Lot 2: N2 contracts, each of minimum value V2; or number of contracts less than or equal to N2, each of minimum value V2, but with total value of all contracts equal or more than N2 x V2Lot 3: N3 contracts, each of minimum value V3; or number of contracts less than or equal to N3, each of minimum value V3, but with total value of all contracts equal or more than N3 x V3----etc.OrOption 3: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N1,N2,N3, etc. shall be different contracts:Lot 1: N1 contracts, each of minimum value V1;Lot 2: N2 contracts, each of minimum value V2; Lot 3: N3 contracts, each of minimum value V3; ----etc, Or(ii) Lot 1: N1 contracts, each of minimum value V1; or number of contracts less than or equal to N1, each of minimum value V1, but with total value of all contracts equal or more than N1 x V1Lot 2: N2 contracts, each of minimum value V2; or number of contracts less than or equal to N2, each of minimum value V2, but with total value of all contracts equal or more than N2 x V2Lot 3: N3 contracts, each of minimum value V3; or number of contracts less than or equal to N3, each of minimum value V3, but with total value of all contracts equal or more than N3 x V3----etc, Or(iii) Subject to compliance as per (ii) above with respect to minimum value of single contract for each lot, total number of contracts is equal or less than N1 + N2 + N3 +--but the total value of all such contracts is equal or more than N1 x V1 + N2 x V2 + N3 x V3 +---.25.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant’s subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered. |
| 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 the Applicants. |
| 27. Prequalifica­tion of Applicants | 27.1 All Applicants who’s Applications substantially meet or exceed the specified qualification requirements will be prequalified by the Employer.27.2 An Applicant may be “conditionally prequalified,” that is, qualified subject to the Applicant submitting or correcting certain specified nonmaterial documents or deficiencies to the satisfaction of the Employer. 27.3 Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the Employer before or at the time of submitting their bids. |
| 28. Notification of Prequalifica­tion | 28.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.28.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.  |
| 29. Invitation for Bids | 29.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified or conditionally prequalified.  |
|  | 29.2 Bidders may be required to provide a Bid Security or a Bid-Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Bidding Documents.29.3 The successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.29.4 If applicable, the successful Bidder shall be required to provide a separate Environmental, Social, Health and Safety (ESHS) Performance Security. 29.5 Bidders shall be required to provide the Code of Conduct which will apply to their employees and sub-contractors to ensure compliance with the Environmental, Social (including sexual exploitation and abuse (SEA) and gender based violence (GBV)), Health and Safety (ESHS) requirements. 29.6 Bidders shall be required to submit management strategies and implementation plans to ensure compliance with key Environmental, Social (including sexual exploitation and abuse (SEA) and gender based violence (GBV), Health and Safety (ESHS) requirements. |
| 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 bid (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III, Qualification Criteria and Requirements; or (iii) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids. |
| 31. Procurement Related Complaint | 31.1 The procedures for making a Procurement-related Complaint are as specified in the PDS.  |

