

Standard Bidding Document:

Pre-Qualification for Procurement of Design-Build

 **June 1, 2020**

**Foreword**

This Standard Bidding Document for Pre-Qualification for Procurement of Design-Build (“PQD”) has been prepared by the Millennium Challenge Corporation (“MCC”) for use by Millennium Challenge Account Entities (“MCA Entities”) when procuring works which are to be designed largely by the Contractor who will then construct the works in accordance with the approved designs, through Competitive Bidding (“CB”) procedures in projects that are financed in whole or in part by MCC. This document is consistent with the April 2, 2020, MCC Program Procurement Guidelines[[1]](#footnote-1) (“MCC PPG”) and subsequent amendments and interim notices and will be amended as necessary to comply with subsequent amendments or revisions to the MCC PPG.

This PQD has been prepared based on the assumption that pre-qualification will take place before bidding and is intended for projects involving works having a value of USD 10 million or greater, but may be used for lower value design-build procurements with prior MCC approval. Standard Bidding Documents for the Procurement of Design-Build have been prepared by MCC for use by MCA Entities.[[2]](#footnote-2) Pre-qualification is not a mandatory requirement under the MCC Program Procurement Guidelines for the procurement of design-build. However, when pre-qualification is used in a procurement, it is to be conducted in accordance with this PQD.

Although this PQD is based upon the World Bank Standard Prequalification Document for Procurement of Works,[[3]](#footnote-3) it has been adapted with numerous revisions to reflect MCC policies and procedures set out in the MCC PPG and other documents.

**Summary Description**

**Standard Pre-qualification Document**

**PART 1 – PRE-QUALIFICATION PROCEDURES**

**Definitions**: This section lists and defines terms that are used in Part 1 and appear in initial capitalization.

**Section I Instructions to Applicants (“ITA”)**

This section specifies the procedures to be followed by applicants in the preparation and submission of their Applications for Pre-qualification (“AFP”). Information is also provided on the opening and review of AFPs. Section I contains provisions that are to be used without modification.

**Section II Pre-qualification Data Sheet (“PDS”)**

This section consists of provisions that are specific to each pre-qualification and supplement the information or requirements included in Section I, Instructions to Applicants.

**Section III Qualification Criteria and Requirements**

This section contains the methods, criteria, and requirements to be used to determine how applicants shall be pre-qualified and later invited to bid.

**Section IV Application Forms**

This section contains the form for the Application Submission Form and all the forms required to be completed by applicants and submitted with the AFP.

**PART 2 – EMPLOYER’S REQUIREMENTS**

**Section V Employer’s Requirements**

This section includes a summary description of the Employer’s requirements, along with proposed delivery schedules and preliminary drawings of the Works which are the subject of the pre-qualification and is to be prepared by the MCA Entity to provide background information to prospective applicants.

When this PQD is used to pre-qualify Applicants in procurements for design-build, post-qualification is recommended in all cases to reconfirm and verify the information provided by Applicants who then bid for the design and construction of the Works.

**[Note: Throughout this PQD, inserts noted in *bold italics* are to be completed by the MCA Entity/Employer prior to release of a pre-qualification document based upon this PQD whereas inserts marked in** *italics* **represent information to be provided by the applicant as part of its AFP.]**

**PRE-QUALIFICATION DOCUMENT**

**Issued on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[MCA Entity]**

**On Behalf of:**

**The Government of [Country]**

**[Millennium Challenge Account Entity]**

**Program**

**Funded by**

**THE UNITED STATES OF AMERICA**

**Through**

**THE MILLENNIUM CHALLENGE CORPORATION**

**for**

**Pre-qualification of**

***[insert identification of the Design-Build]*** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CB No:** *[insert CB number*

#### INVITATION FOR PRE-QUALIFICATION

Re: [**insert name and ID number of procurement**]

Dear Madam/Sir:

This Invitation for Pre-Qualification follows the General Procurement Notice that appeared in dgMarket online of ***[insert date]***, in the UN Development Business (“UNDB”) online of ***[insert date]***, local newspapers ***[insert names]*** of ***[insert dates]*** and was posted on the website of ***[insert name of the MCA Entity]***: ***[insert hyperlink to website].***

The United States of America acting through the Millennium Challenge Corporation ("MCC") and the Government of **[Country]** (the "Government" or “**[Go\_\_]**”) have entered into a Millennium Challenge Compact for Millennium Challenge Account assistance to help facilitate poverty reduction through economic growth in **[Country]** (the "Compact") in the amount of approximately **[amount of Compact]** USD ("MCC Funding"). The Government, acting through **[insert full legal name of the MCA Entity]** (the "MCA Entity" or the "Employer") intends to apply a portion of the MCC Funding to eligible payments under a contract for which this Prequalification Document is issued. Any payments made under the proposed contract will be subject, in all respects, to the terms and conditions of the Compact and related documents, including restrictions on the use and distribution of MCC Funding. No party other than the Government and the Employer shall derive any rights from the Compact or have any claim to the proceeds of MCC Funding.

The Compact Program includes **[provide the best available brief description of the general and specific goals and strategies of the Compact Program, the general areas of focus and the specific projects proposed, the expected duration, and other background information that would be helpful to potential Applicants]**.

The Employerthrough its Procurement Agent, ***[insert name of Procurement Agent]***, now invites applications for pre-qualification for the execution and completion of ***[insert the title of the contract]***.

Per the guidance in the Instructions to Applicants, Applicants must demonstrate the minimum requirements for each lot or section for which they seek to pre-qualify. The Employer intends to accept offers for ***[insert specifics of the design-build]***.

Pre-qualification will be conducted through pre-qualification procedures described in the Pre-Qualification Document (“PQD”) associated with this Invitation for Pre-Qualification, in accordance with the “MCC Program Procurement Guidelines” that are provided on the MCC website, as may be modified or amended from time to time, governing procurements funded under the Compact.

Applicants are advised that, while the procedures are similar to the procedures set out in the World Bank procurement procedures and guidelines, there are several significant differences.

An electronic copy of the PQD in the English language may be downloaded from the Employer’s website: ***[insert the MCA Entity’s website hyperlink]*** or requested at the offices of ***[insert name of Procurement Agent]*** from 9:00 A.M. to 4:00 P.M. (local time), ***[insert address of Procurement Agent]***. Interested Applicants may obtain further information at the same address.

Applications for Pre-Qualification (“AFPs”) must be submitted in sealed envelopes, delivered to the address below by ***[insert date]*** up to ***[insert time, e.g., 10:00 a.m.]*** (***[insert country name]*** local time). AFPs received after this time and date shall not be considered and shall be returned unopened.

Address:

***[insert name of Procurement Agent]***

Attention:

***[insert address]***

Each AFP must be clearly marked with the lot or lots (section or sections) for which the Applicant seeks to pre-qualify and whether the design and construction of the segments is independent or simultaneous. For example: ***[this paragraph must be tailored to each pre-qualification.]***

For independent design and construction:

Examples: *“Design and Construction of Section I”, or “Design and Construction of Section I or IV”*

For simultaneous design and construction:

Example: *“Simultaneous Design and Construction of Sections I, III, and IV”*

***[To be determined per specifics of the design-build.]***

**Electronic bids [shall/shall not] be accepted.**

Yours sincerely,

**[Procurement Agent],**

**[For the Employer/MCA Entity]**

**[Address]**

**[Telephone number]**

**[Fax number]**

**[Email address]**

#### PART 1

#### PRE-QUALIFICATION PROCEDURES

**Section I: Instructions to Applicants**

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#### A. General

*In Parts 1 (Pre-Qualification Procedures) and 2 (Employer’s Requirements) of this Pre-Qualification Document, the following words and expressions shall have the meanings stated.*

1. “Addendum” or “Addenda” means a modification to this Pre-qualification Document issued by the Employer.
2. “Applicant” means any eligible entity or person, including any associate of such eligible entity or person that submits an Application.
3. “Application” means an application for the provision of the Works submitted by an Applicant in response to this Pre-Qualification Document.
4. “Associate” means any entity that forms the Bidder or Contractor. A Subcontractor is not an Associate.
5. “Association” or “association” or “Joint Venture” or “joint venture” means an association of entities that forms the Applicant, with or without a legal status distinct from that of its members.
6. “Compact” means the Millennium Challenge Compact **identified in the PDS**.
7. “Competitive Bidding” or “CB” means the competitive bidding procedures set out in the MCC Program Procurement Guidelines.
8. “Contract” means the contract proposed to be entered into between the Employer and the Contractor including any attachments, appendices, and all documents incorporated by reference therein.
9. “Contractor” means the entity(ies) or person(s), which is responsible for providing the Works to the Employer under the Contract.
10. “CPPRS” or “Contractor Past Performance Reporting System” means MCC’s Contractor Past Performance Reporting System maintained and utilized in accordance with Part 2 of MCC’s Program Procurement Guidelines.
11. “Employer” means the entity referenced in ITA 1.1, the party with which the Contractor signs the Contract for the provision of the Works.
12. “Engineer” means the person appointed by the Employer to act as the Engineer for the purposes of the Contract.
13. “Force Account” has the definition given the term in the MCC Program Procurement Guidelines.
14. “Government” means the government **identified in the PDS.**
15. “Government-Owned Enterprise” or “GOE” has the definition given the term in the MCC Program Procurement Guidelines.
16. “Instructions to Applicants” or “ITA” means Section I (Instructions to Applicants) of this Pre-Qualification Document, including any Addenda, which provides Applicants with information needed to prepare their Applications.
17. “IFC Performance Standards” means the International Finance Corporation’s Performance Standards on Environmental and Social Sustainability.
18. “Millennium Challenge Account Entity” or “MCA Entity” means the accountable entity designated by the Government to implement the Compact.
19. “Millennium Challenge Corporation” or “MCC” means the Millennium Challenge Corporation, a United States Government corporation, acting on behalf of the United States Government.
20. “MCC’s AFC Policy” means the policy identified in ITB Clause 3.
21. “MCC Counter-Trafficking in Persons Policy” means the policy identified in ITB Clause 4.2.
22. “MCC Funding” means the funding MCC has made available to the Government under the terms of the Compact.
23. “MCC Program Procurement Guidelines” or “MCC PPG” means the MCC Program Procurement Guidelines and its amendments posted from time to time on the MCC website at [www.mcc.gov](http://www.mcc.gov).
24. “PDS” or “Pre-qualification Data Sheet” means the Pre-Qualification Data Sheet in Section II (Pre-Qualification Data Sheet) of this Pre-Qualification Document used to reflect specific requirements and/or conditions.
25. “PQD” or “Pre-qualification Document” means this document, including any Addenda that may be made by the Employer.
26. “Project Manager” means the person appointed by the Employer to act as the Project Manager for the purposes of the Contract.
27. “Taxes” has the meaning given the term in the Compact.
28. “Trafficking in Persons” or “TIP” has the definition given the term in the MCC Program Procurement Guidelines.
29. “Works” means what the Contract requires the Contractor to construct, install, and turn over to the Employer.

