

Section III: Evaluation Methodology

Preamble

This Section specifies the base line methodology for the evaluation of submitted applications in order to establish Participants' capability and ability to perform the proposed Contract successfully vis-à-vis the criteria set forth in Section IV, Eligibility and Qualification Criteria.

The evaluation methodology shall take due account of the respective provisions of the Section I, Instructions to Participants, and Section II, Data Sheet.

No other factors, methods or criteria shall be used.

The Client shall adjust and finalise the evaluation methodology to reflect the project goals, social and economic considerations, the nature of the goods and related services and the envisaged Contract conditions.

Application Evaluation

General

In order to participate in the follow-up procurement process a Participant shall demonstrate to the Client that it substantially meets all eligibility requirements set forth in ITP 4 and the qualification requirements specified below, as well as the criteria specified in Section IV, Eligibility and Qualification Criteria.

The evaluation of applications shall be carried out based on the information submitted pursuant to the provisions of ITP 10.

During the evaluation the Client shall follow the instructions provided in ITP 18-22, as appropriate.

If the Procurement Process covers a number of Contracts (lots), specific criteria should be established for every lot, any combination of lots, including all lots.

1. Preliminary Examination

Applications shall be examined to check that all documents required by the Procurement Document have been submitted. It shall be followed by verification whether the documents are correctly signed by an authorised person, appropriate power of attorney is enclosed, forms contain all the required information etc.

Where necessary and provided for by the ITP, the Client shall request a Participant to submit within a reasonable period of time any necessary missing information or documentation.

To assist with the examination and evaluation of applications the Client may ask, at its discretion, any Participant for a clarification of its application, allowing a reasonable time for response.

Applications that are not substantially complete or which otherwise do not provide a basis for detailed evaluation shall not be considered further and shall be rejected.

2. Detailed Evaluation of Eligibility and Qualification

2.1 Eligibility

Participants shall meet the criteria stated in the Procurement Document.

2.2 Qualification

2.2.1 Experience

The Client shall assess information and evidence to determine whether the Participant substantially meets the criteria for specific experience for the time period stated in Section IV, Eligibility and Qualification Criteria.

Where necessary, the Client may make inquiries with the Participant's clients in respect of the reference projects or contracts.

2.2.2 Financial Situation

The financial information shall be provided for the time periods stated in Section IV, Eligibility and Qualification Criteria.

The submitted annual financial statements for the required period must demonstrate the soundness of the Participant's financial position, showing long-term profitability. Consistent losses or a risk of insolvency shown in the accounts may be cause for the disqualification of the Participant.

The Client may reject the application if the level of the confirmed commitments to be carried out in parallel with the Contract exceeds the Participant's annual revenues for the previous year by a factor of *[insert the figure]*.

[The Participant shall have the financial resources free of ongoing obligations and recent contract awards, for which the Participant shall provide information.

Where necessary, the Client may make inquiries with the Participant's banks.]

2.2.3 Historical Contract Non-Performance

Non-performance, as determined by the former or current clients, includes any contracts where (a) non-performance was not challenged by the Participant, including through referral to the dispute resolution mechanism under the respective contracts, or (b) non-performance was so challenged, but was fully settled against the Participant. Non-performance shall not include contracts, where client's decision was overruled by the dispute resolution mechanism. Determination of non-performance must be based on information on fully settled disputes or litigations, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Participant have been exhausted.

The information in respect of litigation or arbitration shall be provided for the time period stated in Section IV, Eligibility and Qualification Criteria. It shall include any pending litigations or arbitration.

A consistent history of litigation or arbitration awards against the Participant or any partner of a JVCA or their non-performance under the contracts may result in rejection of the application.

2.2.4 Environmental, Social, Health and Safety Records

The Participant shall meet the criteria for Environmental, Social, Health and Safety records and experience for the time periods stated in Section IV, Eligibility and Qualification Criteria.

2.2.5 Specific Requirements with regard to JVCA

A JVCA must satisfy the following minimum qualification requirements:

- (a) the JVCA must satisfy collectively all the qualification criteria, for which purpose the relevant figures for each of the partners shall be added to arrive at the JVCA's total capacity; and
- (b) each partner of the JVCA shall fully satisfy the requirements with regard to the soundness of the financial position and non-performance history. They also shall individually meet the share/percentage of certain qualifying criteria, as stated in Section IV, Eligibility and Qualification Criteria.

2.2.6 Subcontractors

The Client shall assess eligibility and qualification of the Subcontractors, proposed by the Participant in its application for supplies of any parts of the Goods estimated to be in excess of *[insert the percentage]* per cent of their overall volume, or for the specific Services under the Contract, namely *[list the services]*.

The above percentage shall normally be not less than 25 per cent.

It is recommended to list only critical activities, as appropriate.

The Subcontractor's revenues and financial resources shall be disregarded for the purposes of qualification of the Participant. However, their specific experience related to the Contract and/or availability of licenses, where required, may be taken into account.

The Participants shall demonstrate that the Subcontractors proposed for the Contract substantially satisfy the qualification criteria stated in Section IV, Eligibility and Qualification Criteria.

3. Substitution of Subcontractors

The Client may request a Participant to substitute Subcontractors, who were determined to be unacceptable in accordance with ITP.

4. Exceptions

Notwithstanding the above provisions, in the event that a Participant is prohibited by an applicable law from providing the Client with specific information or documents required to prove the Participant's qualifications, the absence of such information or documents shall not result in the rejection of its application, provided that the respective prohibition is evidenced by the Participant in its application, and the other information and documents submitted by the Participant demonstrate their ability to perform the proposed Contract successfully.

5. Verification in Respect of Exclusions from Prequalification

The Client through application of the provisions of ITP 22 shall verify if there are any grounds for exclusion of a Participant from the follow-up procurement process Contract. If such grounds exist, the Client shall disqualify the Participant.

6. Conditional Prequalification

The Client may conditionally prequalify a Participant, when the Participant fails to meet some of the qualification criteria, concerning the circumstances (a) which will cease to exist at, or (b) which the Participant may correct, prior to the anticipated time of award of the Contract.

The conditions of such prequalification shall be clearly articulated and communicated to the Participants, as appropriate, in due course.