|  |
| --- |
| Section II. Prequalification Data Sheet |
| **A. General** |
| **ITA 1.1** | The identification of the Invitation for Prequalification is: [*insert number*]The Employer is: : [ *insert full name, including name of Project Officer, and address]*The list of contracts is: *[insert number, names and identification numbers. If the works has not been divided into contracts, add the name of the works]*ICB or ICB/MC name and number are: *[insert name and identification number]* |
| **ITA 2.1** | The name of the Beneficiary is: *[insert name of Beneficiary ]*The name of the Project is: *[insert name of Project]* |
| **ITA 4.2** | Maximum number of members in the JV shall be: *[insert a number or insert “not limited”]* |
| **ITA 4.8** | The electronic address of firms and individuals debarred by IsDB is: [http://www.isdb.org/](http://www.isdb.org/debarr.) |
| **B. Contents of the Prequalification Document** |
| **ITA 7.1** | For **clarification purposes,** the Employer's address is:*[insert information or state “same as in ITA1.1 above”]*Attention: *[insert name and room number of Project Officer]*Address: *[insert street name and number]**[insert floor and room number, if applicable]*City: *[insert name of city or town]*ZIP Code: *[insert postal (ZIP) code, if applicable]*Country: *[insert name of country]*Telephone: *[insert telephone number including country and city codes]*Facsimile number: *[insert fax number including country and city codes]*Electronic mail address: *[insert e-mail address of Project Officer]* |
| **ITA 7.1 & 8.2**  | Web page: [*In case used, identify the widely used website or electronic portal of free access where prequalification information is published]* |
| **ITA 7.2** | A Pre-Application Conference will be held: *[Yes/No]**[If Yes, please add the address, date and time of the conference]* |
| **C. Preparation of Applications** |
| **ITA 10.1** | This Prequalification document has been issued in the *[Insert “English” or “French” or “Arabic”]* language*.**[***Note:***In addition to one of the above languages, and if agreed with IsDB, the Beneficiary has the option to issue translated versions of the Prequalification document in another language which should either be: (a) the national language of the Beneficiary; or (b) the language used nation-wide in the Beneficiary’s country for commercial transactions. In such case, the following text shall be added:]**“In addition, the Prequalification document is translated into the [insert national or nation-wide used] language [if there are more than one national or nation-wide used language, add “and in the \_\_\_\_\_\_\_\_\_\_\_\_” [insert the second national or nation-wide language].**Applicants shall have the option to submit their Prequalification Application in any one of the languages stated above. Applicants shall not submit Applications in more than one language.]”*All correspondence exchange shall be in \_\_\_\_\_\_\_\_\_\_\_\_ language.The Application as well as all correspondence shall be submitted in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. *[Insert the language of the Prequalification document in case of one language]* *[***Note:***If the Prequalification document is issued in more than one language, the following text shall be inserted above: “in one of the above languages”]*Language for translation of supporting documents and printed literature is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. *[Specify one language]* |
| **ITA 11.1 (d)** | The Applicant shall submit with its Application, the following additional documents: *[insert list of additional documents]* |
| **ITA 14.2** | The source for determining exchange rates is *[insert a publicly available source]* |
| **ITA 15.2** | In addition to the original, the number of copies to be submitted with the Application is: *[insert number of copies]* |
| **D. Submission of Applications** |
| **ITA 17.1** | **The deadline for Application submission is:**Date: *[insert date]*Time: *[insert time]**[The time allowed for preparation and submission of the prequalification document should be sufficient for Applicants to gather all the information required—preferably six weeks, but in any case not less than four weeks after the date when the documents are available for distribution or the date of the advertisement, whichever is later. This period may be longer for very large projects, where time should be allowed for the formation of joint ventures and assembly of the necessary resources.]*Applicants *[insert “shall” or “shall not”]* have the option of submitting their Applications electronically.*[The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]*The electronic application submission procedures shall be: *[insert description of the procedures]*For **application submission purposes only,** the Employer's address is:*[insert information requested below or insert “Employer’s address is the same as that indicated in 1.1]*Attention: *[insert name and room number of Project Officer]*Address: *[insert street name and number]**[insert floor and room number, if applicable]*City: *[insert name of city or town]*ZIP Code: *[insert postal (ZIP) code, if applicable]*Country: *[insert name of country]*Telephone: *[insert telephone number including country and city codes]*Facsimile number: *[insert fax number including country and city codes]*Email address: *[insert e-mail address of Project Officer]*  |
| **ITA 18.1** | *[Choose one of the two options below:]*Late Applications will be returned unopened to the Applicants.*[or]*The Employer reserves the right to accept or reject late applications. |
| **ITA 19.1** | The opening of the Applications shall be at *[Insert date, time and address]* |
| **ITA 19.2** | *[The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]*The electronic Application opening procedures are: *[insert description of the procedures]* |
| **E. Procedures for Evaluation of Applications** |
| **ITA 23.1** | *[The following provision should be included and the required corresponding information inserted only if the Procurement Plan authorizes the application of a margin of preference and the Employer intends to apply it to the subject contract. Otherwise omit]*A margin of domestic preference *[insert “shall not” or “shall”]* apply. |
| **ITA 24.1** | At this time the Employer *[insert “intends” or “does not intend”]* to execute certain specific parts of the Works by sub-contractors selected in advance.*[If the above states “intends”, list the specific parts of the works and the respective sub-contractors]* |
| **ITA 25.2** | *[Indicate N/A if there are no parts of the Works requiring Specialized Subcontractors]*The parts of the Works for which the Employer permits Applicants to propose Specialized Subcontractors are designated as follows:1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation.  |
| **ITB 31** | The procedures for making a Procurement-related Complaint are detailed in the Procurement [Guidelines](http://www.worldbank.org/en/projects-operations/products-and-services/brief/procurement-new-framework) (Annex C). If an Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint following these procedures, in writing (by the quickest means available, that is either by email or fax), to:**For the attention**: *[insert full name of person receiving complaints]***Title/position**: *[insert title/position]***Purchaser**: *[insert name of Employer]***Email address***: [insert email address]***Fax number**: *[insert fax number]* ***delete if not used***In summary, a Procurement-related Complaint may challenge any of the following:1. the terms of the Prequalification Documents; and
2. the Employer’s decision not to prequalify an Applicant.
 |