|  |  |
| --- | --- |
| 1. Scope of Application | 1.1 The Employer, identified in Section II, Pre-qualification Data Sheet (“**PDS**”), issues this Pre-Qualification Document (“PQD”) to persons and entities (“Applicants”) interested in preparing and submitting an application for pre-qualification (“Application”) in connection with bidding for the design and construction of Works described in Section V, Employer’s Requirements. The number of Contracts, the name and identification of each Contract, and the number corresponding to this pre-qualification, are provided in the **PDS.** |
| 2. Source of Funds | 2.1 The United States of America, acting through the Millennium Challenge Corporation, and the Government have entered into the Compact. The Government, acting through the Employer, intends to apply a portion of the MCC Funding to eligible payments under the Contract. Any payments made under the Contract with MCC Funding will be subject, in all respects, to the terms and conditions of the Compact and related documents, including restrictions on the use and distribution of MCC Funding. No party other than the Government and the Employer shall derive any rights from the Compact or have any claim to any proceeds of MCC Funding. The Compact and its related documents can be found on the MCC website ([www.mcc.gov](http://www.mcc.gov)) or on the website of the Employer.  |
| 3. Corruption and Fraud | 3.1 MCC requires that all beneficiaries of MCC Funding, including the Employer and any applicants, bidders, suppliers, contractors, subcontractors, consultants, and sub-consultants under any MCC-funded contracts, observe the highest standards of ethics during the procurement and execution of such contracts. MCC’s Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations is applicable to all procurements and contracts involving MCC Funding and can be found on the MCC website. In pursuance of this policy, the following provisions will apply:1. For the purposes of these provisions, the terms set forth below are defined as follows:
2. ***“coercion”*** means impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of any party, to improperly influence the actions of a party in connection with the implementation of any contract supported, in whole or in part, with MCC Funding, including such actions taken in connection with a procurement process or the execution of a contract;
3. ***“collusion”*** means a tacit or explicit agreement between two or more parties to engage in coercion, corruption, fraud, obstruction of investigation into allegations of fraud or corruption, or a prohibited practice, including any such agreement designed to fix, stabilize, or manipulate prices or to otherwise deprive the MCA Entity of the benefits of free and open competition;
4. ***“corruption”*** means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of a public official, MCA Entity staff, MCC staff, consultants, or employees of other entities engaged in work supported, in whole or in part, with MCC Funding, including such work involving taking or reviewing selection decisions, otherwise advancing the selection process or contract execution, or the making of any payment to any third party in connection with or in furtherance of a contract.;
5. ***“fraud”*** means any act or omission, including any misrepresentation, that knowingly or recklessly misleads or attempts to mislead a party in order to obtain a financial or other benefit in connection with the implementation of any contract supported, in whole or in part, with MCC Funding, including any act or omission designed to influence (or attempt to influence) a selection process or the execution of a contract, or to avoid (or attempt to avoid) an obligation;
6. ***“obstruction of investigation into allegations of fraud or corruption”***means any act taken in connection with the implementation of any contract supported, in whole or in part, with MCC Funding: (a) that results in the deliberate destroying, falsifying, altering or concealing of evidence or making false statement(s) to investigators or any official in order to impede an investigation into allegations of coercion, collusion, corruption, fraud, or a prohibited practice; or (b) that threatens, harasses, or intimidates any party to prevent him or her from either disclosing his or her knowledge of matters relevant to an investigation or from pursuing the investigation; or (c) that is intended to impede the conduct of an inspection and/or the exercise of audit rights of MCC and/or the Office of the Inspector General (OIG) responsible for MCC provided under a Compact, Threshold Program agreement, or related agreements.
7. ***“prohibited practice”*** means any action that violates Section E (Compliance with Anti-Corruption Legislation), Section F (Compliance with Anti-Money Laundering Legislation), and Section G (Compliance with Terrorist Financing Legislation and Other Restrictions) of the Annex of Additional Provisions that will be made a part of MCC-funded contracts.
8. The Employer will reject an Application if it determines that the Applicant has, directly or through an agent, engaged coercion, collusion, corruption, fraud, obstruction of investigation into allegations of fraud or corruption, or prohibited practices in competing for the Contract.
9. MCC and the Employer have the right to sanction an Applicant, including declaring the Applicant ineligible, either indefinitely or for a stated period of time, to be awarded any MCC-funded contract if at any time either MCC or the Employer determines that the Applicant or Contractor has, directly or through an agent, engaged in coercion, collusion, corruption, fraud, obstruction of investigation into allegations of fraud or corruption, or prohibited practices in competing for, or in executing, such a contract.
10. MCC and the Employer have the right to require that a provision be included in the Contract requiring the selected Applicant or Contractor to permit the Employer, MCC, or any designee of MCC, to inspect the Applicant’s or Contractor’s, or any of the Contractor’s suppliers or subcontractors on the Contract, accounts, records and other documents relating to the submission of its Application or performance of the Contract and to have such accounts, records and other documents audited by auditors appointed by MCC or by the Employer with the approval of MCC.
11. In addition, MCC has the right to cancel any portion or all of the MCC Funding allocated to the Contract if it determines at any time that any representative of a beneficiary of MCC Funding engaged in coercion, collusion, corruption, fraud, obstruction of investigation into allegations of fraud or corruption, or prohibited practices during the selection process or the execution of any MCC-funded contract, without the Employer having taken timely and appropriate action satisfactory to MCC to remedy the situation.
 |
| 4. Environmental and Social Requirements Trafficking in Persons | 4.1 MCC has a zero tolerance policy with regard to Trafficking in Persons. Trafficking in Persons (“TIP”) is the crime of using force, fraud and/or coercion to exploit another person. TIP can take the form of domestic servitude, peonage, forced labor, sexual servitude, bonded labor, and the use of child soldiers. This practice deprives people of their human rights and freedoms, increases global health risks, fuels growing networks of organized crime, and can sustain levels of poverty and impede development. MCC is committed to working with partner countries to ensure appropriate steps are taken to prevent, mitigate, and monitor TIP risks in the countries it partners with and projects it funds. |
|  | 4.2 Additional information on MCC’s requirements aimed at combatting TIP can be found in the MCC Counter-Trafficking in Persons Policy that can be found on MCC’s website (<https://www.mcc.gov/resources/doc/policy-counter-trafficking-in-persons-policy>). |
| MCC Environmental Guidelines and IFC Performance Standards | 4.3 The Applicant and Contractor shall ensure that its activities, including any activities carried out by its subcontractors, under the Contract comply with MCC’s Environmental Guidelines (as such term is defined in the Compact or related agreement, which are available at <http://www.mcc.gov>), and are not ‘likely to cause a significant environmental, health, or safety hazard’ as defined in such MCC Environmental Guidelines. The Applicant and Contractor are also required to comply with the IFC Performance Standards for the purposes of the Contract Additional information on the Performance Standards can be found here:<http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/performance-standards>  |
| 5. Eligibility Eligible Applicants | 5.1 The eligibility criteria set out in this section will apply to the Applicant, including all parties constituting the Applicant, for any part of the Contract, including related services. |
|  | 5.2 An Applicant may be a private entity, certain government-owned entities (in accordance with MCC’s Program Procurement Guidelines as described in ITA 5.4), or any combination of such entities supported by a letter of intent to enter into an agreement or under an existing agreement in association in the form of a joint venture or other association.  |
|  | 5.3 An Applicant, all parties constituting the Applicant, and any subcontractors and suppliers for any part of the Contract, including related services, may have the nationality of any country, subject to the restrictions specified in this Section 5. An Entity will be deemed to have the nationality of a country if such person or entity is constituted, incorporated, or registered in, and operates in conformity with the provisions of the laws of that country. |
| Government-Owned Enterprises | 5.4 Government-Owned Enterprises (“GOEs”) are not eligible to compete for MCC-funded contracts for goods or works. GOEs (a) may not be party to any MCC-funded contract for goods or works procured through an open solicitation process, limited bidding, direct contracting, or sole source selection; and (b) may not be prequalified or shortlisted for any MCC-funded contract for goods or works anticipated to be procured through these means. This prohibition does not apply to Government-owned Force Account units owned by the Government of the Employer’s country, or Government-owned educational institutions and research centers, any statistical, mapping or other technical entities not formed primarily for a commercial or business purpose, or where a waiver is granted by MCC in accordance with Part 7 of MCC’s Program Procurement Guidelines. All Applicants must certify their status as part of their Application submission. |
| Joint Venture or Association | 5.5 In the case where an Applicant is, or proposes to be, a joint venture or other association (a) all members of the joint venture or association must satisfy the legal, financial, litigation and other requirements set out in this PQD; (b) all members of the joint venture or association will be jointly and severally liable for the execution of the Contract; and (c) the joint venture or association will nominate a representative who will have the authority to conduct all business for and on behalf of any and all the members of the joint venture or the association during the bidding process and, in the event the joint venture or association is awarded the Contract, during Contract performance. |
| Conflicts of Interest | 5.6 An Applicant shall not have a conflict of interest. All Applicants found to have a conflict of interest shall be disqualified, unless the conflict of interest has been mitigated and the mitigation is approved by MCC. The Employer requires that Applicants and Contractors hold the Employer’s interests paramount at all times, strictly avoid conflicts of interest, including conflicts with other assignments and their own corporate interests, and act without any consideration for future work. Without limitation on the generality of the foregoing, an Applicant or Contractor, including all parties constituting the Applicant, or Contractor and any subcontractors and suppliers for any part of the Contract, including related services, and their respective personnel and affiliates, may be considered to have a conflict of interest and (i) in the case of an Applicant may be disqualified, or (ii) in the case of a Contractor, the Contract may be terminated if they:1. have at least one controlling partner in common with one or more other parties in the process contemplated by this PQD; or
2. have the same legal representative as another Applicant for purposes of this pre-qualification; or
3. have a relationship, directly or through common third parties, that puts them in a position to have access to information about or influence over the pre-qualification of another Applicant, or influence the decisions of the Employer regarding this pre-qualification process; or
4. participate in more than one Application in this pre-qualification process; participation by an Applicant in more than one Application will result in the disqualification of all Applications in which the party is involved; however, this provision does not limit the inclusion of the same subcontractor in more than one Application; or
5. are, or have been associated in the past, with a person or entity, or any of their affiliates, which has been engaged to provide consulting services for the preparation of the design, specifications, or other documents to be used for the procurement and provision of the Works under the Contract; or
6. any of their affiliates have been hired (or are proposed to be hired) by the Employer as the Engineer or Project Manager for the Works that are the subject of this pre-qualification; or
7. are themselves, or have a business or family relationship with, (i) a member of the Employer’s board of directors or staff, (ii) the project’s Implementing Entity staff, or (iii) the Procurement Agent, Fiscal Agent, or Auditor (as defined in the Compact or related agreements) hired by the Employer in connection with the Compact, any of whom is directly or indirectly involved in any part of (A) the preparation of this PQD, (B) the pre-qualification selection process, or (C) supervision of the Contract, unless the conflict stemming from this relationship has been resolved in a manner acceptable to MCC; or
8. any of their affiliates have been or, at present, are engaged by the Employer in the capacity of the Implementing Entity, Procurement Agent, Fiscal Agent, or Auditor under the Compact.

