

Section IV: Eligibility and Qualification Criteria

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Preamble

This Section contains the list of criteria that the Client shall use to assess eligibility and qualification of the Participants.

The Client shall articulate the criteria unambiguously to enable Participants to provide comprehensive information to demonstrate compliance with the eligibility and qualification criteria for the Contract.

When articulating criteria for JVCA members, the Client shall take into account their joint and several liabilities under the Contract.

If the Procurement Process covers a number of Contracts (lots), the criteria shall be set for each lot and any combination of lots, including all lots.

In case of any ambiguities, the criteria shall be interpreted in favour of Participants.

In order to demonstrate compliance with the eligibility and qualification criteria, Participants shall provide all the requested information using the forms provided in Section V, Forms, as appropriate.

| Table 1. Eligibility | | | | | | |
|--------------------------------------|--|-----------------------|--|-----------------------|-----------------------|--|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| 1.1 Legal status and nationality | Compliance with the respective conditions of ITP | Must meet requirement | Must meet requirement | Must meet requirement | Must meet requirement | Form ELI -1; Charter(s); Registration (incorporation) documents; JVCA Agreement (where applicable) |
| 1.2 Prohibited Practices | Compliance with the respective conditions of ITP | Must meet requirement | N/A ¹ | Must meet requirement | Must meet requirement | Covenant of Integrity |
| 1.3 Sanctions by UN Security Council | Compliance with the respective conditions of ITP | Must meet requirement | N/A | Must meet requirement | Must meet requirement | Covenant of Integrity |
| 1.4 Anti-Competitive Conduct | Compliance with the respective conditions of ITP | Must meet requirement | N/A | Must meet requirement | Must meet requirement | [Letter of Application] [Letter of Tender] |
| 1.5 Conflict of Interest | Compliance with the respective conditions of ITP | Must meet requirement | N/A | Must meet requirement | Must meet requirement | [Letter of Application] [Letter of Tender] |
| 1.6 Competitive advantage | Compliance with the respective conditions of ITP | Must meet requirement | N/A | Must meet requirement | Must meet requirement | [Letter of Application] [Letter of Tender] |
| 1.7 Affiliation | Compliance with the respective conditions of ITP | Must meet requirement | N/A | Must meet requirement | Must meet requirement | [Letter of Application] [Letter of Tender]; Form ELI-1; Ownership structure |

¹ N/A denotes "Not applicable"

| Table 2. Financial Situation ² | | | | | | |
|---|---|-----------------------|--|---|---|--|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| Period: from [MM/YYYY] to [MM/YYYY] | | | | | | |
| 2.1 Historical Financial Performance | Financial soundness shall be demonstrated by annual financial statements: <ul style="list-style-type: none">confirmed by audit statements; orby tax returns/acceptance by the tax authorities of the Participant's country of incorporation or domicile. | Must meet requirement | Must meet requirement | Must meet requirement | Must meet requirement | Form FIN–1; Balance sheets; Profit and loss accounts |
| 2.2 Average Annual Revenues | A Participant's minimum average annual revenues for the given period of time shall be equivalent to <i>[insert the amount and currency]</i> . | Must meet requirement | Must meet requirement | Must meet <i>[insert number]</i> percent of the requirement | Must meet <i>[insert number]</i> percent of the requirement | Form FIN–1; Income statement |

² The monetary values shall be expressed in equivalent of *[specify the currency]*.

The values in other currencies should be recalculated into the above stated currency, based on the exchange rate as set by *[state the bank or the source, relevant to the currency]* on the 1st of July of each year reported, or for the current year, on the date of the invitation to submit applications or proposals, as appropriate.

| Table 2. Financial Situation | | | | | | |
|---|---|-----------------------|--|-----------------------|-----------------------|--|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| 2.3 Financial Solvency | A Participant shall not: <ul style="list-style-type: none">• be bankrupt;• be insolvent or in liquidation proceedings;• have its assets administered by a liquidator or by the court of law;• have its commercial activity suspended by the court of law; or• have no outstanding tax obligations in the Participant's country of incorporation or domicile. | Must meet requirement | Must meet requirement | Must meet requirement | Must meet requirement | Documents issued by the relevant authorities in the country, where of a Participant is incorporated or domiciled; Balance sheets; Profit and loss accounts |
| [2.4 Financial Resources ³] | A Participant shall demonstrate that it has access to, or has available, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means (other than any contractual advance payments), sufficient to meet the minimal contractual cash-flow requirements for the period of [insert period] months equivalent to [insert the amount and currency], taking into account its current commitments and recent awards. | Must meet requirement | Must meet requirement | N/A | N/A | Form FIN-2; Form IRC-2; Bank letters; Balance sheets; Form FIN-3] |

³ The monetary values shall be expressed in equivalent of [specify the currency].