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.

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[4. Experience 39](#_Toc531279681)

| **Eligibility and Qualification Criteria** | **Compliance Requirements** | **Documentation** |
| --- | --- | --- |
| **No.** | **Subject** | **Requirement** | **Single Entity** | **Joint Venture (existing or intended)** | **Submission Requirements** |
| **All Parties Combined** | **Each Member** | **One Member** |
| 1. Eligibility |
| 1.1 | **Nationality** | Nationality in accordance with ITA 4.5 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| 1.2 | **Conflict of Interest** | No conflicts of interest in accordance with ITA 4.6 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.3 | **Bank Eligibility** | Not having been declared ineligible by IsDB, as described in ITA 4.7 and 5.1 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.4  | **Government Owned Entity of the Beneficiary country** | Meet conditions of ITA 4.9 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| 1.5 | **United Nations resolution or Beneficiary’s country law or Boycott Regulations of the Organization of the Islamic Cooperation, the League of Arab States and the African Union. (Para 1.11 and 1.12 of Guidelines for Procurement of Goods, Works and related services Under the Islamic Development Bank Project Financing, September 2018 prevail)** | Not having been excluded as a result of prohibition in the Beneficiary’s country laws or official regulations against commercial relations with the Applicant’s country, or the Boycott Regulations of the Organization of the Islamic Cooperation, the League of Arab States and the African Union, both in accordance with ITA 5.1 and Section V. | 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[[3]](#footnote-3) did not occur as a result of contractor’s default since 1st January *[insert year]*.  | Must meet requirement6 | Must meet requirements | Must meet requirement[[4]](#footnote-4) | N/A | Form CON-2 |
| 2.2 | **Suspension Based on Execution of Bid Securing Declaration by the Employer** | Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.10. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 2.3 | **Pending Litigation** | Applicant’s financial position and prospective long term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant | Must meet requirement | N/A | Must meet requirement | N/A | Form CON – 2 |
| 2.4 | **Litigation History** | No consistent history of court/arbitral award decisions against the Applicant[[5]](#footnote-5) since 1st January *[insert year]* | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form CON – 2 |
| 2.5 | **Declaration: Environmental, Social, Health, and Safety (ESHS) past performance** | Declare any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, or social (including sexual exploitation and abuse (SEA) and gender based violence (GBV)), or health or safety requirements or safeguard in the past five years[[6]](#footnote-6).  | Must make the declaration. Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make the declaration | N/A | Each must make the declaration. Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make the declaration. | N/A | Form CON-3 ESHS Performance Declaration |
| 3. Financial Situation and Performance |
| 3.1 | **Financial Capabilities** | (i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as USD $ *[insert amount in US$]* for the subject contract(s) net of the Applicants other commitments(ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.(iii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Employer, for the last *[insert number]* years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability. | Must meet requirementMust meet requirementMust meet requirement | Must meet requirementMust meet requirementN/A | N/AN/AMust meet requirement | N/AN/AN/A | Form FIN – 3.1, with attachments |
| 3.2 | **Average Annual Construction Turnover** | Minimum average annual construction turnover of US$ *[insert amount in US$ equivalent in words and figures]*, calculated as total certified payments received for contracts in progress and/or completed within the last *[insert number]* years, divided by *[insert number of years in words]* years | Must meet requirement | Must meet requirement | Must meet *[insert number]* %, *[insert percentage in words]* of the requirement | Must meet *[insert number]* %, *[insert percentage in words]* of the requirement | Form FIN – 3.2 |
| 4. Experience |
| 4.1 (a) | **General Construction Experience** | Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last *[insert number]* years, starting 1st January \_\_\_\_\_ *[insert year]*. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |
| 4.2 (a) | **Specific Construction & Contract Management Experience** | (i) A minimum number of similar contracts specified below that have been satisfactorily and substantially[[7]](#footnote-7) completed as a prime contractor, joint venture member[[8]](#footnote-8), management contractor or sub-contractor10 between 1st January [insert year] and application submission deadline: (i) N contracts, each of minimum value V;Or (ii) Less than or equal to N contracts, each of minimum value V, but with total value of all contracts equal or more than N x V; *[insert values of N & V, delete (ii) above if not applicable]*.*[In case the Works are to be bid as individual contracts under a slice and package (multiple contract) procedure, the minimum number of contracts required for purposes of evaluating qualification shall be selected from the options mentioned in ITA 25.3b]* | Must meet requirement | Must meet requirement[[9]](#footnote-9) | N/A | N/A | Form EXP 4.2(a) |
| The similarity of the contracts shall be based on the following: *[Based on Section VII, Scope of Works, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by Specialized Subcontractors, if permitted in accordance with ITA 25.2]* |  |  |  |  |  |
| 4.2 (b) |  | For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or sub-contractor10 between 1st January *[insert year]* and application submission deadline, a minimum construction experience in the following key activities successfully completed[[10]](#footnote-10): *[list activities indicating volume, number or rate of production as applicable]**Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b).For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12 month period in the specified period****,*** *][[11]](#footnote-11)* | Must meet requirements *[Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]*  | Must meet requirements*[Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2*] | N/A | Must meet the following requirements for key activities listed below *[****if applicable, out of the key activities in the first column of this 4.2 b),*** *list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member,* ***otherwise this cell should state: “N/A”.]*** | Form EXP – 4.2 (b) |