Applicants have an obligation to disclose any situation of actual or potential conflict that impacts their capacity to serve the best interest of the Employer, or that may reasonably be perceived as having this effect. Failure to disclose said situations may lead to the disqualification of the Applicant or termination of the Contract. |
| Ineligibility | 5.7 An Applicant, all parties constituting the Applicant, and any subcontractors and suppliers for any part of the Contract, including related services, and their respective personnel and affiliates, will not be any person or entity under (a) a declaration of ineligibility for coercion, collusion, corruption, fraud, obstruction of investigation into allegations of fraud or corruption, or prohibited practices in accordance with ITA Sub-Clause 3.1 above or (b) that has been declared ineligible for participation in a procurement in accordance with the procedures set out in Part 10 of MCC’s Program ProcurementGuidelines (Eligibility Verification Procedures) that can befound on MCC’s website. This would also remove from eligibility for participation in a procurement any entity that is organized in or has its principal place of business or a significant portion of its operations in any country that is subject to sanction or restriction by law or policy of the United States.  |
|  | 5.8 An Applicant, all parties constituting the Applicant or Contractor, and any subcontractors or suppliers for any part of the Contract including related services, and their respective personnel and affiliates not otherwise made ineligible for a reason described in this Section 5 shall be excluded if:1. as a matter of law or official regulation, the Government prohibits commercial relations with the country of the Applicant (including any associates, subcontractors, and suppliers and any respective affiliates); or
2. by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Government prohibits any import of goods from the country of the Applicant (including any associates, subcontractors, and suppliers and any respective affiliates) or any payment to entities in such country; or
3. such Applicant, any parties constituting the Applicant, any subcontractor or supplier or their respective personnel or affiliates are otherwise deemed ineligible by MCC pursuant to any policy or guidance that may, from time to time, be in effect as posted on MCC’s website.
 |
|  | 5.9 Applicants must also satisfy all other eligibility criteria contained in the MCC Program Procurement Guidelines. In the case where an Applicant intends to join with an associate, then such associate will also be subject to the eligibility criteria set forth in this PQD and the MCC Program Procurement Guidelines. |
| Evidence of Continued Eligibility | 5.10 Applicants and all parties constituting the Applicant ,and the Contractor, shall provide such evidence of their continued eligibility in a manner satisfactory to the Employer, as the Employer may reasonably request. |
| Commissions and Gratuities | 5.11 An Applicant will furnish information on commissions and gratuities, if any, paid or to be paid relating to this procurement or its Application and during the performance of the Contract if the Applicant is awarded the Contract, as requested in this PQD. |
| 6. Eligible Materials, Equipment, and Services | 6.1 The materials, equipment and services to be supplied under the Contract may have their origin in any country subject to the same restrictions specified for Applicants and their associates and personnel set forth in ITA 5.3 above. At the Employer’s request, Applicants will be required to provide evidence of the origin of materials, equipment, and services. |
|  | 6.2 For purposes of ITA Sub-Clause 6.1 above, “origin” means the place where the materials and equipment are mined, grown, cultivated, produced, manufactured or processed, and from which the services are provided. Materials and equipment are produced when, through manufacturing, processing, or substantial or major assembling of components, a commercially recognized article results that differs substantially in its basic characteristics, purposes or utility from its underlying components.6.3 The origin of materials, equipment and services is distinct from the nationality of the Applicant. |
|  | B. Contents of the Pre-Qualification Document |
| 7. Sections of Pre-Qualification Document | 7.1 This PQD consists of Parts 1 and 2 which comprise all the sections indicated below, and should be read in conjunction with any Addenda issued in accordance with ITA 9. |
|  | **PART 1 Pre-qualification Procedures*** Section I Instructions to Applicants (ITA)
* Section II Pre-qualification Data Sheet (PDS)
* Section II. Qualification Criteria and Requirements
* Section IV Application Forms

