#### STANDARD PROCUREMENT DOCUMENT

#### STANDARD PROCUREMENT DOCUMENT

**Initial Selection Document**

**Works & Operation Service**

**Design, Build and Operation**

**for water and wastewater treatment plants**

**(For use with a Request for Proposals)**



**July 2023**

**July 2023**

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**Revisions**

**July 2023**

This revision includes provisions to consider experience in managing cyber security risks to apply for contracts that have been assessed to present potential or actual cyber security risks.

**January 2021**

This version includes provisions to reflect the Bank’s disqualification of contractors for non-compliance with SEA/SH obligations. For contracts under Projects assessed as high risk for Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH), the Bank’s disqualification mechanism will be included in the request for proposals.

**February 2020**

SEA (Sexual Exploitation and Assault) has been replaced with SEA (Sexual Exploitation and Abuse) and SH (Sexual Harassment) as appropriate**.**

 **Foreword**

This Standard Procurement Document (SPD) has been prepared by the World Bank for Initial Selection of Applicants for the Request for Proposals (RFP) for procurement of Works & Operation Service (Design, Build and Operations for Water and Wastewater Treatment Plants.

The Initial Selection Document (ISD) shall be used by the Borrower with minimum changes as may be necessary, and acceptable to the Bank, when an Initial Selection process takes place.

**Preface**

This SPD reflects the World Bank’s *Procurement Regulations for IPF Borrowers July, 2016* as amended from time to time. This SPD is applicable to the procurement of Works & Operation Service (Design, Build and Operate) for water and wastewater treatment plants with IBRD or IDA financing whose Legal Agreement makes reference to the *Procurement Regulations for IPF Borrowers*.

This revision includes provisions to consider experience in managing cyber security risks to apply for contracts that have been assessed to present potential or actual cyber security risks.

This SPD includes provisions to reflect the Bank’s disqualification of contractors for non- compliance with SEA/SH obligations. For contracts under Projects assessed as high risk for Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH), the Bank’s disqualification mechanism will be included in the request for proposals.

It is important that, as part of procurement planning, the Employer weighs the potential benefits, limitations, risks and attributes of the Design, Build and Operations approach and makes an informed decision as to whether the use of design, build and operate will benefit the subject contract. Due attention should be given to the efficiency and capacity of the Employer’s procurement and contract administration arrangements, the potential response of the market, estimated total time required for the Employer to carry out the procurement process, as well as the Employer’s existing technical capability and any professional assistance required. For a more detailed discussion on the benefits and risks of different procurement approaches, see the Guidance Note to the SPD-DBO which accompanies the suite of SPD-DBO documents.

To obtain further information on procurement under World Bank financed projects or for questions regarding the use of this SPD, contact:

Chief Procurement Officer

The World Bank

1818 H Street, N.W.

Washington, D.C. 20433 U.S.A.

<http://www.worldbank.org/>

Standard Procurement Document

**Summary**

**Specific Procurement Notice - Invitation for Initial Selection**

The template attached is the Invitation for Initial Selection. This is the template to be used by the Employer.

**Initial Selection Document: Procurement of Works and Operation Service (Design, Build and Operate)**

**PART 1 – INITIAL SELECTION PROCEDURES Section I - Instructions to Applicants (ITA)**

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

**Section II - Initial Selection Data Sheet (ISDS)**

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

**Section III - Initial Selection Criteria and Requirements**

This Section specifies the methods, criteria, and requirements to be used to determine how Applicants shall be initially selected and later invited to submit Proposals.

**Section IV - Application Forms**

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

**Section V - Eligible Countries**

This Section contains information regarding eligible countries.

**Section VI - Fraud and Corruption**

This Section provides the Applicants with the reference to the Bank’s policy in regard to Fraud and Corruption applicable to the Initial Selection process.

**PART 2 – EMPLOYER’S REQUIREMENTS**

**Section VII - Scope of Employer’s Requirements**

This Section includes a summary description, Implementation schedule, and Site and other Data of the Works and Operation Service (Design, Build and Operate) subject of this Initial Selection. The Scope of Works may also include a summary of the environmental and social (ES) requirements (including requirements relating to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)) which are to be satisfied by the Contractor in executing the Works.