Section IV. Application Forms

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Application Submission Form

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

To: *[insert full name of Employer]*

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

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

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

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

1. We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Islamic Development Bank or a debarment imposed by the Islamic Development Bank in accordance with the Agreement for Mutual Enforcement of Debarment Decisions between the Islamic Development Bank and other development banks. Further, we are not ineligible under the Employer’s country laws or official regulations or pursuant to a decision of the United Nations Security Council;
2. [*select the appropriate option and delete the other*] [*We are not a state-owned enterprise or institution*] / [*We are a state-owned enterprise or institution but meet the requirements of ITA 4.8*];
3. We, in accordance with ITA 24.2 and 25.2, 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(a) or (b) which the Employer has permitted under the Prequalification document and which the Applicant intends to subcontract along with complete details of the sub-contractors, their qualification and experience]*

(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 bidding process or execution of the Contract:

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

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

(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 bid for the contract subject of this prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.

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

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

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

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

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

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

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

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

Form ELI 1.1 - Applicant Information Form

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

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

2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

Form ELI 1.2 - Applicant's Party Information Form

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

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

|  |
| --- |
| Applicant name:*[insert full name]* |
| Applicant's Party name:*[insert full 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 informationName: *[insert full name]*Address: *[insert street/ number/ town or city/ country]*Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*E-mail address: *[indicate e-mail address]* |
| 1. Attached are copies of original documents of🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 4.5.🞎 In case of a Government-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and absence of dependent status, in accordance with ITA 4.9.2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

Form CON 2 - Historical Contract Non-Performance, Pending Litigation and Litigation History

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

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

|  |
| --- |
| Non-Performed Contracts in accordance with Section III, Qualification Criteria andRequirements |
| 🞎 Contract non-performance did not occur since 1st January *[insert year]* specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.🞎 Contract(s) not performed since 1st January *[insert year]* specified in Section III, Qualification Criteria and Requirements, requirement 2.1 |
| **Year** | **Non- performed portion of contract** | **Contract Identification** | **Total Contract Amount (current value, currency, exchange rate and US$ equivalent)** |
| *[insert year]* | *[insert amount and percentage]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Reason(s) for non-performance: *[indicate main reason(s)]* | *[insert amount]* |
| Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements |
| 🞎 No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. |
| 🞎 Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below. |