**PART 2 Employer’s Requirements*** Section V Employer’s Requirements

7.2 The Invitation for Pre-Qualification issued by the Employer is not part of this PQD. |
|  | 7.3 The Employer is not responsible for the completeness of this PQD and its Addenda unless they were obtained directly from the Employer. |
|  | 7.4 The Applicant is expected to examine all instructions, forms, and terms in this PQD and to furnish all information or documentation required by this PQD. Failure to provide all the information or documentation as requested may lead to the rejection of the Application. |
| 8. Clarification of PQD | 8.1 A prospective Applicant requiring any clarification of this PQD shall contact the Employer in writing at the Employer’s address **indicated in the PDS.** TheEmployer will respond in writing to any request for clarification, provided that such request is received within the number of days **indicated in the** **PDS** prior to the deadline for submission of Applications. The Employer shall post the responses on its website, including a short description of the inquiry but without identifying its source by no later than the number of days **specified in the** **PDS** prior to the deadline for submission of Applications. Should the clarification result in changes to this PQD, the Employer shall amend this PQD following the procedure under ITA 9 and in accordance with the provisions of ITA Sub-Clause 18.2. |
| 9. Amendment of PQD | 9.1 At any time prior to the deadline for submission of Applications, the Employer may amend this PQD by issuing Addenda. |
|  | 9.2 Any Addendum issued shall become part of this PQD and shall be posted on the Employer’s website. |
|  | 9.3 To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may extend the deadline for the submission of Applications at its sole discretion |
|  | C. Preparation of Applications |
| 10. Cost of Applications | 10.1 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 pre-qualification and any subsequent bidding process. |
| 11. Language of Application | 11.1 The Application, as well as all correspondence and documents relating to the Application exchanged by the Applicant and the Employer, shall be written in English. 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 English, in which case, the English version shall govern. |
| 12. Documents Comprising the Application | 12.1 The Application shall comprise the following:(a) Application Submission Form, in accordance with ITA 13;(b) documentary evidence establishing the Applicant’s eligibility to pre-qualify, in accordance with ITA 14;(c) documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 15; and(d) any other document required as specified in the PDS.and shall be signed in accordance with ITA 16.1. |
| 13. Application Submission Form | 13.1 The Applicant shall prepare an Application Submission Form using the form furnished in Section IV, Application Forms. This form must be completed in its entirety and without any alteration to its format. |
| 14. Documents Establishing Eligibility of Applicant | 14.1 To establish its eligibility in accordance with ITA 5, the Applicant shall complete the eligibility declarations in the Application Submission Form and Forms ELI (eligibility) 1, 2, and 3 included in Section IV, Application Forms. |
| 15. Documents Establishing Qualifications of Applicant | 15.1 To establish its qualifications to perform the proposed Contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Application Forms **specified in the** **PDS** and included in Section IV, Application Forms. |
| 16. Signing of the Application and Number of Copies | 16.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 12 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. This authorization shall consist of a written confirmation as specified in the PDS and shall be attached to the Application.16.2 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 |
| 17. Sealing and Identification of Applications | 17.1 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 Sub-Clause 18.1; and© bear the specific identification of this pre-qualification process indicated in **PDS 1.1**. |
|  | 17.2 If the envelope is not sealed and marked as required, the Employer will assume no responsibility for misplacement or premature opening of the Application.  |
| 18. Deadline for Submission of Applications | 18.1 Applications must be received by the Employer at the address and no later than the date and time **indicated in the** **PDS.** Electronic submissions shall be accepted if **indicated in the** **PDS.**18.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending this PQD in accordance with ITA 9, 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. |
| 19. Late Applications | 19.1 Any Application received by the Employer after the deadline for submission of Applications prescribed in accordance with ITA 18 will be treated as **indicated in the** **PDS**. |
| 20. Record of Opening of Applications | 20.1 The Employer shall prepare a record of the opening of Applications that shall include, as a minimum, the name of the Applicants. A copy of the record shall be maintained by the Employer and distributed to all Applicants. |
|  | E. Procedures for Review of Applications |
| 21. Confidentiality | 21.1 From the time Applications are opened to the time the Applicants are notified of the outcome of the evaluation, Applicants may not contact the Employer on any matter related to their Applications. Information relating to the review of Applications, and recommendation for pre-qualification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of pre-qualification is made to all Applicants.  |
|  | 21.2 Any attempt by an Applicant to influence the Employer’s processing of Applications or pre-qualification decisions may result in the rejection of its Application and may subject the Applicant to the provisions of the Government’s, the Employer’s, and MCC’s anti-fraud and corruption policies and the application of other sanctions and remedies to the extent applicable. |
|  | 21.3 Notwithstanding the above, from the time of the Application opening to the time of pre-qualification, if any Applicant wishes to contact the Employer on any matter related to the prequalification process, it may do so in writing at the address **specified in the PDS**. |
| 22. Clarification of Applications | 22.1 To assist in the review of Applications, the Employer may, at its discretion, ask any Applicant for a clarification of its Application. Any clarification submitted by an Applicant that is not in response to a request by the Employer shall not be considered. The Employer’s request for clarification and the Applicants response shall be in writing.  |
|  | 22.2 If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer’s request for clarification, its Application shall be reviewed based on the information and documents available at the time of review of the Application. |
| 23. Responsiveness of Applications | 23.1 The Employer may reject any Application which is not responsive to the requirements of this PQD. |
| 24. No Margin of Preference | 24.1 In accordance with the MCC Program Procurement Guidelines, a margin of preference for domestic Applicants shall not be used.  |
| 25. Subcontractors | 25.1 Applicants planning to subcontract any of the key activities indicated in Section III, Qualification Criteria and Requirements, shall specify the activity (ies) or parts of the Works to be subcontracted in the Application Submission Form. Applicants shall clearly identify the proposed specialist subcontractors in Forms ELI-2 and EXP (experience) 1-8 in Section IV. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in ITA 5 and Section III, Qualification Criteria and Requirements.Since the pre-qualification process involves the approval of the entire team, the Applicant shall not be allowed to replace its subcontractor(s) after the pre-qualification. However, a pre-qualified Applicant would be permitted to introduce new subcontractors at the time of submission of its bid or offer at the discretion of the Employer. |
|  | 25.2 At this time, the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance by the Employer (nominated subcontractors) unless otherwise **stated in the** **PDS.** |
|  | F. Review of Applications and Pre-qualification of Applicants |
| 26. Review of Applications | 26.1 The Employer will use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements to review the qualifications of the Applicants. The Employer reserves the right to waive minor deviations in the qualification criteria if they do not materially affect the capability of an Applicant to perform the Contract. |
|  | 26.2 Only the qualifications of subcontractors that have been identified in the Application may be considered in the review of an Applicant. However, the general experience and financial resources of subcontractors may not be added to those of the Applicant for purposes of pre-qualification of the Applicant. The general experience and financial resources of the members of a joint venture or other consortium shall be reviewed together considering all members as jointly and severally liable.  |
|  | 26.3 In case of multiple Contracts, the Employer shall pre-qualify each Applicant for the maximum number and types of Contracts for which the Applicant meets the appropriate aggregate requirements of such Contracts, as specified in Section III, Qualification Criteria and Requirements, and in the **PDS**. |
| 27. Past Performance and Reference Check | 27.1 In accordance with the MCC Program Procurement Guidelines, the Applicant’s performance on earlier contracts will be considered a factor in the Employer’s qualification of the Applicant. The Employer reserves the right to check the performance references provided by the Applicant or to use any other source at the Employer’s discretion. If the Applicant (including any of its associates or joint venture/association members) is or has been a party to an MCC-funded contract (either with MCC directly or with any Millennium Challenge Account Entity, anywhere in the world), whether as a lead contractor, affiliate, associate, subsidiary, subcontractor, or in any other role, the Applicant must identify the contract in its list of references submitted with its Application using Application Form REF1: References of MCC Funded Contracts. Failure to include any such contracts may be used to form a negative determination by the Employer on the Applicant’s record of performance in prior contracts. However, the failure to list any contracts because the Applicant (including any of its associates or joint venture/association members) has not been a party to any such contract will not be grounds for a negative determination by the Employer on the Applicant’s record of performance in prior contracts. That is, prior performance in connection with an MCC-funded contract is not required. The Employer will check the references, including the Applicant’s past performance reports filed in MCC’s Contractor Past Performance Reporting System (“CPPRS”). A negative determination by the Employer on the Applicant’s record of performance in prior contracts may be a reason for disqualification of the Applicant at the discretion of the Employer.  |
| 28. Employer’s Right to Accept or Reject Applications | 28.1 The Employer reserves the right to accept or reject any Application, and to annul the pre-qualification process and reject all Applications at any time, without thereby incurring any liability to any Applicant. In the case of an annulment, the Employer shall not have any obligation to inform the Applicants of the grounds for the Employer’s actions. |
| 29. Pre-qualification of Applicants | 29.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be pre-qualified by the Employer. |
| 30. Notification of Pre-qualification | 30.1 Once the Employer has completed the review of the Applications, it shall notify all Applicants in writing of the names of those Applicants who have been pre-qualified. The list of pre-qualified Applicants shall also be posted on the Employer’s website. |
| 31. Invitation to Bid | 31.1 The Employer shall invite bids from all of the Applicants that have been pre-qualified. |
|  | 31.2 Applicants shall be required to provide a bid security acceptable to the Employer in the form and an amount to be specified in the relevant bidding document, and the successful bidder shall be required to provide a performance security to be specified in the bidding document and the proposed Contract. |
| 32. Changes in Qualifications of Applicants | 32.1 Any change in the structure or formation of an Applicant after being pre-qualified in accordance with ITA 29 and invited to bid shall be subject to a written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if, as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III, Qualification Criteria and Requirements, or if, in the opinion of the Employer, a substantial reduction in competition may result. Any such changes shall be submitted to the Employer not later than 14 days after the date of the invitation for bids. |
| 33. Validity of Pre-qualification | 33.1 The pre-qualification through this procurement process shall be valid for bids related to sectors **indicated in the** **PDS** within the number of days **indicated in the** **PDS**; the Employer will make its best effort to initiate the bidding process within this period. The Employer makes no guarantee that any invitation for bids will be issued during this period, and shall not be liable for any costs to any Applicant if no invitations for bids are issued. Thereafter, all pre-qualifications will expire and a new pre-qualification process may be conducted. |
| 34. Pre-qualification Inquiries | 34.1 Following receipt of the notice contemplated by ITA 30, if any unsuccessful Applicant wishes to ascertain the reasons on which its Application was not pre-qualified, it should address its request to the Employer after such notification at the address indicated in the **PDS**. The Employer will respond promptly either in writing and/or in a debriefing meeting at the option of the Employer. The requesting Applicant shall bear all the costs of attending such a debriefing. |
| 35. Pre-qualification Challenge[[4]](#footnote-4) | 35.1 Applicants may challenge the results of a procurement only according to the rules established in the Bid Challenge System developed by the Employer and approved by MCC. The rules and provisions of the Bid Challenge System are as published on the Employer’s website **indicated in the PDS**. |

#### Section II Pre-qualification Data Sheet

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| 1. **General**
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| **ITA****Definitions** | (f) “Compact” means the Millennium Challenge Compact between the United States of America, acting through the Millennium Challenge Corporation, and the Government, entered into on **[date]**, as may be amended from time to time.(n) “Government” means the government of **[country]**. |
| **ITA 1.1** | The Employer is: ***[insert full name and address].***  |
| **ITA 1.1** | The list of Contracts is: ***[insert list of contracts for which the PQD is being issued and the number of each].***Pre-qualification number: ***[insert name of MCA Entity]*** # ***[insert process number]***. |
| **B. Contents of the Pre-Qualification Document** |
| **ITA 8.1** | For **clarification purposes,** the Employer’s address is:Name of the Employer:Attention: Street Address: City and Country:Facsimile number:Electronic mail address:  |
| **ITA 8.1** | The request for clarification shall be received by the Employer no later than ***[enter number of days]*** prior to the deadline for submission of Applications.The Employer shall respond to requests for clarification no later than ***[enter number of days]*** prior to the deadline for submission of Applications. |
| **C. Preparation of Applications** |
| **ITA 12.1(d)** | The following additional documents are required as part of the Application:***[enter a list of additional documents required or state “None”.]*** |
| **ITA 15.1** | The following forms are required to be completed as part of the Application to establish the qualifications of the Applicant:Form CON-1: Historical Contract Non-PerformanceForm FIN-1: Financial SituationForm FIN-2: Average Annual TurnoverForm FIN-3: Financial ResourcesForm FIN-4: Current Contract Commitments/Works in ProgressForm EXP-1: General Design ExperienceForm EXP-2: General Construction ExperienceForm EXP-3: Similar Design ExperienceForm EXP-4: Similar Construction ExperienceForm EXP-5: Specific Design ExperienceForm EXP-6: Specific Construction ExperienceForm EXP-7: Environmental and Social (E&S) Management ExperienceForm EXP-8: Health and Safety (H&S) Management ExperienceForm REF-1: References of MCC Funded ContractsForm REF-2: References for Contracts Not Funded by MCC |
| **ITA 16.1** | The written confirmation of authorization to sign on behalf of the Applicant shall consist of: ***[insert details here]***. |
| **ITA 16.2** | In addition to one original in English, the number of copies to be submitted with the Application is: ***[insert quantity in words and numbers]*** copies in English.English versions of the submission shall also be provided on a CD. |
| **D. Submission of Applications** |
| **ITA 18.1** | Applications **[may/may not]** be submitted electronically.**[include the following only if Applications are allowed to be submitted electronically, otherwise delete]****Applicants have the option of submitting electronically.**Annex 1 to this Section II (Pre-qualification Data Sheet) delineates the full procedure for electronic submission. Any Applications submitted electronically must be received at the address specified in Annex 1 to this Section II (Pre-qualification Data Sheet) before the deadline for submission of Applications specified in ITA Sub-Clause 18.1.Applicants are advised that the Employer is not responsible for any delays or defects in the receipt or download of any Application submitted electronically.For **hard copy submissions,** the Employer’saddress is:Name of the Employer:Attention: Street Address: City and Country:Facsimile number:Electronic mail address:The deadline for Application submission is:Date: ***[insert date]***Time: ***[insert time, e.g., 10:00 a.m.]***, (***[insert name of Country]*** local time). |
| **ITA 19.1** | Late Applications shall be declared late, rejected and returned unopened to the Applicants. |
| **E. Procedures for Review of Applications** |
| **ITA 21.3** | The address to contact the Employer on any matter related to the pre-qualification is: Street Address: City and Country:Facsimile number:Electronic mail address: |
| **ITA 25.2** | At this time, the Employer ***[insert “intends” or “does not intend”]*** to select nominated subcontractors.***[If the above states “intends”, list the specific parts of the Works and the respective subcontractors.]*** |
| **F. Review of Applications and Pre-qualification of Applicants** |
| **ITA 26.3** | Applicants shall be reviewed for each of the ***[enter the name of the lot as appropriate]*** for which its Application(s) indicate. If an Applicant wishes to be pre-qualified for more than one lot, the Applicant must fulfill the capacity for all ***[lots]*** as identified in its Application(s). |
| **ITA 33.1** | The pre-qualification through this process shall be valid for:***[define bids and sectors for which pre-qualification shall apply].***This pre-qualification is valid through:***[enter number of days for pre-qualification validity]*** |
| **ITA 34.1** |  For **inquiry purposes only,** the Employer’saddress is:Name of the Employer:Attention: Street Address: City and Country:Facsimile number:Electronic mail address:  |
| **ITA 35.1** | A description of the Employer’s bid challenge system may be found at the following website: ***[insert website address of the Employer where the bid challenge system is described].*** |