**Specific Procurement Notice – Initial Selection Document (ISD)**

**Template**

**Invitation for Initial Selection**

**Works and Operation Service**

**(Design, Build and Operate)**

**Employer:** *[insert the name of the Employer’s agency]*

**Project:***[insert name of project]*

**Contract title:** *[insert the name of the contract]*

**Country:** *[insert country where ISD is issued]*

**Loan No. /Credit No. / Grant No.:** *[insert reference number for loan/credit/grant]*

**ISD No:** *[insert ISD reference number from Procurement Plan]*

**Issued on:** *[insert date when ISD is issued to the market]*

1. `The *[insert name of Borrower/Beneficiary/Recipient] [has received/has applied for/intends to apply for]* financing from the World Bank toward the cost of the *[insert name of project or grant], and intends to apply part of the proceeds toward payments under the contract [[1]](#footnote-2)for [insert title of contract]*[[2]](#footnote-3).
2. The *[insert name of implementing agency]* intends to initially select Applicants for *[insert contract number and/or name, a brief description of the type(s) of Design, Build and Operations to be provided, including key performance/functional requirements, location, key qualification requirements and other information necessary to enable Applicants to decide whether or not to respond to this invitation for Initial Selection.]* It is expected that the Request for Proposals will be made in *[insert month and year].*
3. Initial Selection will be conducted through the procedures as specified in the World Bank’s [Procurement](http://www.worldbank.org/html/opr/procure/guidelin.html) Regulations for IPF Borrowers *[insert date of applicable Procurement Regulations edition as per legal agreement]* (“Procurement Regulations”), and is open to all eligible Applicants as defined in the Procurement Regulations.
4. Interested eligible Applicants may obtain further information from the [*insert name of agency*] at the address below [*insert address at end of document*] during office hours [*insert office hours if applicable, i.e. 0900 to 1700 hours*]. A complete set of **Initial Selection** documents in [*insert name of language*] may be purchased by interested Applicants on the submission of a written application to the address below and upon payment of a nonrefundable fee of [*insert amount in local currency*] or [*insert amount in specified convertible currency, i.e. US$*]. The method of payment will be [*insert method of payment*]. The document will be sent by [*insert delivery procedure*].[[3]](#footnote-4)
5. Applications for Initial Selection should be submitted in clearly marked envelopes and delivered to the address below by [*insert time*] on [*insert date*]. Late applications may be rejected.

*[Insert name of office]*

*[Insert name of officer and title]*

*[Insert postal address and/or street address, postal code, city and country]*

*[Insert telephone number, country and city codes]*

*[Insert facsimile number, country and city codes]*

*[Insert email address]*

*[Insert web site address]*

**Invitation for**

**Initial Selection**

**Works & Operation Service**

**(Design, Build and Operate for Water and Wastewater Treatment Plants)**

*Procurement of:*

*[insert identification of the Works & Operation Service – Design, Build and Operate for Water and Wastewater Treatment Plants]*

**Employer:** *[insert the name of the Employer’s agency]*

**Project:***[insert name of project]*

**Contract title:** *[insert the name of the contract]*

**Country:** *[insert country where ISD is issued]*

**Loan No. /Credit No. / Grant No.:** *[insert reference number for loan/credit/grant]*

**ISD No:** *[insert ISD reference number from Procurement Plan]*

**Issued on:** *[insert date when ISD is issued to the market]*

**(This Initial Selection Document is for use with a Request for Proposals process)**

Standard Procurement Document

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PART 1 – Initial Selection Procedures

Section I - Instructions to Applicants

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Section I - Instructions to Applicants

1. General

|  |  |
| --- | --- |
| 1. Scope of Application
 | * 1. In connection with the invitation for Initial Selection indicated in Section II, Initial Selection Data Sheet (**ISDS**), the Employer, as defined **in the** **ISDS,** issues this Initial Selection Document (“Initial Selection Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for Initial Selection to submit Proposals for the Works & Operation Service, Design, Build and Operation of Water and Wastewater Treatment Plant described in Section VII, Scope of Employer’s Requirement. In case proposals for the Works and Operation Service, Design, d Build and Operate are to be invited as individual contracts (i.e., the slice and package procedure), these are listed **in the ISDS**. The Request for Proposals (RFP) number corresponding to this Initial Selection is also provided **in the ISDS.**
 |
| 1. Source of Funds
 | * 1. The Borrower or Recipient (hereinafter called “Borrower”) indicated **in the ISDS** has applied for or received financing (hereinafter called “funds”) from the International Bank for Reconstruction and Development or the International Development Association (hereinafter called “the Bank”) in an amount specified **in the ISDS,** towards the cost of the project named **in the ISDS**. The Borrower intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the Request for Proposals (RFP) process for which this Initial Selection is conducted.
	2. Payment by the Bank will be made only at the request of the Borrower and upon approval by the Bank, and will be subject, in all respects, to the terms and conditions of the Loan (or other financing) Agreement. The Loan (or other financing) Agreement prohibits a withdrawal from the loan (or credit) account for the purpose of any payment to persons or entities, or for any import of goods, equipment, plant or materials, or services if such payment or import, to the knowledge of the Bank, is prohibited by a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations. No party other than the Borrower shall derive any rights from the Loan (or other financing) Agreement or have any claim to the proceeds of the loan (or credit).
 |
| 1. Fraud and Corruption
 | * 1. The Bank requires compliance with the Bank’s Anti-Corruption Guidelines and its prevailing sanctions policies and procedures as set forth in the WBG’s Sanctions Framework, as set forth in Section VI, Fraud and Corruption.
	2. In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub-consultants, service providers, suppliers, and personnel, to permit the Bank to inspect all accounts, records and other documents relating to any Prequalification process, Initial Selection process, Bid submission (in case prequalified), Proposal submission (in case initially selected) and contract performance (in the case of award), and to have them audited by auditors appointed by the Bank.
 |
| 1. Eligible Applicants
 | * 1. Applicants shall meet the eligibility criteria as per this Instruction and ITA 5.1.
	2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 4.9 - or any combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms, subject to ITA 4.3. The “JV shall nominate an authorized representative (the” **Lead Member”**) who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the Initial Selection process, RFP process (in the event the JV submits a Proposal) and during contract execution (in the event the JV is awarded the Contract).Unless specified **in the ISDS**, there is no limit on the number of members in a JV.
	3. Where the Applicant is a JV, if specified **in the ISDS**, it may request to form a Special Purpose Vehicle, incorporated under the appropriate company’s legislation of the country (the “**SPV**”), to execute the Contract. Each member of a JV shall, till the end of Contract, remain a member of the JV and in the case of an SPV hold equity share capital not less than the percentage of the subscribed and paid up equity of the SPV specified **in the ISDS**. The minimum amount of subscribed and paid up capital of the SPV shall be specified in the RFP. However, if specified **in the ISDS**, any member of the JV, except the Lead Member, may, with the prior approval of the Employer in writing, which shall not be unreasonably withheld, have its interest in the JV diluted or exit the JV, or in the case of an SPV reduce its shareholding to the percentage specified **in the ISDS**, after a period of [two] years after commencement of the Operation Service. The Lead Member shall continue to maintain its interest in the JV, or in the case of an SPV hold at least 51% (fifty-one percent) of the subscribed and paid up equity share capital of the SPV until [two] years after commencement of Operation Service. If specified **in the ISDS**, the Lead Member, may, with the prior approval of the Employer in writing, which shall not be unreasonably withheld, dilute but not extinguish its interest in the JV, or in the case of an SPV reduce its shareholding to less than 51% but in no case, less than percentage of the subscribed and paid up equity share capital of the SPV specified **in the ISDS**, after two years following commencement of Operation Service.
	4. A firm is not permitted to participate for initial selection for the same contract both as an individual firm and as a part of a joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Application but only in the capacity of a subcontractor. Applications submitted in violation of this procedure will be rejected.
 |
|  | * 1. An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. This criterion also shall apply to the determination of the nationality of proposed specialized sub-contractors or suppliers for any part of the Contract including related Services.
 |
|  | * 1. Applicants and proposed specialized sub-contractors or suppliers for any part of the Contract including related services (for the purpose of this ITA 4.6 referred to as “Applicants”) shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the Employer’s Requirement (other than design to be carried out as part of this Works Design and Build contract) or have been hired or proposed to be hired by the Employer or Borrower as Engineer for contract implementation of the Works Design and Build that are the subject of this Initial Selection. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Borrower (or of the project implementing agency, or of a recipient of a part of the loan) who: (i) are directly or indirectly involved in the preparation of the Initial Selection Document or Request for Proposals (RFP) Document or specifications of the Contract, and/or the Proposal evaluation process of such Contract; or (ii) would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Bank throughout the procurement process and execution of the Contract.
 |
|  | * 1. An Applicant that has been sanctioned by the Bank, pursuant to the Bank’s Anti-Corruption Guidelines, and in accordance with its prevailing sanctions policies and procedures as set forth in the WBG’s Sanctions Framework, as described in Section VI, paragraph 2.2 d. shall be ineligible to be prequalified for, initially selected for, bid for, propose for or be awarded a Bank-financed contract or benefit from a Bank-financed contract, financially or otherwise, during such period of time as the Bank shall have determined.
 |
|  | * 1. The list of debarred firms and individuals is available as specified **in the ISDS.**
 |
|  | * 1. Applicants that are state-owned enterprise or institutions in the Employer’s Country may be eligible to be initially selected, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable to the Bank, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of the Employer.
 |
|  | * 1. An Applicant shall not be under suspension from bidding or submitting proposals by the Employer as the result of the execution of a Bid or Proposal–Securing Declaration.
 |
|  | * 1. An Applicant shall provide such documentary evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.
 |
|  | * 1. A firm that is under a sanction of debarment by the Borrower from being awarded a contract is eligible to participate in this procurement, unless the Bank, at the Borrower’s request, is satisfied that the debarment:

(a) relates to fraud or corruption; and (b) followed a judicial or administrative proceeding that afforded the firm adequate due process. |
| 1. Eligibility
 | * 1. Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated in Section V. The countries, persons or entities are ineligible if (a) as a matter of law or official regulations, the Borrower’s country prohibits commercial relations with that country, provided that the Bank is satisfied that such exclusion does not preclude effective competition for the supply of goods or the contracting of works or services required; or (b) by 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 Borrower’s country prohibits any import of goods or contracting of works or services from that country, or any payments to any country, person, or entity in that country. When the Works Design and Build is implemented across jurisdictional boundaries (and more than one country is a Borrower, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1(a) above by any country may be applied to that procurement across other countries involved, if the Bank and the Borrowers involved in the procurement agree.
 |
| 1. Contents of the Initial Selection Document
 |
| 1. Sections of Initial Selection Document
 | * 1. This Initial Selection Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.
 |
|  |  **PART 1 Initial Selection Procedures*** Section I - Instructions to Applicants (ITA)
* Section II - Initial Selection Data Sheet (ISDS)
* Section III - Initial Selection Criteria and Requirements
* Section IV - Application Forms
* Section V – Eligible Countries
* Section VI – Fraud and Corruption

**PART 2 Employer’s Requirements*** Section VII - Scope of Employer’s Requirement
 |
|  | * 1. Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Initial Selection Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.
 |
|  | * 1. The Applicant is expected to examine all instructions, forms, and terms in the Initial Selection Document and to furnish with its Application all information or documentation as is required by the Initial Selection Document.
 |
| 1. Clarification of Initial Selection Document and Pre-Application Meeting
 | * 1. An Applicant requiring any clarification of the Initial Selection Document shall contact the Employer in writing at the Employer’s address indicated **in the ISDS.** The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Employer shall forward a copy of its response to all prospective Applicants who have obtained the Initial Selection Document directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated **in the ISDS**, the Employer shall also promptly publish its response at the web page identified **in the ISDS**. Should the Employer deem it necessary to amend the Initial Selection Document as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.
	2. If indicated **in the ISDS**, the Applicant’s designated representative is invited at the Applicant’s cost to attend a pre-Application meeting at the place, date and time mentioned **in the** **ISDS**. During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Initial Selection Document.
	3. Minutes of the pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any responses prepared after the meeting will be transmitted promptly to all prospective Applicants who have obtained the Initial Selection Document. Any modification to the Initial Selection Document that may become necessary as a result of the pre-Application meeting shall be made by the Employer exclusively through the use of an Addendum pursuant to ITA 8. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant.
 |
| 1. Amendment of Initial Selection Document
 | * 1. At any time prior to the deadline for submission of Applications, the Employer may amend the Initial Selection Document by issuing an Addendum.
 |
|  | * 1. Any Addendum issued shall be part of the Initial Selection Document and shall be communicated in writing to all Applicants who have obtained the Initial Selection Document from the Employer. The Employer shall promptly publish the Addendum at the Employer’s web page identified **in the ISDS**.
 |
|  | * 1. To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.
 |
| 1. Preparation of Applications
 |
| 1. Cost of Applications
 | * 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 Initial Selection process.
 |
| 1. Language of Application
 | * 1. The Application as well as all correspondence and documents relating to the Initial Selection exchanged by the Applicant and the Employer, shall be written in the language specified **in the ISDS.** Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified **in the** **ISDS,** in which case, for purposes of interpretation of the Application, the translation shall govern.
 |
| 1. Documents Comprising the Application
 | * 1. The Application shall comprise the following:

(a) **Application Submission Letter**, in accordance with ITA 12.1;(b) **Eligibility:** documentary evidence establishing the Applicant’s eligibility, in accordance with ITA 13.1;(c) **Qualifications:** documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and(d) any other document required as specified **in the** **ISDS**.* 1. The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application
 |
| 1. Application Submission Letter
 | * 1. The Applicant shall complete an Application Submission Letter as provided in Section IV, Application Forms. This Letter must be completed without any alteration to its format.
 |
| 1. Documents Establishing the Eligibility of the Applicant
 | * 1. To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV, Application Forms.
 |
| 1. Documents Establishing the Qualifications of the Applicant
 | * 1. To establish its qualifications to perform the contract(s) in accordance with Section III - Initial Selection Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.
	2. Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the USD equivalent using the rate of exchange determined as follows:
1. for construction turnover or financial data required for each year - exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year are to be converted); and
2. value of single contract - exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available source identified **in the ISDS**. Any error in determining the exchange rates in the Application may be corrected by the Employer.  |
| 1. Signing of the Application and Number of Copies
 | * 1. The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it “ORIGINAL”. The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
	2. The Applicant shall submit copies of the signed original Application, in the number specified **in the** **ISDS,** and clearly mark them “COPY”. In the event of any discrepancy between the original and the copies, the original shall prevail.
 |
| 1. Submission of Applications
 |
| 1. Sealing and Marking of Applications
 | * 1. The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:

(a) bear the name and address of the Applicant;(b) be addressed to the Employer, in accordance with ITA 17.1; and(c) bear the specific identification of this Initial Selection process indicated **in the ISDS** 1.1. |
|  | * 1. The Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.
 |
| 1. Deadline for Submission of Applications
 | * 1. Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated **in the** **ISDS.** When so specified **in the ISDS,** Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified **in the** **ISDS.**
 |
|  | * 1. The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Initial Selection Document in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
 |
| 1. Late Applications
 | * 1. The Employer reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified **in the** **ISDS**.
 |
| 1. Opening of Applications
 | * 1. The Employer shall open all Applications at the date, time and place specified **in the ISDS**. Late Applications shall be treated in accordance with ITA 18.1.
	2. Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **ISDS.**
	3. The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.
 |
| 1. Procedures for Evaluation of Applications
 |
| 1. Confidential­ity
 | * 1. Information relating to the Applications, their evaluation and results of the Initial Selection shall not be disclosed to Applicants or any other persons not officially concerned with the Initial Selection process until the notification of Initial Selection results is made to all Applicants in accordance with ITA 28.
 |
|  | * 1. From the deadline for submission of Applications to the time of notification of the results of the Initial Selection in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the Initial Selection process may do so only in writing.
 |
| 1. Clarification of Applications
 | * 1. To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.
 |
|  | * 1. If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer’s request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.
 |
| 1. Responsive­ness of Applications
 | * 1. The Employer may reject any Application which is not responsive to the requirements of the Initial Selection Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.
 |
| 1. Margin of Preference
 | * 1. Unless otherwise specified in the ISDS, a margin of preference for domestic Proposers[[4]](#footnote-5) shall not apply in the RFP processresulting from this Initial Selection.
 |
| 1. Subcontrac­tors
 | * 1. Unless otherwise stated **in the** **ISDS,** the Employer does not intend to execute any specific elements of the Works Design and Build by sub-contractors selected in advance by the Employer (so-called “Nominated Subcontractors”)**.**
	2. The Applicant shall not propose to subcontract the whole of the contract. The Applicant may propose subcontractors for certain specialized parts of the contract. Applicants planning to use such specialized subcontractors shall specify, in the Application Submission Letter, the parts of the contract proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.
 |
| 1. Evaluation of Applications and Initial Selection of Applicants
 |
| 1. Evaluation of Applications
 | * 1. The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Initial Selection Criteria and Requirements and the ISDS to evaluate the qualifications of the Applicants, and no other factors, methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
 |
|  | * 1. Subcontractors proposed by the Applicant shall be fully qualified for their parts of the contract. The subcontractor’s qualifications shall not be used by the Applicant to qualify for the contract unless the applicant designates them as Specialized Subcontractors, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation, if specified in ISDS.
 |
|  | * 1. Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant’s subsidiaries, parent entities, affiliates, subcontractors (other than specialized subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.
	2. In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Employer shall initially select each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements specified in Section III - Initial Selection Criteria and Requirements.
 |
| 1. Employer’s Right to Accept or Reject Applicants
 | * 1. The Employer reserves the right to accept or reject any Application, and to annul the Initial Selection process and reject all Applicants at any time, without thereby incurring any liability to the Applicants.
 |
| 1. Initial Selection of Applicants
 | * 1. The range of Applicants that the Employer may Initially Select (x=minimum number, y = maximum number) is specified in the ISDS.
 |
|  | * 1. Initial Selection of Applicants involves several steps, as follows:
1. **Step 1 - Table 1 Evaluation:** The first step of Initial Selection involves evaluation against the methods, criteria and requirements described in Section III, Table 1: Qualification Criteria and Requirements;
2. **Step 2 - Rejection:** Applicants that do not substantially meet the qualification criteria and requirements in Table 1: Qualification Criteria and Requirements will not be evaluated further, and will be eliminated from the Initial Selection process;
3. **Step 3 - Long List**: Applicants that substantially meet the qualification criteria and requirements in Table 1: Qualification Criteria and Requirements will be long listed, and evaluated further;
4. **Step 4 -** Depending on the number of Applicants that are long listed, one of the following options will apply:

**Option 1: All are Initially Selected**: Where the number of long listed Applicants is **≤x**, all long-listed Applicants are Initially Selected. In this scenario, there is no requirement to evaluate these long-listed Applicants against Table 2: Rated Criteria and Requirements;**Option 2: Applicants are evaluated using Table 2 Evaluation**: Where the number of long listed Applicants is **˃ x**, the Employer shall evaluate all long-listed Applicants against Table 2: Rated Criteria and Requirements. This evaluation method involves scoring each Application against rated criteria using the scoring methodology described;1. **Step 5 -** **Rank Applicants**: The total scores, from this step of the Initial Selection evaluation, for each long-listed Applicant are compared, and the Applicants are ranked from the highest to the lowest total score;
2. **Step 6 - Initial Selection up to x**: In accordance with the values selected by the Employer for **x** and **y**, the Employer Initially Selects the Applicants that are ranked from the highest score, to the Applicants ranked as **x**;
3. **Step 7 - Reject y+1 Applicants**: Where the number of long listed Applicants is **˃y**, the Employer rejects all Applicants that are ranked greater than **y**, i.e. ranked as **y+1**, **y+2**, **y+3**, etc.;
4. **Step 8 - Optional, at the Employer’s Discretion**: Ranked Applicants which are greater than **x,** up to, and including **y**, are not normally Initially Selected. However, the Employer may, at its sole discretion, if justified, Initially Select one or more additional Applicant (s) from those that are ranked **x+1**, up to and including **y**. This Initial Selection will follow the order of ranking (i.e. the Employer cannot Initially Select **x+2**, without Initially Selecting **x+1**).
 |
| 1. Notification of Initial Selection
 | * 1. The Employer shall notify all Initially Selected Applicants in writing that they have been Initially Selected. In providing this notification the Employer shall include the names of all Applicants that have been Initially Selected.
	2. The Employer shall separately notify all other Applicants that they have not been Initially Selected, and that they have been eliminated from the process. Any Applicant that has been eliminated from the process at this stage may request, in writing, the grounds on which they were eliminated.
 |
| 1. Request for Proposals
 | * 1. Promptly after the notification of the results of the Initial Selection, the Employer shall invite Proposals from all the Applicants that have been initially selected.
 |
|  | * 1. Proposers may be required to provide a Proposal Security or a Proposal-Securing Declaration acceptable to the Employer in the form and an amount to be specified in the RFP Document.
	2. The successful Proposer shall be required to provide a Performance Security as specified in the RFP document.
 |
|  | * 1. If applicable, the successful Proposer may also be required to provide a separate Environmental and Social (ES) Performance Security.
	2. Proposers shall be required to provide a Code of Conduct which will apply to their and subcontractors’ personnel that includes the minimum requirements specified in the RFP document.
	3. The successful Proposer shall provide additional information about its beneficial ownership using the Beneficial Ownership Disclosure Form included in the RFP document.
	4. If specified in the ISDS, the Employer intends to require Proposers to submit a Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment(SH) Declaration, using the Sexual Exploitation and Abuse (SEA), and/or Sexual Harassment (SH) declaration form included in the RFP documents.
	5. Prior to Contract award, the Employer will verify that the successful Proposer (including each member of a JV) is not disqualified by the Bank due to noncompliance with contractual SEA/SH prevention and response obligations. The Employer will conduct the same verification for each subcontractor proposed by the successful Proposer. If any proposed subcontractor does not meet the requirement, the Employer will require the Proposer to propose a replacement subcontractor.
 |
| 1. Changes in Qualifications of Applicants
 | * 1. Any change in the structure or formation of an Applicant after being initially selected in accordance with ITA 27 and invited to submit Proposal (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor) shall be subject to the written approval of the Employer prior to the deadline for submission of Proposals. Such approval shall be denied if (i) an initially selected applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III - Initial Selection Criteria and Requirements Table 1- Qualification Criteria, and Requirements; or (iii) no longer continues to be in the list of Initially Selected Applicants as a result of the Employer’s re-evaluation of the Application in accordance with ITA 27; or (iv) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Request for Proposals.
 |
| 1. Procurement Related Complaint
 | * 1. The procedures for making a Procurement-related Complaint are as specified in the ISDS.
 |