|  |  |  |  |
| --- | --- | --- | --- |
| **Year of dispute** | **Amount in dispute (currency)** | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
| *[insert year]* | *[insert amount]* | Contract Identification: [*indicate complete contract name, number, and any other identification*]Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Matter in dispute: *[indicate main issues in dispute]*Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*Status of dispute: *[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]* | *[insert amount]* |
| Litigation History in accordance with Section III, Qualification Criteria andRequirements |
| 🞎 No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4.🞎 Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below. |
| **Year of award** | **Outcome as percentage of Net Worth**  | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
| *[insert year]* | *[insert percentage]* | Contract Identification: [indicate complete contract name, number, and any other identification]Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Matter in dispute: *[indicate main issues in dispute]*Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*Reason(s) for Litigation and award decision *[indicate main reason(s)]* | *[insert amount]* |

Form CON 3 - ESHS Performance Declaration

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

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

|  |
| --- |
| **Environmental, Social, Health, and Safety Performance Declaration** **in accordance with Section III, Qualification Criteria, and Requirements** |
| 🞎 **No suspension or termination of contract**: An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental, Social, Health, or Safety (ESHS) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5.🞎 **Declaration of suspension or termination of contract**: The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental, Social, Health, or Safety (ESHS) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below: |
| **Year** | **Suspended or terminated portion of contract** | **Contract Identification** | **Total Contract Amount (current value, currency, exchange rate and US$ equivalent)** |
| *[insert year]* | *[insert amount and percentage]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Reason(s) for suspension or termination: *[indicate main reason(s) e.g. for gender based violence (GBV)/ sexual exploitation and abuse (SEA) breaches]* | *[insert amount]* |
| *[insert year]* | *[insert amount and percentage]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Reason(s) for suspension or termination: *[indicate main reason(s)]* | *[insert amount]* |
| *…* | *…* | *[list all applicable contracts]* | *…* |
| **Performance Security called by an employer(s) for reasons related to ESHS performance** |
| Year | Contract Identification | Total Contract Amount (current value, currency, exchange rate and US$ equivalent) |
| *[insert year]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Reason(s) for calling of performance security: *[indicate main reason(s) e.g. for GBV/ SEA breaches]* | *[insert amount]* |
|  |  |  |

Form FIN 3.1 - Financial Situation and Performance

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

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

**1. Financial data**

|  |  |
| --- | --- |
| **Type of Financial information in****(currency)** | **Historic information for previous**  *[insert number] years,**[insert in words]***(amount in currency, currency, exchange rate\*, USD equivalent)** |
|  | Year 1 | Year 2 | Year 3 | Year4 | Year 5 |
| Statement of Financial Position (Information from Balance Sheet) |
| Total Assets (TA) |  |  |  |  |  |
| Total Liabilities (TL) |  |  |  |  |  |
| Total Equity/Net Worth (NW) |  |  |  |  |  |
| Current Assets (CA) |  |  |  |  |  |
| Current Liabilities (CL) |  |  |  |  |  |
| Working Capital (WC) |  |  |  |  |  |
| **Information from Income Statement** |
| Total Revenue (TR) |  |  |  |  |  |
| Profits Before Taxes (PBT) |  |  |  |  |  |
| **Cash Flow Information**  |
| Cash Flow from Operating Activities |  |  |  |  |  |

\* Refer ITA 14 for the exchange rate

**2. Sources of Finance**

*[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]*

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

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

**3. Financial documents**

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

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

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

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

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

🞎 Attached are copies of financial statements[[12]](#footnote-12) 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 member of a Joint Venture]*

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

|  |
| --- |
| **Annual turnover data (construction only)** |
| **Year** | **Amount****Currency** | **Exchange rate\*** | **USD equivalent** |
| *[indicate calendar year]* | *[insert amount and indicate currency]* |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  | Average Annual Construction Turnover \*\* |  |

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

\*\* Total USD equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, Clause 3.2.