The values in other currencies should be recalculated into the above stated currency, based on the exchange rate as set by [state the bank or the source, relevant to the currency] on the date of the invitation to submit applications or proposals, as appropriate.

| Table 3. Experience ⁴ | | | | | | |
|-------------------------------------|---|-----------------------|--|---|---|--|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| Period: from [MM/YYYY] to [MM/YYYY] | | | | | | |
| 3.1 General Experience | <p>A Participant shall demonstrate experience as a contractor (in any role), in the execution of:</p> <ul style="list-style-type: none">• a minimum of [insert the number] contracts, that have been substantially completed, each with a value of works, implemented by the Participant, of at least [insert value and currency] equivalent; or• less than the above number of contracts with the stated minimum value, but the contracts with total value equal or more than [insert the required cumulative value of contracts] | Must meet requirement | Must meet requirement | Must meet requirement for [insert number] contracts | Must meet requirement for [insert number] contracts | Form EXP-1; Documents, demonstrating substantial completion of contracts; Form IRC-1 |

⁴ The monetary values in the respective Forms shall be expressed in equivalent of *[specify the currency]*.

The values in other currencies should be recalculated into the above stated currency, based on the exchange rate as set by *[state the bank or the source, relevant to the currency]* on the 1st of July of each year of substantial completion of contracts, or for the current year, on the date of the invitation to submit applications or proposals, as appropriate.

| Table 3. Experience ⁵ | | | | | | |
|--|---|-----------------------|--|--|-------------------|---|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| Period: from [MM/YYYY] to [MM/YYYY] | | | | | | |
| 3.2 Management Experience ⁶ | Experience as a main contractor or a lead partner in a JVCA in the execution at least one contract with a value equivalent of at least <i>[insert the value and currency]</i> equivalent, that has been substantially completed. | Must meet requirement | Must meet requirement | Must meet requirement for <i>[insert number]</i> contracts | N/A | Form EXP-1; Documents, demonstrating substantial completion of contracts; Form IRC-1 |
| 3.3 Specific Experience ⁷ | Experience with the substantial completion of <ul style="list-style-type: none">a minimum of <i>[insert the number]</i> contracts similar in nature and complexity to the Contract; andthe following key activities: <i>[list specific activities and respective volume or critical rates]</i> | Must meet requirement | Must meet requirement | N/A | N/A | Form EXP-1; Documents, demonstrating substantial completion of contracts and activities, as appropriate; Form IRC-1 |

⁵ The same contracts may be used to demonstrate the required experience

⁶ The monetary values in the respective Forms shall be expressed in equivalent of *[specify the currency]*.

The values in other currencies should be recalculated into the above stated currency, based on the exchange rate as set by *[state the bank or the source, relevant to the currency]* on the 1st of July of each year of substantial completion of respective contracts, or for the current year, on the date of the invitation to submit applications or proposals, as appropriate.

⁷ Volume, number or rate of production of any key activity may be demonstrated in one or more contracts combined, if executed during the same time period. The rate of production shall be calculated on the basis of an annual production rate for the key construction activity (or activities).

| Table 4. Historical Contract Non-Performance ⁸ | | | | | | |
|---|--|-----------------------|--|-----------------------|-----------------------|----------------------------|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| Period: from [MM/YYYY] to [MM/YYYY] | | | | | | |
| 4.1 History of Contractual Non-Performance | A Participant, or any partner in a JVCA, shall not have a consistent history of litigation or arbitration resulting in awards rendered against them. | Must meet requirement | Must meet requirement | Must meet requirement | Must meet requirement | Form HIS-1; Form IRC-1 |
| 4.2 Pending Litigations | All pending litigation shall in total not represent more than <i>[insert the number]</i> percent of the Participant’s net worth and shall be treated as resolved against the Participant, or any JVCA member | Must meet requirement | Must meet requirement | Must meet requirement | Must meet requirement | Form HIS-1; Balance sheets |

⁸ The monetary values shall be expressed in equivalent of *[specify the currency]*.