|  |
| --- |
| Section II - Initial Selection Data Sheet (ISDS) |
| **A. General** |
| **ITA 1.1** | The identification of the Invitation for Initial Selection is: [*insert number*]The Employer is: [ *insert full name, including name of Project Officer, and address]*The list of contract/s is: *[insert number, name/s and identification number/s.]* RFP name and number are: *[insert name and identification number]* |
| **ITA 2.1** | The Borrower is: *[insert name of the Borrower and statement of relationship with the Employer, if different from the Borrower. This insertion should correspond to the information provided in the RFP]* Loan or Financing Agreement amount:*[insert US$ equivalent]* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_The name of the Project is: *[insert name of Project]* |
| **ITA 4.2** | Maximum number of members in the JV shall be: *[insert a number or insert “not limited”]* |
| **ITA 4.3** | The Applicant is permitted to form an SPV *[yes/ no]*Where an SPV is permitted, * The Lead Member in the SPV shall hold equity share capital not less than the percentage of [ ] ([ ]%) of the subscribed and paid up equity of the SPV; and
* each member other than the Lead Member in the SPV shall hold equity share capital not less than the percentage of [ ] ([ ]% percent) of the subscribed and paid up equity of the SPV.

A member of the JV/ SPV other than the Lead Member may dilute its interest in the JV or reduce its share capital in accordance with ITA 4.3 [*yes/ no]*In the case of an SPV, the member that is not the Lead Member may reduce its interest in the SPV subject to ITA 4.3 to not less than *[] % ([] percent])* of the subscribed and paid up equity share capital of the SPV.The Lead Member of the JV/ SPV may dilute its interest in the JV or reduce its share capital in accordance with ITA 4.3 [*yes/ no]*In the case of an SPV, the Lead Member may reduce its interest in the SPV subject to ITA 4.3 to not less than *[] % ([] percent])* of the subscribed and paid up equity share capital of the SPV. |
| **ITA 4.9** | A list of debarred firms and individuals is available on the Bank’s external website: <http://www.worldbank.org/debarr.> |
| **B. Contents of the Initial Selection Document** |
| **ITA 7.1** | For **clarification purposes,** the Employer's address is:*[insert information or state “same as in ITA1.1 above”]*Attention: *[insert name and room number of Project Officer]*Address: *[insert street name and number]**[insert floor and room number, if applicable]*City: *[insert name of city or town]*ZIP Code: *[insert postal (ZIP) code, if applicable]*Country: *[insert name of country]]*Telephone: *[insert telephone number including country and city codes]*Facsimile number: *[insert fax number including country and city codes]*Electronic mail address: *[insert e-mail address of Project Officer]* |
| **ITA 7.1 & 8.2**  | Web page: [*In case used, identify the widely-used website or electronic portal of free access where Initial Selection information is published]* |
| **ITA 7.2** | Pre-Application Meeting will be held: [*Yes/No]**[If Yes, please add the address, date and time of the meeting]* |
| **C. Preparation of Applications** |
| **ITA 10.1** | This Initial Selection document has been issued in the *[Insert “English” or “French” or “Spanish”]* language*.**[****Note:*** *In addition to one of the above languages, and if agreed with the Bank, the Borrower has the option to issue translated versions of the Initial Selection document in another language which should either be: (a) the national language of the Borrower; or (b) the language used nation-wide in the Borrower’s country for commercial transactions. In such case, the following text shall be added:]**“In addition, the Initial Selection document is translated into the [insert national or nation-wide used] language [if there are more than one national or nation-wide used language, add “and in the \_\_\_\_\_\_\_\_\_\_\_\_” [insert the second national or nation-wide language].**Applicants shall have the option to submit their Initial Selection Application in any one of the languages stated above. Applicants shall not submit Applications in more than one language.]”*All correspondence exchange shall be in \_\_\_\_\_\_\_\_\_\_\_\_ language.The Application as well as all correspondence shall be submitted in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. *[Insert the language of the Initial Selection document in case of one language]* *[****Note:*** *If the Initial Selection document is issued in more than one language, the following text shall be inserted above: “in one of the above languages”]*Language for translation of supporting documents and printed literature is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. *[Specify one language]* |
| **ITA 11.1 (d)** | The Applicant shall submit with its Application, the following additional documents: *[insert list of additional documents]* |
| **ITA 14.2** | The source for determining exchange rates is *[insert a publicly available source]* |
| **ITA 15.2** | In addition to the original, the number of copies to be submitted with the Application is: *[insert number of copies]* |
| **D. Submission of Applications** |
| **ITA 17.1** | **The deadline for Application submission is:**Date: *[insert date]*Time: *[insert time]**[The time allowed for preparation and submission of the Initial Selection document should be sufficient for Applicants to gather all the information required—preferably eight weeks, but in any case, not less than six weeks after the date when the documents are available for distribution or the date of the advertisement, whichever is later. This period may be longer for very large contracts, where time should be allowed for the formation of joint ventures and assembly of the necessary resources.]*For **Application submission purposes only,** the Employer's address is:*[insert information requested below or insert “Employer’s address is the same as that indicated in 1.1]*Attention: *[insert name and room number of Project Officer]*Address: *[insert street name and number]**[insert floor and room number, if applicable]*City: *[insert name of city or town]*ZIP Code: *[insert postal (ZIP) code, if applicable]*Country: *[insert name of country]*Telephone: *[insert telephone number including country and city codes]*Facsimile number: *[insert fax number including country and city codes]*Email address: *[insert e-mail address of Project Officer]* Applicants *[insert “shall” or “shall not”]* have the option of submitting their Applications electronically.**[*The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]***The electronic Application submission procedures shall be: ***[insert a description of the electronic Application submission procedures.]*** |
| **ITA 18.1** | *[Choose one of the two options below:]*Late Applications will be returned unopened to the Applicants.*[or]*The Employer reserves the right to accept or reject late Applications. |
| **ITA 19.1** | The opening of the Applications shall be at *[Insert date, time and address]* |
| **ITA 19.2** | **[*The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]***The electronic Application opening procedures shall be: ***[insert a description of the electronic Application opening procedures.]*** |
| **E. Procedures for Evaluation of Applications** |
| **ITA 24.1** | At this time the Employer *[insert “intends” or “does not intend”]* to execute certain specific parts of the contract by sub-contractors selected in advance.*[If the above states “intends” list the specific parts of the contract and the respective sub-contractors]* |
| **F. Evaluation of Applications and Initial Selection of Applicants** |
| **ITA 25.2** | The relevant qualifications of the proposed Specialized Subcontractors *[‘will be’/ ‘will not be’]* added to the qualifications of the Applicant for the purpose of evaluation as indicated in Section III - Initial Selection Criteria and Requirements.  |
| **ITA 27.1** | **Initial Selection – minimum number (x)**The Employer intends to Initially Select the following number of long listed Applications: [*write number in text (insert numerical number)*]. This number is referred to as ***x***, and is the minimum number to be Initially Selected.**Initial Selection – maximum number (y)**The Employer, may, at its sole discretion, Initially Select more than the minimum number of long listed Applications. The maximum number that may be Initially Selected is [*write number in text (insert numerical number)*]. This number is referred to as ***y***. [*Select numbers for x and y based on the results of the market analysis and other findings in the PPSD. However, for Competitive Dialogue selection method* ***x*** *is normally not less than three (3) Applications and* ***y*** *is not exceeding six (6) Applications.*] |
| **ITA 29.7** | *[****Choose one of the two options below****:]**[Choose Option 1 for contracts under Projects assessed as high risk for Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH); otherwise choose Option 2. It is indicated here as “intends” in case the risk level changes by the time of inviting bids.]*[The Employer intends to require Proposers to submit Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment(SH) Declaration.*[or]*The Employer does not intend to require Proposers to submit Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment(SH) Declaration.] |
| **ITA 31.1** | The procedures for making a Procurement-related Complaint are detailed in the “[Procurement Regulations for IPF Borrowers](http://www.worldbank.org/en/projects-operations/products-and-services/brief/procurement-new-framework) (Annex III).” If an Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint following these procedures, in writing (by the quickest means available, that is either by email or fax), to:**For the attention**: *[insert full name of person receiving complaints]***Title/position**: *[insert title/position]***Employer:** *[insert name of* **Employer***]***Email address***: [insert email address]***Fax number**: *[insert fax number]* ***delete if not used***In summary, at this stage, a Procurement-related Complaint may challenge any of the following:1. the terms of the Initial Selection Document; and
2. the Employer’s decision not to initially select an Applicant
 |