Form EXP 4.1 - General Construction Experience

*[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]*

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Starting****Year** | **Ending****Year** | **Contract Identification** | **Role of****Applicant** |
| *[indicate year]* | *[indicate year]* | Contract name: *[insert full name]*Brief Description of the Works performed by theApplicant: *[describe works performed briefly]*Amount of contract: *[insert amount in currency, mention currency used, exchange rate and US$ equivalent\*]*Name of Employer: *[indicate full name]* Address: *[indicate street/number/town or city/country]* | *[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]* |
|  |  | Contract name: *[insert full name]*Brief Description of the Works performed by theApplicant: *[describe works performed briefly]*Amount of contract: *[insert amount in currency, mention currency used, exchange rate and US$ equivalent\*]*Name of Employer: *[indicate full name]* Address: *[indicate street/number/town or city/country]* | *[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]* |
|  |  | Contract name: *[insert full name]*Brief Description of the Works performed by theApplicant: *[describe works performed briefly]*Amount of contract: *[insert amount in currency, mention currency used, exchange rate and US$ equivalent\*]*Name of Employer: *[indicate full name]* Address: *[indicate street/number/town or city/country]* | *[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]* |

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

Form EXP 4.2(a) - Specific Construction and Contract Management Experience

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

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

|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor 🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in local currency]* | US$ *[insert**Exchange rate and total contract amount in US$**equivalent]\** |
| If member in a JV or sub-contractor, specify participation in total Contract amount | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in US$ equivalent]\** |
| Employer's Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, including country and**city area codes]**[insert e-mail address, if available]* |

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

**Form EXP 4.2(a) (cont.)**

**Specific Construction and Contract Management Experience (cont.)**

|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III: |  |
| 1. Amount | *[insert amount in local currency, exchange rate, US$ in words and in Figures]* |
| 2. Physical size of required works items | *[insert physical size of items]* |
| 3. Complexity | *[insert description of complexity]* |
| 4. Methods/Technology5. Construction rate for key activities | *[insert specific aspects of the methods/technology involved in the contract]**[insert rates and items]* |
| 6. Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Works]* |

Form EXP 4.2(b) - Construction Experience in Key Activities

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

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, Clause 4.2.

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

Total Quantity of Activity under the contract: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
|  | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in contract currency(ies)]* | US$ *[insert exchange rate and total contract amount in US$ equivalent]* |
| Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year*[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]* | Total quantity in the contract(i) | Percentage participation(ii) | Actual Quantity Performed (i) x (ii) |
| Year 1 |  |  |  |
| Year 2 |  |  |  |
| Year 3 |  |  |  |
| Year 4 |  |  |  |
| Employer’s Name: |  *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, including country and**city area codes]**[insert e-mail address, if available]* |

2. Activity No. Two

3. …………………

|  |  |
| --- | --- |
|  | **Information** |
| Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III: |  |
|  | *[insert response to inquiry indicated in left**column]* |
|  |  |
|  |  |
|  |  |
|  |  |

Section V. Eligible Countries

**Eligibility for Procurement of Goods, Works and Non Consulting Services under
IsDB Project Financing**

1. In accordance with Para 1.11 of the Guidelines for Procurement of Goods, Works and Related Services under Islamic Development Bank Project Financing, September 2018, it is a fundamental policy of IsDB that the Goods, Works and related services provided by the Contractor, and its associates and sub-contractors, shall be in strict compliance with the Boycott Regulations of the Organization of the Islamic Cooperation, the League of Arab States and the African Union. The Beneficiary shall advise prospective Bidders that bids will only be considered from Firms that are not subject to these Boycott Regulations. The Bidder shall provide a letter of oath to that effect.

The eligibility of a Firm will be determined during the evaluation process. In cases where Firms withhold information to evade disqualification on account of the eligibility requirement, the Beneficiary will have the right to cancel the contract at any time and also to penalize such Firm and claim compensation for losses incurred, as a consequence thereof, by the Beneficiary and/or IsDB. IsDB reserves the right not to honor any contract if the supplier or contractor involved is found to be ineligible based on the eligibility requirement stated therein.