The values in other currencies should be recalculated into the above stated currency, based on the exchange rate as set by *[state the bank or the source, relevant to the currency]* on the 1st of July of each year of substantial completion of respective contracts, or for the current year, on the date of the invitation to submit applications or proposals, as appropriate.

| Table 5. Environmental, Social, Health and Safety (ESHS) | | | | | | |
|--|---|-----------------------|--|-----------------------|-----------------------|---|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| 5.1 ESHS Certifications and Documents | Availability of valid ISO certificates or internationally recognised equivalents in respect of ESHS management (equivalency to be demonstrated by the Participant), such as ISO 14001 and OHSAS 18001/ISO 45001. In absence of such certificates, the Participant shall <ul style="list-style-type: none">• demonstrate the availability of corporate policies and procedures for ESHS and HR management; and• declare compliance with the ILO Core Labour Conventions and Protocols. | Must meet requirement | Must meet requirement | Must meet requirement | Must meet requirement | Form ESH-1; Certificates; (Policies and procedures; Declaration, where appropriate) |

| Table 5. Environmental, Social, Health and Safety (ESHS) | | | | | | |
|--|---|-----------------------|--|-----------------------|-------------------|------------------------|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| Period: from [MM/YYYY] to [MM/YYYY] | | | | | | |
| 5.2 Specific ESHS Management Experience | A Participant shall demonstrate experience with the satisfactory execution of key ESHS measures and activities in compliance with international standards in relation to a minimum of [insert the number] contracts similar in nature and complexity to the Contract. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form ESH-2; Form IRC-1 |

| Table 6. Subcontractors⁹ | | | |
|---|---|-----------------------|---------------------------------------|
| Criteria | Requirement | Subcontractors | Documents Required |
| Period: from [MM/YYYY] to [MM/YYYY] | | | |
| 6.1 Subcontractors' Qualification ¹⁰ | <p>A Participant shall demonstrate that a Subcontractor has:</p> <p>(a) successful experience in the execution of either:</p> <p>(i) at least <i>[insert number]</i> contracts of a nature, complexity and magnitude comparable to the works, activities, services or supplies, as appropriate, proposed for subcontracting; or</p> <p>(ii) works, activities, services or supplies, as appropriate, of comparable nature, complexity and magnitude to those proposed for subcontracting in the total value of at least <i>[insert currency and amount]</i> equivalent; and</p> <p>(b) sound financial position, showing long term profitability.</p> | Must meet requirement | Form SUB-3; From SUB-4; Annexes |

⁹ This information shall be provided for each Subcontractor, as per the requirements of Section III, Evaluation methodology

¹⁰ The monetary values shall be expressed in equivalent of *[specify the currency]*.

The values in other currencies should be recalculated into the above stated currency, based on the exchange rate as set by *[state the bank or the source, relevant to the currency]* on the 1st of July of each year of substantial completion of respective contracts, or for the current year, on the date of the invitation to submit applications or proposals, as appropriate.

| Table 6. Subcontractors¹¹ | | | |
|---|---|-----------------------|---------------------------|
| Criteria | Requirement | Subcontractors | Documents Required |
| 6.2 Subcontractors' Capabilities | A Participant shall demonstrate that a Subcontractor (a) meets eligibility requirements; and (a) possess licences, required by the Laws for performance of the works, activities, services or supplies proposed for subcontracting. | Must meet requirement | SUB-2; Licences |

¹¹ This information shall be provided for each Subcontractor, as per the requirements of Section III, Evaluation methodology

| [Table 7. Personnel] | | | | | | |
|-----------------------------------|--|-----------------------|--|--------------|-------------------|--------------------|
| Criteria | Requirement | Participant | | | | Documents Required |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All members combined | Lead Partner | Each other member | |
| 7.1 Availability of Key Personnel | A Participant shall demonstrate that personnel, offered to fill in the positions listed in the Requirements to perform related activities under the Contract, is suitably qualified. | Must meet requirement | Must meet requirement | N/A | N/A | Form PER-2 |