Section III - Initial Selection Criteria and Requirements

This section contains all the methods, criteria, and requirements that the Employer shall use to evaluate Applications. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the respective Application Forms.

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Table 1 – Qualification Criteria and Requirements

**[*Note to Employer: Only applications that are substantially responsive to the qualification criteria and requirements in Table 1 are to be assessed against Table 2, Rated Criteria and Requirements.*]**

1. Eligibility

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Single Entity Requirements** | **Joint Venture** | **Documentation** |
| **No.** | **Subject** | **Requirement** | **All Members Combined** | **Each Member** | **One Member** | **Submission Requirements** |
| **1.1** | **Nationality** | Nationality in accordance with ITA 4.5 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
| **1.2** | **Conflict of Interest** | No conflicts of interest in accordance with ITA 4.6 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Letter |
| **1.3** | **Bank Eligibility** | Not having been declared ineligible by the Bank, as described in ITA 4.7 and 5.1 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Letter |
| **1.4** | **United Nations resolution or Borrower’s country law** | Not having been excluded as a result of prohibition in the Borrower’s country laws or official regulations against commercial relations with the Applicant’s country, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 5.1 and Section V. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI – 1.1 and 1.2, with attachments |
|  |  |  |  |  |  |  |  |

1. Historical Contract Non-Performance

| **Criteria** | **Single Entity Requirements** | **Joint Venture** | **Documentation** |
| --- | --- | --- | --- |
| **No.** | **Subject** | **Requirement** | **All Members Combined** | **Each Member** | **One Member** | **Submission Requirements** |
| **2.1** | **History of Non-Performing Contracts** | Non-performance of a contract[[5]](#footnote-6) did not occur as a result of contractor’s default since 1st January *[insert year]*.  | Must meet requirement | Must meet requirements | Must meet requirement[[6]](#footnote-7) | N/A | Form CON-2 |
| **2.2** | **Suspension Based on Execution of Bid or Proposal Securing Declaration by the Employer** | Not under suspension based on execution of Bid or Proposal Securing Declaration pursuant to ITA 4.10. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Letter |
| **2.3** | **Pending Litigation** | Applicant’s financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant | Must meet requirement | N/A | Must meet requirement | N/A | Form CON – 2 |
| **2.4** | **Litigation History** | No consistent history of court/arbitral award decisions against the Applicant[[7]](#footnote-8) since 1st January *[insert year]* | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form CON – 2 |
| **2.5** | **Declaration: Environmental and Social (ES) past performance** | Declare any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, or social (including Sexual Exploitation and Abuse) contractual obligations in the past five years.[[8]](#footnote-9) | Must make the declaration. Where there is Specialized Sub-contractor/s such Specialized Sub-contractor/s must make the declaration. | N/A | Each must make the declaration. Where there is Specialized Sub-contractor/s such Specialized Sub-contractor/s must make the declaration. | N/A | Form CON-3 ES Performance Declaration |
| **2.6** | **Bank’s SEA and/or SH Disqualification** | 1. At the time of Contract Award, not subject to disqualification by the Bank for non-compliance with SEA/ SH obligations
2. If the Applicant had been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations, the Applicant shall either (i) provide evidence of an arbitral award on the disqualification made in its favour; or (ii) demonstrate that it has adequate capacity and commitment to comply with SEA/SH prevention and response obligations; or (iii) provide evidence that it has already demonstrated such capacity and commitment for another Bank financed works contract
 | Must meet requirement(including each subcontractor) | N/A | Must meet requirement (including each subcontractor proposed by the Applicant) | N/A | Application Submission Letter, Form CON-4 |