**Annex 1 to Section II – Pre-qualification Data Sheet**

**Procedure for Electronic Submission of Applications**

1. Each Applicant will be provided a File Request Link (via email), an electronic link to upload its submission when it requests the PQD. The Applicant shall use this, and only this, link to submit its Application.
2. The Application shall be submitted via the File Request Link only. Applications submitted by email shall not be accepted. Also, the Application shall be submitted by the submission deadline. An Applicant who submits only part of their Application via the File Request Link and any other required parts of their Bid via email or hard copy shall have its Application rejected.
3. The File Request Link shall automatically expire on the Application submission deadline, specified in ITA 18.1. No extension shall be provided after the expiry.
4. All submitted documents are required to be in pdf or Microsoft Word or Excel formats as appropriate. No compressed files or folders are accepted, thus documents submitted in any archived and/or compressed format (compressed by WinZip - including any application of the zip family-, WinRAR, 7z, 7zX, or any other similar formats) shall not be accepted.
5. Applicants should use the filename framework for their Applications as follows: ***[Applicant Name]*** - PQD# ***[insert PQD number]***
6. Each uploaded document (either as part, or whole, of the Application) shall not exceed 10GB each.
7. Applicants are informed that the capability of their internet bandwidth will determine the speed at which their Applications are uploaded via the File Request Link. Applicants are therefore advised to commence the process of uploading their Applications via the File Request Link in good time before the submission deadline. As noted above, this link will expire at the Application submission closing time, and cannot be reopened under any circumstances.

#### Section III Qualification Criteria and Requirements

This Section contains all the criteria that the Employershall use to review Applications and qualify Applicants. In accordance with ITA 26, no other criteria shall be used. The Applicant shall provide all the information requested in the forms included in Section IV, Application Forms. This review shall be based on the information provided by the Applicant in these forms plus the Applicant’s record of past performance, other references any other sources at the Employer’s discretion to confirm and verify the Applicant’s qualifications and representations in its Application.

*Qualification Review*. This process will be conducted to determine if the Applicant satisfies the qualification requirements as listed in ITA 26, and in Section 2.0 below. The determination shall be based upon an examination of the documentary evidence of the Applicant’s qualifications submitted by the Applicant as requested in Section IV, Application Forms, plus the Applicant’s record of past performance and a review of references and any other source at the Employer’s discretion. All qualification requirements shall be considered on a pass/fail basis. An affirmative determination of qualification shall be a prerequisite for award of the Contract to an Applicant.

*Multiple lots (contracts)*. If an Applicant wishes to submit bids for multiple lots (contracts), the pre-qualification review will also include an assessment of the Applicant’s capacity to meet the aggregate qualification requirements.

*References and Past Performance Review*. In accordance with ITA 27, the Applicant’s performance on earlier contracts will be considered in determining if the Applicant is qualified for award of the Contract. The Employer reserves the right to check the performance references provided by the Applicant or to use any other source at the Employer’s discretion. If the Applicant (including any of its associates or joint venture/association members) is or has been a party to an MCC-funded contract (either with MCC directly or with any Millennium Challenge Account Entity, anywhere in the world), whether as a lead contractor, affiliate, associate, subsidiary, subcontractor, or in any other role, the Applicant must identify the contract in its lists of references submitted with its Application using Application Form REF1: References of MCC Funded Contracts. Failure to include any such contracts may be used to form a negative determination by the Employer on the Applicant’s record of performance in prior contracts. However, the failure to list any contracts because the Applicant (including any of its associates or joint venture/association members) has not been a party to any such contract will not be grounds for a negative determination by the Employer on the Applicant’s record of performance in prior contracts. That is, prior performance in connection with an MCC-funded contract is not required. The Employer will check the references, including the Applicant’s past performance reports filed in MCC’s Contractor Past Performance Reporting System.

**2.0 Qualification**

**Documents Establishing the Qualifications of the Applicant**

The Applicant shall provide the information requested in the corresponding information sheets included in Section IV, Application Forms, to establish that the Applicant meets the requirements established below.

| ***Factor*** | 2.1 Eligibility |
| --- | --- |
|  | Requirement | Applicant | Documentation Required |
| **Single Entity** | Joint Venture or Association |
| **All members combined** | Each member | **At least one member** |
| 2.1.1 Nationality | Nationality in accordance with ITA 5.3. | Must meet requirement | Existing or intended Joint Venture or other association must meet requirement | Must meet requirement | N/A | Forms ELI–1 and ELI-2, with attachments  |
| 2.1.2 Conflict of Interest | No conflicts of interests as described in ITA 5.6. | Must meet requirement | Existing or intended Joint Venture or other association must meet requirement | Must meet requirement | N / A | Application Submission Form |
| 2.1.3 Ineligibility | Not having been declared ineligible based on any of the criteria set forth in ITA 5. | Must meet requirement | Existing or intended Joint Venture or other association must meet requirement | Must meet requirement  | N/A | Application Submission Form |
| 2.1.4 Government-Owned Enterprise | Compliance with conditions of ITA 5.4 | Must meet requirement | Existing or intended Joint Venture or other association must meet requirement | Must meet requirement | N/A | Form ELI–3 |

| **Factor** | 2.2 Historical Contract Non-Performance |
| --- | --- |
|  | Requirement | Applicant | **Documentation Required** |
| **Single Entity** | Joint Venture or Association |
| **All members combined** | **Each member** | **At least one member** |
| 2.2.1 History of non-performing contracts | Non-performance of a contract (including contracts terminated for cause) did not occur within the last five (5) years prior to the deadline for Application submission, determined using all information on fully settled proceedings, litigation, arbitrations, actions, claims, investigations or disputes. A fully settled proceeding, litigation, arbitration, action, claim, investigation or dispute is one that has been resolved in accordance with the dispute resolution mechanism under the respective contract, and where all appeal instances available to the Applicant have been exhausted.  | Must meet requirement by itself, including as member of past or existing Joint Venture or other association (not mandatory if in the past was as a member of a Joint Venture or other association with less than 20% role in the contract). | N/A | Must meet requirement by itself or as member of past or existing Joint Venture, or other association (not mandatory if in the past was as a member of a Joint Venture or other association with less than 20% role in the contract). | N/A | Form CON –1 |
| 2.2.2 Failure to Sign a Contract | Failure to sign a contract after receiving a notice of award has not occurred in the past five years. Any deviation should be explained in the enclosed Contract Non-Performance form. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form CON-1 |
| 2.2.3 Pending Litigation | All pending proceedings, litigation, arbitrations, actions, claims, investigations or disputes, in total, shall not represent more than ten percent (10%) of the Applicants’ net worth.  | Must meet requirement by itself, including as member of past or existing Joint Venture or other association (not mandatory if in the past was as a member of a Joint Venture or other association with less than 20% role in the contract). | N/A | Must meet requirement by itself or as member of past or existing Joint Venture, or other association (not mandatory if in the past was as a member of a Joint Venture or other association with less than 20% role in the contract). | N/A | Form CON-1 |

| **Factor** | 2.3 Financial Situation[[5]](#footnote-5)/[[6]](#footnote-6) |
| --- | --- |
| **Sub-Factor** | Criteria | Documentation Required |
| Indicative Requirement | Applicant |
| **Single Entity** | Joint Venture  |
| **All members combined** | **Each member** | **At least one member** |
| 2.3.1 Historical Financial Performance | Submission of audited financial statements, including balance sheets, income statements and cash flow statements, or, if not required by the law of the Applicant’s country, other financial statements acceptable to the Employer, for the last five (5) years to demonstrate the current soundness of the Applicant’s financial position and its prospective long term profitability and to demonstrate:1. Average coefficient of Current ratio (Total Assets / Total Liabilities) ≥ **[insert ratio]**1. Average coefficient of Debt ratio (Total Debt / Total Assets) ≤ **[insert ratio]**
 | Must meet requirement | N/A | Must meet requirement | N/A | Form FIN-1 with attachments |
| 2.3.2 Annual Average Turnover | 1. Minimum average annual construction turnover of [INSERT VALUE], calculated as total certified payments received for contracts in progress or completed, within the last five (5) years. Values to determine annual construction turnover are to be demonstrated in the audited financial statements (income statements) of the last five (5) years and are to be considered to be indicative.2. Minimum average annual design turnover of [INSERT VALUE], calculated as total certified payments received for contracts in progress or completed, within the last five (5) years. Values to determine annual design turnover are to be demonstrated in the audited financial statements (income statements) of the last five (5) years and are to be considered to be indicative. | Must meet requirementMust meet requirement | Must meet requirementN/A | Must meet twenty-five percent (25%) of the requirementN/A | Must meet fifty-five percent (55%) of the requirementMust meet requirement | Form FIN-2 |
| 2.3.3 Financial Resources | The Applicant must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet: (i) the following cash-flow requirement:[INSERT VALUE]and (ii) the overall cash flow requirements for this Contract and its current commitments. | Must meet requirement | Must meet requirement | Must meettwenty-five percent (25%) of the requirement | Must meet fifty-five percent (55%) of the requirement | Forms FIN-3 & FIN-4 |

