

Section II: Data Sheet

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Preamble

Section II, Data Sheet, provides the specific information in relation to corresponding paragraphs in Section I, Instructions to Participants, and must be prepared by the Client for an individual procurement process, reflecting its specifics.

In this Section, the Client should provide information and requirements specific to the circumstances of the Client, the project legal and financial arrangements, the procurement process, the requirements, the applicable rules regarding the evaluation of applications as well as the eligibility and qualification of the Participants that will apply.

Whilst preparing Section II, Data Sheet, the following aspects should be addressed:

- (a) information that provides particularities in respect of or complements provisions of Section I, Instructions to Participants, must be incorporated; and
- (b) amendments and/or supplements, if any, to provisions of Section I, Instructions to Participants, as necessitated by the circumstances of the specific procurement process.

Where applications are invited for a number of contracts, suitable wording should be introduced to allow Participants to apply for an individual contract or a group of contracts.

Notwithstanding the Instructions for Use for the Procurement Document, in this Section the provisions in regular font pertinent to the use of the Bank's Client E-procurement portal may need to be modified if an alternative e-procurement system or a paper based approach are used for the Procurement Process.

All paragraph references used in this Section shall correspond to the respective paragraphs in Section I, Instructions to Participants.

A. General

1. Scope of Procurement Process and Applicable Procurement Rules

1.1 The Client is: *[specify the name of the Client]*

The Project is: *[specify the name of the Project]*

1.2 The Procurement Process is conducted using the EBRD Client E-procurement portal, (the "ECEPP") and subject to its terms and conditions of use.

Some references in ECEPP may differ from the definitions used in the Procurement Document. In all instances the definitions of the Procurement Document prevail.

Participants shall register with ECEPP in accordance with the terms and conditions of use of ECEPP, as published on ECEPP. Only the Participants, who are registered and who have expressed an interest in the Procurement Process shall be able to access the Procurement Document, receive clarifications, addenda and amendments and submit their applications through ECEPP.

Further guidance on the use of ECEPP can be found in the Appendix to the Data Sheet.

[If the Procurement Process is conducted in a paper based manner or via an alternative e-procurement system, please provide the respective information].

1.3 The title of the Procurement Process is: *[insert the title of the Procurement Process]*

The identification number of the Procurement Process is: *[insert the identifier generated by ECEPP]*

[Please insert an appropriate alternative identification number, when necessary]

The number of contracts (lots) and titles of contracts, for which the Procurement Document are issued: *[insert the number of contracts and list their titles, as appropriate]*

1.4 The applicable version of the PPR is *[insert the edition of the applicable PPR]*

1.5 The applicable version of the EPPs is *[insert the edition of the applicable EPP]*

1.7 The follow-up procurement process will be modelled upon:
[specify the type of the Bank's Standard Procurement Document to be used for the follow-up procurement process],
using the following contract terms and conditions:
[specify the type of the contract terms and conditions to be used].

1.8 The anticipated time schedule for the entire procurement process is as follows:

Invitation for the prequalification: *[insert the planned month and year]*

Submission of the applications: *[insert the planned month and year]*

Results of the prequalification: *[insert the planned month and year]*

Invitation to submit proposals: *[insert the planned month and year]*

Submission of the proposals: *[insert the planned month and year]*

Contract award: *[insert the planned month and year]*

2. Source of Funds

2.1 The Borrower is: *[specify the name of the Borrower, as appropriate]*

The Grant Recipient is: *[specify the name of the Grant Recipient, as appropriate]*

[If necessary, provide additional information regarding the source or forms of funds, as well as the relationships between the Borrower and the Client or the Beneficiary of the funds]

2.2 *[If necessary, provide information regarding the payment arrangements, if different from the ones described in the ITP]*

4. Eligible Participants

4.2 *[Provide specific information, if there are any eligibility restrictions]*

5. Cost of Participation in Procurement Process

Unless otherwise agreed with the Bank, the Procurement Document shall be provided to the Participants free of charge. In exceptional cases a fee may be charged, but it shall not exceed the nominal cost of the reproduction and dispatching the Procurement Document to a Participant.

5.2 *[Provide specific information, if the fees are charged for the provision of the Procurement Document to a Participant]*

6. Language of Procurement Process

Please see the provisions of the PPR concerning language.

6.1 The language of the Procurement Process is *[specify the language]*

Due to the system requirements of ECEPP, certain data shall be entered by Participants in English language only, when prompted by the system.

C. Preparation of Applications

9. Clarification of Procurement Document, Site Visit, Clarification Meeting

- 9.1 All communication with the Client in respect of the Procurement Process, including requests for clarifications and responses shall be submitted through ECEPP.

All clarifications shall be sent and received using the relevant ECEPP Message Centre.

[If the Procurement Process is conducted in a paper based manner the following wording can be used:

For clarification purposes only, the Client's contact details are:

To: [insert the name of the Client]

Attention: [insert full name of person, as applicable]

Street Address: [insert the street address and number]

Floor/Room number: [insert the floor and room number, if applicable]

City: [insert the name of city or town]

Postal Code: [insert the postal code]

Country: [insert the name of country]

Alternatively, the requests for clarifications may be sent to the Client's address below:

E-mail address: [insert an e-mail address]]

[If an alternative e-procurement system is used, please provide a description of the electronic clarification procedure]

Requests for clarification shall be received by the Client no later than *[insert a number of calendar days]*, prior to the deadline for submission of applications.