For the purpose of eligibility, a Member Country (MC) Firm shall comply with all of the following:

1. *it is established or incorporated in a IsDB MC;*
2. *its principal place of business is located in a IsDB MC; and*
3. *it is more than 50% beneficially owned by a firm or firms in one or more MC (which firm or firms must also qualify as to nationality) and/or citizens of such MC.*

For the purpose of eligibility, a domestic firm of a MC is defined as follows:

1. *it is established or incorporated in the MC where the Works are to be carried out and/or where the Goods are to be delivered;*
2. *its principal place of business is located in the Beneficiary MC; and*
3. *it is more than 50% beneficially owned by a firm or firms in the Beneficiary MC (which firm or firms must also qualify as to nationality) and/or citizens of such MC.*

2. In reference to ITB 4.8 and 5.1, for the information of the Bidders, at the present time firms, goods and services from the following countries are excluded from this bidding process:

Under ITA 5.1 (a):  *[insert a list of the countries following approval by IsDB to apply the restriction or state “none”].*

Under ITA 5.1 (b):  *[insert a list of the countries following approval by IsDB to apply the restriction or state “none”]*

Section VI. IsDB Policy - Corrupt and Fraudulent Practices

Guidelines for Procurement of Goods, Works and related services under Islamic Development Project Financing, September 2018

**Fraud and Corruption:**

1.39 It is IsDB’s policy to require that Beneficiaries as well as Firms, Contractors and their agents (whether declared or not), sub-contractors, sub-consultants, service providers or Suppliers, and any personnel, observe the highest standard of ethics during the selection and execution of IsDB financed contracts[[13]](#footnote-13). In pursuance of this policy, the requirements of *IsDB Group Anti-Corruption Guidelines on Preventing and Combating Fraud and Corruption in IsDB Group-Financed Projects* and sanctions procedures shall be observed at all times. IsDB:

1. defines, for the purposes of this provision, the terms set forth as follows:
2. “corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
3. “fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
4. “collusive practices” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
5. “coercive practices” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party; and
6. “obstructive practice” is deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede an IsDB investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or acts intended to materially impede the exercise of IsDB inspection and audit rights provided for under Paragraph 1.39(e) below.
7. will reject a Bid for award if it determines that the Bidder recommended for award, or any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, Suppliers and/or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
8. will declare misprocurement and cancel the portion of the Project Financing allocated to a contract if it determines at any time that representatives of the Beneficiary or of a recipient of any part of the proceeds of the Project Financing engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices during the procurement or the implementation of the contract in question, without the Beneficiary having taken timely and appropriate action satisfactory to IsDB to address such practices when they occur, including by failing to inform IsDB in a timely manner at the time they knew of the practices;
9. will sanction a Firm or individual, at any time, in accordance with the prevailing IsDB sanctions procedures[[14]](#footnote-14), including by publicly declaring such Firm or individual ineligible, either indefinitely or for a stated period of time:
10. to be awarded a IsDB-financed contract; and
11. to be a nominated sub-contractor, consultant, sub-consultant, Contractor or Supplier of an otherwise eligible Firm being awarded a IsDB-financed contract; and
12. will require that a clause be included in Bidding Documents and in contracts financed by IsDB, requiring Bidders, including their agents (whether declared or not), sub-contractors, sub-consultants, service providers or Suppliers, to permit IsDB to inspect all accounts, records and other documents relating to the submission of Bids and contract performance, and to have them audited by auditors appointed by IsDB.

PART 2 – Works Requirements

Section VII. Scope of Works

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1. Description of the Works

2. Construction Period

3. Site and Other Data

4. Environmental, Social, Health and Safety (ESHS) Requirement

*The Employer should use the services of a suitably qualified environmental, social, health and safety specialist/s to prepare the specifications for ESHS working with a procurement specialist/s.*

*The Employer should attach or refer to the Employer’s environmental, social, health and safety policies that will apply to the project. If these are not available, the Employer should use the following guidance in drafting an appropriate policy for the Works.*

**Suggested content for an Environmental and Social Policy (Statement)**

*The Works’ policy goal, as a minimum, should be stated to integrate environmental protection, occupational and community health and safety, gender, equality, child protection, vulnerable people (including those with disabilities), sexual harassment, gender-based violence (GBV), sexual exploitation and abuse (SEA), HIV/AIDS awareness and prevention and wide stakeholder engagement in the planning processes, programs, and activities of the parties involved in the execution of the Works. The Employer is advised to consult with the IsDB to agree the issues to be included which may also address: climate adaptation, land acquisition and resettlement, indigenous people*, etc. *The policy should set the frame for monitoring, continuously improving processes and activities and for reporting on the compliance with the policy.*