| **Factor** | 2.4 Experience |
| --- | --- |
| **Sub-Factor** | Criteria | Documentation Required |
| **Indicative Requirement** | Applicant |
| **Single Entity** | **Joint Venture**  |
| **All members combined** | **Each member** | **At least one member** |
| 2.4.1 General Design Experience | Experience under contracts in the role of designer for at least the last five (5) years prior to the Application submission deadline, and with activity in at least nine (9) months in each year. | Must meet requirement | N/A | N/A | Must meet requirement | Form EXP-1 |
| 2.4.2 General Construction Experience | Experience under contracts in the role of contractor, subcontractor, or management contractor for at least the last five (5) years prior to the Application submission deadline, and with activity in at least nine (9) months in each year.  | Must meet requirement  | N/A | Must meet Requirement (except that if one JV member is solely a designer, that member need not meet the “General Construction Experience” sub-factor).  | N/A | Form EXP-2 |
| 2.4.3 Similar Design Experience | Participation as designer, in at least [insert number\_\_\_\_\_\_\_\_\_ (\_\_\_)] contracts within the last [\_\_\_\_\_\_\_ ( )] years, each with a value of at least [insert number \_\_\_\_\_\_\_\_\_\_\_\_ (\_\_\_)], that have been successfully and substantially completed and that are similar to the proposed Works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section V, Employer’s Requirements. | Must meet requirement |  N/A  | N/A |  Must meet requirement | Form EXP-3 |
| 2.4.4 Similar Construction Experience | Participation as contractor, management contractor, or subcontractor, in at least **[insert number\_\_\_\_\_\_\_\_\_ (\_\_\_)]** contracts within the last **[\_\_\_\_\_\_\_ ( )]** years, each with a value of at least **[insert number \_\_\_\_\_\_\_\_\_\_\_\_ (\_\_\_)]**, that have been successfully and substantially completed and that are similar to the proposed Works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section V, Employer’s Requirements. | Must meet requirement |  N/A  | Must meet Requirement (except that if one JV member is solely a designer, that member need not meet the “Similar Construction Experience” sub-factor). |  N/A | Form EXP-4 |
| 2.4.5 Specific Design Experience | For the above or other contracts executed during the period stipulated in 2.4.1 above, a minimum experience in the following key activities: 1. … | Must meet requirement | Must meet requirement | N/A | For each enumerated key activity, at least one member must demonstrate experience at a level equal to at least fifty-five percent (55%) of the required number or scope, specified. | Form EXP-5 |
| 2.4.6 Specific Construction Experience | For the above or other contracts executed during the period stipulated in 2.4.2 above, a minimum experience in the following key activities:1. … | Must meet requirement | Must meet requirement | N/A | For each enumerated key activity, at least one member must demonstrate experience at a level equal to at least fifty-five percent (55%) of the required number, volume, or production rate specified. | Form EXP-6 |
| **2.4.7 Environmental and Social Management Experience** | Sufficient experience managing environmental and social impacts in similar projects in the last five (5) years prior to the Application submission deadline. | Must meet requirement | Must meet requirement | N/A | Must meet requirement | EXP-7 |
| 2.4.8 Health and Safety Management Experience | Sufficient experience managing health and safety impacts in similar projects in the last five (5) years prior to the Application submission deadline.  | Must meet requirement | Must meet requirement | N/A | Must meet requirement | EXP 8 |

**2.5 Equipment**

The Applicant must demonstrate that it has, at the minimum, access to (own or rent) the key equipment listed hereafter or propose alternative equipment that satisfy the requirements of the contract:

|  |  |  |
| --- | --- | --- |
| **No.** | **Equipment Type and Characteristics** | **Minimum Number required** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| 4 |  |  |
| 5 |  |  |
|  |  |  |
|  |  |  |

The Applicant shall provide further details of proposed items of equipment using Form TECH-6 in Section IV, Application Forms.

Applicants shall provide information in the methodology and work-program section of the Application forms how this equipment shall be utilized if the Applicant hopes to be prequalified for more than one lot. The Employer reserves the right to ask for replacement or addition of equipment in case of awarding multiple lots.

**2.6 References and Past Performance Review**

In accordance with ITA 27, the Applicant’s performance on earlier contracts is considered in determining if the Bidder is qualified for award of the Contract. The Employer reserves the right to check the performance references provided by the Applicant or to use any other source at the Employer’s discretion. If the Applicant (including any of its associates or joint venture/association members) is or has been a party to an MCC-funded contract (either with MCC directly or with any Millennium Challenge Account Entity, anywhere in the world), whether as a lead contractor, affiliate, associate, subsidiary, subcontractor, or in any other role, the Applicant must identify the contract in its lists of references submitted with its Application using Application Form REF-1: References of MCC Funded Contracts. Failure to include any such contracts may be used to form a negative determination by the Employer on the Applicant’s record of performance in prior contracts. However, the failure to list any contracts because the Applicant (including any of its associates or joint venture/association members) has not been a party to any such contract will not be grounds for a negative determination by the Employer on the Applicant’s record of performance in prior contracts. That is, prior performance in connection with an MCC-funded contract is not required. The Employer will check the references, including the Applicant’s past performance reports filed in MCC’s Contractor Past Performance Reporting System.

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**Application Submission Form**

Date: ***[insert day, month, year]***

To: ***[insert name of the Employer]***

 Pre-qualification for the design, construction, and installation of ***[insert here the description of the design-build works]***

We, the undersigned, apply to be pre-qualified for the referenced project, as follows:

***[Indicate project or section or sections for which the Applicant wishes to be pre-qualified]***

and declare and certify that:

(1) We have examined and have no reservations to the PQD, including the following Addenda issued in accordance with Instructions to Applicants (ITA) Clause 9: ***[insert the number and issuing date of each Addendum]****.*

(2) We, including each of the parties constituting us, each subcontractor and supplier for any part of the contract proposed to result from this pre-qualification process, and our and their respective personnel and affiliates, have nationalities from eligible countries, in accordance with ITA Sub-Clause 5.3: ***[insert the nationality of the Applicant, including that of all members in the case of a joint venture or consortium, and the nationality of each already identified subcontractor and supplier of related services, if applicable].***

(3) We, including each of the parties constituting us, each subcontractor and supplier for any part of the contract proposed to result from this pre-qualification process, and our and their respective personnel and affiliates, do not have any conflict of interest, in accordance with ITA Sub-Clause 5.6.

(4) We, including each of the parties constituting us, each subcontractor and supplier for any part of the contract proposed to result from this pre-qualification process, and our and their respective personnel and affiliates, have not been declared ineligible by the World Bank, US Government or under of the Government of ***[insert Country name]*** laws, official regulations, or by an act of compliance with a decision of the United Nations Security Council, or on the basis of any other criteria set forth in ITA Clause 5.

(5) *[insert either*"We are not a Government-Owned Enterprise." *or*"We are a Government-Owned Enterprise, and we meet the requirements of ITA Sub-Clause 5.4.”*]*

(6) We, in accordance with ITA Sub-Clause 25.1, plan to subcontract the following key activities and/or parts of the Works:

*[insert any of the key activities identified in Section III, Qualification Criteria and Requirements Sub-Factors2.4.5 and 2.4.6 which the Applicant intends to subcontract]*

(7) We have taken steps to ensure that no person acting for us or on our behalf has engaged in any corruption or fraud , as described in ITA Clause 3.

(8) Weeclare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the pre-qualification process, the corresponding bidding process, or execution of the proposed contract:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Recipient** | **Address** | **Reason** | **Amount** |
| *[insert full name for each occurrence]* | *[insert street/ number/city/country]* | *[indicate reason]* | *[specify amount in US$ equivalent]* |
|  |  |  |  |

*[If none has been paid or is to be paid, indicate “none”.]*

1. We have taken steps to ensure that no person acting for us or on our behalf will engage in bribery.
2. We are not engaged in, facilitating, or allowing any of the prohibited activities described in the MCC Counter-Trafficking in Persons Policy and will not engage in, facilitate, or allow any such prohibited activities for the duration of any Contract that might result from a procurement utilizing this pre-qualification. Further, we hereby provide our assurance that the prohibited activities described in the MCC Counter-Trafficking in Persons Policy will not be tolerated on the part of our employees, any Subcontractor, or their respective employees. Finally, we acknowledge that engaging in such activities is cause for suspension or termination of employment or of any Contract that might result from a procurement utilizing this pre-qualification.
3. We understand that you may cancel the pre-qualification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the pre-qualified Applicants to bid for the proposed contract subject of this pre-qualification, without incurring any liability to the Applicants, in accordance with ITA Clause 28.
4. We understand and accept without condition that, in accordance with ITA Clause 35.1 any challenge or protest to the process or results of this procurement may be brought only through the Employer’s Bid Challenge System (BCS).
5. We acknowledge that our digital/digitized signature is valid and legally binding.

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

Address: ***[insert street number/town or city/country address of the Applicant]***

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

### Form ELI-1: Applicant Information Sheet

Each Applicant must fill in this form.

|  |  |
| --- | --- |
| **Applicant’s legal name**  |  |
| **In case of JV or other association, legal name of each partner** |  |
| **Applicant’s country of constitution** |  |
| **Applicant’s year of constitution** |  |
| **Applicant’s legal address in country of constitution** |  |
| **Applicant’s authorized representative**(name, address, telephone numbers, fax numbers, e-mail address) |  |
| **Attached are copies of the following original documents.*** 1. In case of single entity, articles of incorporation or constitution of the legal entity named above, in accordance with ITA 5.3.
* 2. Authorization to represent the firm or JV named in above, in accordance with ITA 5.5 and 16.
* 3. In case of JV or other association, letter of intent to form JV or other association or JV/association agreement, in accordance with ITA 5.2.
* 4. Government-Owned Enterprise Certification Form ELI-3
 |

### Form ELI-2: JV/Association/Sub-Contractor Information Sheet

Each member of a JV/Association making up an Applicant and each known subcontractor must fill in this form.

|  |
| --- |
| **JV /association/subcontractor Information** |
| **Applicant’s legal name** |  |
| **JV Partner’s or Subcontractor’s legal name** |  |
| **JV Partner’s or Subcontractor’s country of constitution** |  |
| **JV Partner’s or Subcontractor’s year of constitution** |  |
| **JV Partner’s or Subcontractor’s legal address in country of constitution** |  |
| **JV Partner’s or Subcontractor’s authorized representative information****(name, address, telephone numbers, fax numbers, e-mail address)** |  |
| **Attached are copies of the following original documents.** * 1. Articles of incorporation or constitution of the legal entity named above, in accordance with ITA 5.3.
* 2. Authorization to represent the firm named above, in accordance with ITA 5.5 and 16.
* 3. Government-Owned Enterprise Certification Form ELI-3.
 |

### Form ELI-3: Government-Owned Enterprise Certification Form

Government-Owned Enterprises (“GOEs”) are not eligible to compete for MCC-funded contracts for goods or works. Accordingly, GOEs (i) may not be party to any MCC-funded contract for goods or works procured through an open solicitation process, limited bidding, direct contracting, or sole source selection; and (ii) may not be pre-qualified or shortlisted for any MCC-funded contract for goods or works anticipated to be procured through these means.

This prohibition does not apply to Government-owned Force Account units owned by the Government of the MCA Entity’s country, or Government-owned educational institutions and research centers, or any statistical, mapping or other technical entities not formed primarily for a commercial or business purpose, or where a waiver is granted by MCC in accordance with Part 7 of MCC’s Program Procurement Guidelines. The full policy is available for your review on the Compact Procurement Guidelines page at the MCC Website (www.mcc.gov). As part of the eligibility verification for this procurement, please fill in the form below to indicate the status of your entity.