The deadline for clarification requests would normally be set at a date no later than fourteen (14) calendar days prior to the deadline for submission of applications.

- 9.2 A clarification meeting *[insert "will" or "will not"]* take place.

Clarification meetings and a site visit, if any, should normally take place at least twenty eight (28) calendar days prior to the deadline for submission of proposals and in any case prior to the deadline for clarification requests specified in ITP 9.1 above.

Clients are recommended to arrange the site visit, if any, prior to holding the clarification meeting.

[If applicable, please state

The clarification meeting will take place in

Place: *[insert the place, as applicable]*

on the following date:

Date: *[insert the date]*

Time: *[insert the time]*

- 9.6 A Site visit conducted by the Client *[insert “will” or “will not”]* be organised.

[If applicable, please state]

The Site visit will take place in

Place: *[insert place, if applicable]*

on the following date:

Date: *[insert date, if applicable]*

Time: *[insert time, if applicable]*

10. Documents Comprising Applications

- 10.1 The application shall include the Participant's comments on the following issues:

[List the respective issues, as appropriate]

The Client may wish to use the prequalification as a platform for market consultations and ask the participants to provide their views on specific aspects of the procurement strategy, procurement process, procurement document, contract type or some of its conditions, certain aspects of the technical requirements, etc.

- 10.3 The Eligibility and Qualification Documentation shall include the following:

- (i) company charter(s);
- (ii) in the case of an application submitted by a JVCA, the JVCA agreement;
- (iii) registration (incorporation) documents;
- (iv) information of the ownership structure;
- (v) if a Participant refers to the experience and capability of the parent company in order to meet the qualification requirements, the Participant shall also provide:
 - (a) the parent company guarantee; and
 - (b) duly authorised power of attorney, indicating that the person(s) signing the parent company guarantee have the authority to do so;
- (vi) completed forms with enclosure of the documentary evidence establishing the Participant's eligibility and qualification, furnished as per Section IV, Eligibility and Qualification Criteria;
- (vii) the authorisation allowing the Client to request verifications from the Participant's clients referred to in the completed forms, establishing the Participant's eligibility and qualification;
- (viii) *[the authorisation allowing the Client to request verifications from the Participant's bank(s)];*
- (ix) *[licences, certificates and permissions for the following activities:
[list specific activities, which are necessary for implementing the Contract and by law are subject to licensing, certification or permission by the authorities]];*
- (x) *[evidence of participation (membership) in self-regulating associations];*

- (xi) *[the list of planned subcontractors with the respective eligibility and qualification information];*

[List further additional information, as appropriate]

[In case a Participant does not possess some of the required licences, certificates and permissions at the time of submission of its application, the Participant shall submit a written statement demonstrating that it will be in a position to obtain in due time the required licences, certificates and permissions to ensure timely implementation of the Contract.]

Clients are recommended to minimise the documents to be submitted but reserving the right to request additional documents, if necessary.

11. Format and Signing of Applications

- 11.1 *[If the Procurement Process is conducted in a paper based manner, and the Client, in addition to the original, requires Participants to submit further copies of their applications, please use the following wording:*

A Participant shall submit [insert a number of copies] copies of the application in addition to the original version.

In the event of any discrepancy between the original and the copies, the original shall prevail.]

D. Submission and Opening of Applications

12. Submission of Applications

12.1 Participants shall submit their applications electronically using ECEPP.

The application submission process is subject to the terms and conditions of use of ECEPP in addition to the terms and conditions of the Procurement Document.

A Participant shall scan and upload on ECEPP all the documents required in accordance with ITP 10.

Please note that no paper original or copies shall be submitted to the Client.

Applications submitted by hand or by email may not be considered.

[If the Procurement Process is conducted in a paper based manner the following wording can be used:

The applications shall be submitted by mail or by hand to the Client's address, as follows:

To: [insert the name of the Client]
Attention: [insert the name of person, as applicable]
Street Address: [insert the street address and number]
Floor/Room number: [insert the floor and room number, if applicable]
City: [insert the name of city or town]
Postal Code: [insert the postal code]
Country: [insert the name of country]

The Participant shall enclose the original and copies of the applications in separate sealed envelopes. The envelopes shall be duly marked as "ORIGINAL" and "COPY" and shall include the documents required under ITP 10.

The envelopes shall:

- (a) bear the name and address of the Participant;*
- (b) be addressed to the Client;*
- (c) bear the identification of the Procurement Process; and*
- (d) bear a warning not to open before the formal application opening.*

If envelopes and packages are not sealed and marked as required, the Client will assume no responsibility for the misplacement or premature opening of an application, or any of its parts.]

[Where an alternative e-procurement system is used details of the electronic submission shall be provided, as appropriate.]