*The policy shall include a statement that, for the purpose of the policy and/or code of conduct, the term “child” / “children” means any person(s) under the age of 18 years*

*The policy should, as far as possible, be brief but specific and explicit, and measurable, to enable reporting of compliance with the policy.*

*As a minimum, the policy is set out to the commitments to:*

1. *apply good international industry practice to protect and conserve the natural environment and to minimize unavoidable impacts;*
2. *provide and maintain a healthy and safe work environment and safe systems of work;*
3. *protect the health and safety of local communities and users, with particular concern for those who are disabled, elderly, or otherwise vulnerable;*
4. *ensure that terms of employment and working conditions of all workers engaged in the Works meet the requirements of the ILO labour conventions to which the host country is a signatory;*
5. *be intolerant of, and enforce disciplinary measures for illegal activities. To be intolerant of, and enforce disciplinary measures for GBV, inhumane treatment, sexual activity with children,, and sexual harassment;*
6. *incorporate a gender perspective and provide an enabling environment where women and men have equal opportunity to participate in, and benefit from, planning and development of the Works;*
7. *work co-operatively, including with end users of the Works, relevant authorities, contractors and local communities;*
8. *engage with and listen to affected persons and organizations and be responsive to their concerns, with special regard for vulnerable, disabled, and elderly people;*
9. *provide an environment that fosters the exchange of information, views, and ideas that is free of any fear of retaliation, and protects whistleblowers;*
10. *minimize the risk of HIV transmission and to mitigate the effects of HIV/AIDS associated with the execution of the Works;*

*The policy should be signed by the senior manager of the Employer. This is to signal the intent that it will be applied rigorously.*

1. The Invitation for Prequalification (IFP) provided information for potential bidders to decide whether to participate, including the essential items listed in the Prequalification Document and also any important or specialized prequalification requirements requested to qualify for the prequalification. [↑](#footnote-ref-1)
2. An individual firm is considered a domestic bidder for purposes of the margin of preference if it is registered or incorporated in the member country of the Employer, has more than 50 percent ownership by nationals of the member country of the Employer, and if it does not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign contractors **(Para 2.91 of Guidelines for Procurement of Goods, Works and related services under Islamic Development Bank Project Financing, September 2018 shall prevail).** JVs are considered as domestic bidders and eligible for domestic preference only if the individual member firms are registered in the member country of the Employer, have more than 50 percent ownership by nationals of the country of the Employer, and the JV shall be registered in the country of the Beneficiary. The JV shall not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign firms. JVs between foreign and national firms will not be eligible for domestic preference. [↑](#footnote-ref-2)
3. 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 applicant have been exhausted. [↑](#footnote-ref-3)
4. This requirement also applies to contracts executed by the Applicant as JV member. [↑](#footnote-ref-4)
5. The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in failure of the application. [↑](#footnote-ref-5)
6. The Employer may use this information to seek further information or clarifications during the bidding stage and the associated due diligence. [↑](#footnote-ref-6)
7. Substantial completion shall be based on 80% or more works completed under the contract. [↑](#footnote-ref-7)
8. For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant’s share, by value, shall be considered to meet this requirement. [↑](#footnote-ref-8)
9. In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated. [↑](#footnote-ref-9)
10. Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period. The rate of production shall be the annual production rate for the key construction activity (or activities). For the rate of production, either the average during the entire period or in any one or more years during the period should be specified. [↑](#footnote-ref-10)
11. The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise. [↑](#footnote-ref-11)
12. If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified. [↑](#footnote-ref-12)
13. In this context, any action taken by a Contractor or Consultant or any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, Suppliers, and/or their employees, to influence the selection process or contract execution for undue advantage is improper. [↑](#footnote-ref-13)
14. A Firm or individual may be declared ineligible to be awarded a IsDB-financed contract upon: (i) completion of the IsDB’s sanctions proceedings as per its sanctions procedures, including, inter alia, cross-debarment as agreed with other International Financial Institutions, including Multilateral Development Banks; and (ii) as a result of temporary suspension or early temporary suspension in connection with an ongoing sanctions proceeding. [↑](#footnote-ref-14)