For purposes of this form, the term “Government” means one or more governments, including any agency, instrumentality, subdivision or other unit of government at any level of jurisdiction (national or subnational).

**CERTIFICATION**

Full Legal Name of Applicant:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full Legal Name of Applicant in Language and Script of Country of Formation (if different from above):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Principal Place of Business or Chief Executive Office of Applicant:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full Name of Three (3) Highest Ranking Officials of Applicant (for any Applicant that is an entity):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full Legal Name(s) of Parent Entity or Entities of Applicant (if applicable; if Applicant has no parent, please so state):

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full Legal Name(s) of Parent Entity or Entities of Applicant in Language and Script of Country of Formation (if applicable and if different from above):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address(es) of Principal Place of Business or Chief Executive Office of Parent Entity or Entities of Applicant (if applicable):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1) Does a Government own a majority or controlling interest (whether by value or voting interest) of your shares or other ownership interest (whether directly or indirectly and whether through fiduciaries, agents or other means)?

Yes  No 

2) If your answer to question 1 was yes, are you a Government-owned:

1. Educational institution Yes  No 
2. Research center Yes  No 
3. Statistical entity Yes  No 
4. Mapping entity Yes  No 
5. Other technical entities not formed primarily for a commercial or business purpose Yes  No 

3) Regardless of how you answered question 1, please answer the following:

1. Do you receive any subsidy or payment (including any form of subsidized credit) or any other form of assistance (financial or otherwise) from a Government?

 Yes  No 

If yes, describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Has a Government granted to you any special or exclusive legal or economic rights or benefits that may alter the competitiveness of your goods, works or services or otherwise influence your business decisions? Yes  No 

If yes, describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does a Government have the ability to direct or decide any of the following with respect to you:
2. any reorganization, merger, or dissolution of you or the formation or acquisition of any subsidiary or other affiliate by you? Yes  No 
3. any sale, lease, mortgage, pledge, or other transfer of any of your principal assets, whether tangible or intangible and whether or not in the ordinary course of business? Yes  No 
4. the closing, relocation, or substantial alteration of the production, operational, or other material activities of your business? Yes  No 
5. your execution, termination, or non-fulfillment of material contracts?

Yes  No 

1. the appointment or dismissal of your managers, directors, officers or senior personnel or otherwise participate in the management or control of your business? Yes  No 

4) Have you ever been Government-owned or controlled? Yes  No 

5) If your answer to question 4 was yes, please answer the following questions:

1. How long were you Government-owned? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. When were you privatized? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Do you receive any subsidy or payment (including any form of subsidized credit) or any other form of assistance (financial or otherwise) from a Government?

Yes  No 

If yes, describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Even though not majority or controlling, does a Government continue to hold any ownership interest or decision making authority in you or your affairs?

 Yes  No 

If yes, describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Do you send any funds to a Government other than taxes and fees in the ordinary course of your business in percentages and amounts equivalent to other non-Government-owned enterprises in your country that are engaged in the same sector or industry?

Yes  No 

If yes, describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Participants are advised that:

1. Prior to announcing any list of pre-qualified Applicants for this procurement, the MCA Entity will verify the eligibility of such Applicant(s) with MCC. MCC will maintain a database (internally, through subscription services, or both) of known GOEs and each pre-qualified Applicant subject to this provision will be compared against the database and subject to such further due diligence as MCC may determine necessary under the circumstances.
2. Any misrepresentation by any entity submitting an Application for this procurement may be deemed to be “fraud” for purposes of the MCC Program Procurement Guidelines and any other applicable MCC policy or guidance, including MCC’s Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations.
3. Any entity that is determined by MCC to have organized itself, subcontracted any part of its MCC-funded contract, or otherwise associated itself with any other entity for the purpose of, or with the actual or potential effect of, avoiding or otherwise subverting the provisions of the MCC Program Procurement Guidelines may be deemed to be a GOE for all purposes of those Guidelines.
4. Any credible accusation that any entity submitting an Application (or eventual bid or proposal) is a GOE ineligible to submit a bid or proposal in accordance with the MCC Program Procurement Guidelines will be subject to review in a bid challenge in accordance with those Guidelines and the MCA Entity’s Bid Challenge System.

I hereby certify that the information provided above is true and correct in all material respects and understand that any material misstatement, misrepresentation or failure to provide the information requested in this certification may be deemed to be “fraud” for purposes of the MCC Program Procurement Guidelines and other applicable MCC policy or guidance, including MCC’s Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations.

Authorized Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Signatory: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Form CON–1: Historical Contract Non-Performance

The following table shall be filled in for the Applicant and for each member of a joint venture or other association that is a party to the Applicant.

Applicant’s Legal Name: **[insert full name**]

Date: **[insert day, month, year]**

Applicant’s Party’s Legal Name: **[insert full name]**

Page **[insert page number]** of **[insert total number]** pages

|  |
| --- |
| **Non-Performing Contracts in accordance with Section III, Qualification Criteria and Requirements** |
| 🞎 Contract non-performance did not occur during the five years prior to the deadline for Application submission in accordance with **Section III, Qualification Criteria and Requirements**, Sub-Factor 2.2.1. **OR**🞎 Contract(s) not performed during the five years prior to the deadline for Application submission in accordance with **Section III, Qualification Criteria and Requirements**, Sub-Factor 2.2.1. |
| **Year** | **Non performed portion of contract** | **Contract Identification** | **Total Contract Amount (current value, US$ equivalent)** |
| **[insert year]** | **[insert amount and percentage]** | Contract identification: **[indicate complete contract name, number, and any other identification]**Name of institution: **[insert full name]**Address of institution: **[insert street/city/country]**Reason(s) for non-performance: **[indicate main reason(s)]** | **[insert amount]** |

|  |
| --- |
| **Failure to Sign a Contract, in accordance with Section III, Qualification Criteria and Requirements** |
| * No failure to sign a contract in accordance with Sub-Factor 2.2.2 of **Section III, Qualification Criteria and Requirements**

OR* Failure to sign a contract in accordance with Sub-Factor 2.2.2 of **Section III, Qualification Criteria and Requirements**
 |
| Failure to Sign ContractIn the event of failure to sign a contract, clarify/explain your situation according to Sub-Factor 2.2.2 of Section III, Qualification Criteria and Requirements |

|  |  |  |  |
| --- | --- | --- | --- |
| **Year** | **Claim as Percentage of Total Assets** | **Contract Identification** | **Total Contract Amount (current value, US$ equivalent)** |
| **[insert year]** | **[insert percentage]** | Contract identification: **[indicate complete contract name, number, and any other identification]**Name of institution: **[insert full name]**Address of institution: **[insert street/city/country]**Matter in dispute: **[indicate main issues in dispute]** | **[insert amount]** |

|  |
| --- |
| **Current and Past Proceedings, Litigation, Arbitration, Actions, Claims, Investigations and Disputes in accordance with Section III, Qualification Criteria and Requirements**(each member of a JV/association making up an Applicant must complete this table) |
| **Provide information on current or past proceedings, litigation, arbitration, actions, claims, investigations or disputes over the last five (5) years as shown in the form below in accordance with Sub-Factor 2.2.3 of Section III, Qualification Criteria and Requirements.** The Applicant, or a related company or entity, is currently, or within the past five (5) years has been, involved in any proceeding, litigation, arbitration, action, claim, investigation or dispute the process or outcome of which the Employer could reasonably interpret may impact or have the potential to impact the financial condition of the Applicant in a manner that may adversely affect the Applicant’s ability to satisfy any of its obligations under the Contract: |
| 🞎 No  **OR** 🞎 Yes**If Yes, Describe:** |
| **Year:** | **Matter in Dispute:** | **Value of Award (Actual or Potential) Against Consultant in US$ Equivalent:** |  |  |

### Form FIN-1: Financial Situation

Each Applicant or member of a JV/Association making up an Applicant must fill in this form.

|  |  |
| --- | --- |
|  | **Financial Data for Previous 5 Years [US$ Equivalent]** |
|  |  **Year 1:** |  **Year 2:** |  **Year 3:** |  **Year 4:** |  **Year 5:** |

**Information from Balance Sheet**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Total Assets** |  |  |  |  |  |
| **Total Liabilities** |  |  |  |  |  |
| **Net Worth** |  |  |  |  |  |
| **Current Assets** |  |  |  |  |  |
| **Current Liabilities** |  |  |  |  |  |

**Information from Income Statement**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Total Revenues**  |  |  |  |  |  |
| **Profits Before Taxes** |  |  |  |  |  |
| **Profits After Taxes** |  |  |  |  |  |

|  |
| --- |
| * Attached are copies of financial statements (balance sheets including all related notes and income statements) for the last 5 years, as indicated above, complying with the following conditions.
* All such documents reflect the financial situation of the Applicant or member of a JV or other association, and not sister or parent companies.
* Historic financial statements must be audited by a certified accountant.
* Historic financial statements must be complete, including all notes to the financial statements.
* Historic financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).
 |

**Financial Ratios**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Current Ratio**  |  |  |  |  |  |
| **Debt Ration** |  |  |  |  |  |

\*Applicants to fill this table. The Employer will verify during the review process**.**

### Form FIN-2: Average Annual Turnover

Each Applicant or member of a JV/Association making up an Applicant must fill in these forms.

|  |
| --- |
| **Annual Turnover Data for the Last 5 Years (Construction only)** |
| **Year** | **Amount****Currency** | **Exchange** **Rate** | **US$****Equivalent** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Average Annual Construction Turnover** |  |

The information supplied should be the annual construction turnover of the Applicant or each member of a JV/Association making up an Applicant in terms of the amounts billed to clients for each year for work in progress or completed, converted to USD at the rate of exchange at the end of the period reported.

|  |
| --- |
| **Annual Turnover Data for the Last 5 Years (Design only)** |
| **Year** | **Amount****Currency** | **Exchange** **Rate** | **US$****Equivalent** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Average Annual Design Turnover** |  |

The information supplied should be the annual design turnover of the Applicant or each member of a JV/Association making up an Applicant in terms of the amounts billed to clients for each year for work in progress or completed, converted to USD at the rate of exchange at the end of the period reported.