13. Withdrawal and Modification of Applications

- 13.1 A Participant may withdraw or modify its application after it has been submitted by using the functions available in ECEPP, providing such action is completed prior to the deadline for submission of applications, stated in ITP 14.1

The applications that are withdrawn shall be registered in ECEPP as 'WITHDRAWN'. The Client will have no access to such applications.

[If the Procurement Process is conducted in a paper based manner the following wording can be used:

A Participant may withdraw or modify its application after it has been submitted by sending a written notice, duly signed by the authorised representative.

All notices must be prepared and submitted in accordance with ITP 12. The respective envelopes shall be clearly marked "WITHDRAWAL," or "MODIFICATION". The modification of the application shall be enclosed to the respective written notice.

Applications requested to be withdrawn shall be returned to the respective Participants as soon as practicable.]

[If an alternative e-procurement system is used, please provide a description of the electronic application withdrawal and modification procedures.]

- 13.2 Any withdrawal or modification to the application shall be valid only if they are made by an authorised person via ECEPP, as provided for in ITP 13.1.

14. Deadline for Submission of Applications

Please ensure that sufficient time is given to the Participants to prepare and submit their applications.

Please see the respective provisions of the PPR for further guidance.

- 14.1 The Participants shall submit their applications electronically via ECEPP no later than the deadline for submission of applications at the time and date stated in ECEPP.

The Client, the Bank or ECEPP provider do not bear any responsibility for the failure of a Participant to submit its application on time for any reason whatsoever.

[If the Procurement Process is conducted in a paper based manner the following wording can be used:

The deadline for submission of applications is:

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

Time: [insert the time (in 24 hours format) and the time zone]]

16. Application Opening

The time for the application opening should normally be the same as for the deadline for submission of applications or promptly thereafter.

- 16.1 Application opening will be undertaken automatically in ECEPP for all applications, which are submitted by the deadline for submission of applications, as set out in ITP 14.1.

[If the Procurement Process is conducted in a paper based manner the following wording can be used:

The Client shall conduct the application opening in the presence of the Participants' designated representatives, who chooses to attend the opening, at

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

Time: [insert the time (in 24 hours format) and the time zone]

at the address specified below:

Street Address: [insert the street address and number]

Floor/Room number: [insert the floor and room number, if applicable]

City: [insert the name of city or town]

Postal Code: [insert the postal code]

Country: [insert the name of country]

First, submissions marked "WITHDRAWAL" shall be read out and the corresponding applications shall not be opened, but returned to the Participants.

Next, submissions marked "MODIFICATION" shall be opened and read out with the corresponding application.

Except for withdrawn applications, the Client shall open all applications one at a time and read out:

- (i) the names of the Participants;*
- (ii) withdrawal or modifications, including their details; and*
- (iii) any other information, as the Client may consider necessary.*

No applications shall be rejected at the application opening.]

[If an alternative e-procurement system is used, please provide a description of the electronic application opening procedure.]

- 16.2 ECEPP will automatically generate a record of the application opening.

The record will include the following information:

- (i) the names of the Participants; and
- (ii) the addresses of the Participants.

The record of the application opening will be automatically sent by ECEPP to all Participants, who submitted applications.

[If the Procurement Process is conducted in a paper based manner the following wording can be used:

The Client shall prepare and sign the record of the application opening.

It shall include, as a minimum, the following information:

- (i) the title of the Project;*
- (ii) the title of the Procurement Process;*
- (iii) the title of the Contract,*
- (iv) the place the application opening;*
- (v) the time of the application opening;*
- (vi) the number of the applications received;*
- (vii) the names of the Participants;*
- (viii) withdrawals or modifications, including their details; and*
- (ix) the attendees to the application opening.*

The record of the application opening shall be sent to all Participants, who submitted applications, by email using the email address provided by them in their applications.]

[If an alternative e-procurement system is used, please provide a description of the procedure in respect of preparation of the minutes of electronic application opening.]

E. Evaluation of Applications

18. Evaluation of Applications

- 18.5 *A conditionally prequalified Participant shall correct or rectify the identified deviations, or otherwise meet the conditions of their prequalification prior to [state the event in future or the date].*

Normally the deadline shall be linked to the anticipated date of the invitation to submit proposals, or the deadline for submission of proposals under the follow-up procurement process (at the latest). However, alternative dates or events can be referred to by the Client, depending on the circumstances. In any case, sufficient time shall be given to the conditionally prequalified Participants to address the set conditions.

- 18.6 *[The Client shall evaluate qualification of the Subcontractors, proposed by the Participants for*
[list specific activities, specialised works and/or state the percentage of the anticipated value of the Contract, in excess of which the Subcontractors' qualification will be assessed]

Qualification of the above Subcontractors will be taken into account in the evaluation of qualification of the Participants in accordance with the criteria and methodology as specified in Section III, Evaluation Methodology, and Section IV, Eligibility and Qualification Criteria.]

In addition to the evaluation of the qualification of the Participants, the Client may also wish to assess qualification of the Subcontractors, proposed by the Participant for works or supplies. Normally such assessment shall only be focused on the Subcontractors for critical components of the Contract, specialised works or for the works representing a substantial percent of the anticipated value of the Contract.

- 18.7 There is no limit to the number of the Participants to be prequalified.