### Form FIN-3: Financial Resources

Each Applicant or member of a JV/Association making up an Applicant must fill in this form, specifying proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total design and construction cash flow demands of the subject Contract or contracts as indicated in **Section III, Qualification Criteria and Requirements**.

|  |  |  |
| --- | --- | --- |
| **No.** | **Source of Financing** | **Amount (USD equivalent)** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| 4 |  |  |

### Form FIN-4: Current Contract Commitments / Works in Progress

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of Contract** | **Employer, contact address/tel/fax** | **Value of outstanding work (current USD equivalent)** | **Estimated completion date** | **Average monthly invoicing over last six months(USD/month)** |
|  |  |  |  |  |
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### Form EXP-1: General Design Experience

Each Applicant or member of a JV/Association making up an Applicant must fill in this form.

| **General Design Experience** |
| --- |
| **Starting****Month****Year** | **Ending****Month****Year** | **Years** | **Contract Identification and Name****Name, address, telephone number, fax number, and e-mail of Employer****Brief Description of the Designs Executed by the Applicant/Member of a JV/Association making up the Applicant** | **Role of Applicant/Member of a JV/Association making up the Applicant** |
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### Form EXP-2: General Construction Experience

Each Applicant or member of a JV/Association making up an Applicant must fill in this form.

| **General Construction Experience** |
| --- |
| **Starting****Month****Year** | **Ending****Month****Year** | **Years** | **Contract Identification and Name****Name, address, telephone number, fax number, and e-mail of Employer****Brief Description of the Works Executed by the Applicant/Member of a JV/Association making up the Applicant** | **Role of Applicant/Member of a JV/Association making up the Applicant** |
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### Form EXP-3: Similar Design Experience

Fill in one (1) form per contract.

|  |
| --- |
| **Contract of Similar Size and Nature** |
| **Contract No . . . . . . of . . . . . .** | **Contract Identification** |
| **Award Date** |  | **Completion Date** |  |
| **Role in Contract** | * **Contractor**
 | * **Designer**
 | * **Subcontractor**
 |
| **Total Contract Amount** | **US$** |
| **If a member of a joint venture or other consortium making up the Applicant or a subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name****Address****Telephone/Fax Number****E-mail** |  |
| **Description of the similarity in accordance with Sub-Factor 2.4.3 of Section III** |
|  |  |

**Form EXP-4: Similar Construction Experience**

Fill in one (1) form per contract.

|  |
| --- |
| **Contract of Similar Size and Nature** |
| **Contract No . . . . . . of . . . . . .** | **Contract Identification** |
| **Award Date** |  | **Completion Date** |  |
| **Role in Contract** | * **Contractor**
 | * **Management Contractor**
 | * **Subcontractor**
 |
| **Total Contract Amount** | **US$** |
| **If member of a JV or other association, or a subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name****Address****Telephone/Fax Number****E-mail** |  |
| **Description of the similarity in accordance with Sub-Factor 2.4.4 of Section III** |
|  |  |

### Form EXP-5: Specific Design Experience in Key Activities

Fill in one (1) form per contract.

|  |
| --- |
| **Contract with Specific Key Activities** |
| **Contract No . . . . . . of . . . . . .** | **Contract Identification** |  |
| **Award Date** |  | **Completion Date** |  |
| **Role in Contract** | * **Contractor**
 | * **Management Contractor**
 | * **Subcontractor**
 |
| **Total Contract Amount** | **US$** |
| **If member of a JV or other association, or a subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name****Address****Telephone Number** **Fax Number****E-mail** |  |
| **Description of the key activities in accordance with Sub-Factor 2.4.5 of Section III** |
|  |  |

**Form EXP-6: Specific Construction Experience in Key Activities**

Fill in one (1) form per contract.

|  |
| --- |
| **Contract with Specific Key Activities** |
| **Contract No . . . . . . of . . . . . .** | **Contract Identification** |  |
| **Award Date** |  | **Completion Date** |  |
| **Role in Contract** | * **Contractor**
 | * **Management Contractor**
 | * **Subcontractor**
 |
| **Total Contract Amount** | **US$** |
| **If member of a JV or other association, or a subcontractor, specify participation of total contract amount** | **Percent of Total** | **Amount** |
| **Employer’s Name****Address****Telephone Number** **Fax Number****E-mail** |  |
| **Description of the key activities in accordance with Sub-Factor 2.4.6 of Section III** |
|  |  |

### Form EXP-7: Environmental and Social (E&S) Management Experience

Each Applicant or member of a JV/Association making up an Applicant must fill in this form.

| **Starting****Month****Year** | **Ending****Month****Year** | **Contract Identification and Name****Name, address, telephone number, fax number, and e-mail of Employer****Brief Description of the Works Executed by the Applicant, the Types of E&S Impacts Encountered, and Mitigation Measures Implemented** | **Role of Applicant (i.e., primary contractor or sub-contractor responsible for E&S issues)** |
| --- | --- | --- | --- |
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The Bidder shall demonstrate that they possess Environmental and Social (“E&S”) management expertise and can successfully manage the E&S risks associated with the implementation of the Works, as follows:

* Provide examples of site-specific E&S management plans developed by the Bidder for similar work over the last 5 years;
* Demonstrate a successful record implementing effective E&S mitigation measures on similar projects over the last 5 years;
* Provide 2 references regarding the Bidder’s development of site-specific Environmental Management Plans (EMPs) and successful implementation of E&S mitigation measures.

### Form EXP-8: Health and Safety (H&S) Management Experience

Each Applicant or member of a JV/Association making up an Applicant must fill in this form.

| **Starting****Month****Year** | **Ending****Month****Year** | **Contract Identification and Name****Name, address, telephone number, fax number, and e-mail of Employer****Brief Description of the Works Executed by the Applicant and H&S Measures Implemented** | **Role of Applicant (i.e., primary contractor or sub-contractor responsible for H&S issues)** |
| --- | --- | --- | --- |
|  |  |  |  |
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The Bidder shall demonstrate that they possess Health and Safety (“H&S”) management expertise and can successfully manage the H&S risks related to the implementation of the Works. To demonstrate, they shall provide the following:

* Provide examples of H&S management plans developed by the Bidder for similar work over the last 5 years;
* Demonstrate a successful record implementing effective H&S mitigation measures on similar projects over the last 5 years;
* Provide 2 references regarding the Bidder’s development of H&S plans and successful implementation of H&S mitigation measures.

### Form REF-1: References of MCC Funded Contracts

Each Applicant or member of a JV/Association making up an Applicant must fill in this form and include information about any and all MCC-funded contracts (either with MCC directly or with any Millennium Challenge Account Entity, anywhere in the world) to which the Applicant or member of a JV/Association making up an Applicant is or has been a party whether as a lead contractor, affiliate, associate, subsidiary, subcontractor, or in any other role.

|  |
| --- |
| **Contracts with MCC** |
| Contract Name and Number | Role in Contract | Total Contract Amount | Employer Name and Address |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Contracts with an MCA-Entity** |
| Contract Name and Number | Role in Contract | Total Contract Amount | Employer Name and Address |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## Form REF-2: References for Contracts Not Funded by MCC

Each Bidder or member of a Joint Venture/Association making up a Bidder must provide contact information for at least three (3) references that can provide substantial input about:

1. The type of work performed
2. Confirm the quality of the work experience listed in the following Forms as submitted as part of the Bidder’s qualification documents:

EXP-1: General Design Experience

EXP-2: General Construction Experience

EXP-3: Similar Design Experience

EXP-4: Similar Construction Experience

EXP-5: Specific Design Experience in Key Activities

EXP-6: Specific Construction Experience in Key Activities

EXP-7: Environmental and Social (E&S) Management Experience

EXP-8: Health and Safety (H&S) Management Experience

The MCA Entity reserves the right, at its sole discretion, to contact other sources as well as to check references and past performance. For each reference, list a contact individual, their title, address, facsimile, phone and e-mail address**.**

 **[Maximum 5 pages]**

#### PART 2

#### Employer’s Requirements

### Section V. Employer’s Requirements

1. Description of the Requirements

**BACKGROUND**

***[Insert summary description of the Employer’s Requirements, that is, the performance-based requirements of the Works once completed]***

The MCC financed project includes the ***[design and construction or rehabilitation]*** of the ***[insert detail and name of work]*.**

**DESCRIPTION OF MAIN ITEMS OF WORK**

The design activities to be undertaken include ***[insert description of the stage of the preliminary designs prepared by the Employer and the designs to be developed]***.

The construction activities to be undertaken include ***[insert description of the work to be constructed]***.

The following features are also included in the project:

***[insert as relevant]***.

The design and Works to be performed are grouped into the following categories:

***[insert as relevant].***

The following table shows the most significant quantities of Works estimated on the basis of the preliminary designs:

***[insert if available].***

2. Construction Period

***[insert as relevant.]***

3. Site and other Data

**DESIGN STANDARDS**

***[insert as relevant].***

**CLIMATE**

***[Provide details of the weather in the area of the project.]***

**HYDROLOGY**

***[Provide details of the hydrology in the area of the project.]***

**TOPOGRAPHY**

***[Provide details of the topography in the area of the project.]***

**GEOLOGY**

***[Provide details of the geology of the area of the project.]***

**ACCESS TO SITE**

***[insert as relevant.]***

**TRANSPORTATION AND COMMUNICATIONS FACILITIES**

***[insert as relevant.]***

**MEDICAL FACILITIES**

***[insert as relevant.]***

*[Insert maps of the area where the Works will be constructed.]*

1. MCC Program Procurement Guidelines can be found at: http://www.mcc.gov [↑](#footnote-ref-1)
2. The Standard Bidding Documents for the Procurement of Design-Build can be found at: http://www.mcc.gov [↑](#footnote-ref-2)
3. WB copyright <http://www.worldbank.org> [↑](#footnote-ref-3)
4. For solicitation documents issued prior to the adoption (in accordance with PPG Paragraph 5.2.1) of a Bid Challenge System, the existing text of this clause is deleted in its entirety and replaced with the full text of the Interim Bid Challenge System approved by MCC. [↑](#footnote-ref-4)
5. The financial information provided by an Applicant shall be reviewed in its entirety to allow a truly informed judgment about the capacity of the Applicant to undertake the contract, and will not be limited strictly to substantiate the financial ratios indicated here. [↑](#footnote-ref-5)
6. For bids consisting of more than one lot, Applicants are required to provide information to demonstrate their financial capacity to carry out more than one lot. [↑](#footnote-ref-6)