1. Financial Situation and Performance

| **Criteria** | **Single Entity Requirements** | **Joint Venture Requirements** | **Documentation** |
| --- | --- | --- | --- |
| **No.** | **Subject** | **Requirement** | **All Members Combined** | **Each Member** | **One Member** | **Submission Requirements** |
| **3.1** | **Financial Capabilities** | (i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the cash flow requirements estimated as USD $ *[insert amount in US$]* for the subject contract(s) net of the Applicants other commitments. *[In case the contracts are to be procured as individual contracts under a slice and package (multiple contracts) state the cash flow requirement to qualify for individual and multiple contracts.]* (ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on contracts currently in progress and for future contract commitments.(iii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Employer, for the last *[insert number]* years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability. | Must meet requirementMust meet requirementMust meet requirement | Must meet requirementMust meet requirementN/A | N/AN/AMust meet requirement | N/AN/AN/A | Form FIN – 3.1, with attachments |
| **3.2** | **Average Annual Turnover** | Minimum average annual construction turnover of US$ [insert amount in US$ equivalent in words and figures], calculated as total certified payments received for contracts in progress and/or completed within the last [insert number] years, divided by [insert number of years in words] years. [In case the contracts are to be procured as individual contracts under a slice and package (multiple contracts) state the average annual turnover requirement to qualify for individual and multiple contracts.]  | Must meet requirement | Must meet requirement | Must meet *[insert number]* %, *[insert percentage in words]* of the requirement | Must meet *[insert number]* %, *[insert percentage in words]* of the requirement | Form FIN – 3.2 |

1. Experience

| **Criteria** | **Single Entity Requirements** | **Joint Venture Requirements** | **Documentation** |
| --- | --- | --- | --- |
| **No.** | **Subject** | **Requirement** |  | **All Members Combined** | **Each Member** | **One Member** | **Submission Requirements** |
| **4.1** | **DBO Experience** | *Employer shall delete (a) or (b) depending on whether it anticipates there will be a sufficient number of potential proposers with DBO experience:**(a) Experience of similar DBO contracts is a mandatory qualification criterion to qualify for the long-list under ISDS 27.2(c).] The experience requirement is a minimum number of [state the number] of similar DBO contracts for [Water/ Wastewater] treatment plants as prime contractor, joint venture member, or management contractor, which are either operational at the date of application, or in which the operations period ended after 1st January [insert year].**(b) Experience of similar DBO contracts is not a mandatory qualification criterion under Table 1, but is a rated experience criterion under Table 2. The rating experience requirement is for similar DBO contracts for [Water/ Wastewater] treatment plants undertaken as prime contractor, joint venture member, or management contractor, which are either operational at the date of application, or in which the operations period ended after 1st January [insert year].*The selected DBO contracts shall:* have a minimum design capacity of [ …], and
* have been operating for at least two years since commissioning, and
* have been operating satisfactorily since commissioning.

*If cyber security risk has been assessed to be critical for the contract, in addition to application of appropriate rated factors in Table 2, include key relevant specific experience requirement.]* | Must meet requirement | Must meet requirement | N/A | N/A | Form EXP - 4.1 |
| **4.2** | **Design Experience** | A minimum number of *[state the number]* contracts for the design of [ *water/ wastewater*] treatment plants undertaken between 1st January *[insert year]* and Application submission deadline.The selected design contracts shall relate to treatment plant that:* have been satisfactorily and substantially completed, and
* each have a minimum value of [ …]

*[N.B: As appropriate, it may be stated that the above specific experience requirements may be met by specialized subcontractors.]* | Must meet requirement | N/A | N/A | Must meet requirement | Form EXP - 4.2 |
| **4.3** | **Construction Experience** | A minimum number of *[state the number]* construction contracts for [ *water/ wastewater*] treatment plants that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or subcontractor between 1st January *[insert year]* and Application submission deadline.The value of the member’s participation in each selected construction contract shall be a minimum of [ …] *[N.B: As appropriate, it may be stated that the above specific experience requirements may be met by specialized subcontractors.]* | Must meet requirement | Must meet requirement | N/A | N/A | Form EXP - 4.3 |
| **4.4** | **Operations experience** | *Employer shall delete (a) or (b) depending on whether it anticipates there will be a sufficient number of potential proposers with relevant operations experience:**(a) Experience of similar operations contracts is a mandatory qualification criterion to qualify for the long-list under ISDS 27.2(c).] The experience requirement is a minimum number of [state the number] of similar operations contracts for [Water/ Wastewater] treatment plants as prime contractor, joint venture member, or management contractor, which are either operational at the date of application, or in which the operations period ended after 1st January [insert year].**(b) Experience of similar operations contracts is not a mandatory qualification criterion under Table 1, but is a rated experience criterion under Table 2. The rating experience requirement is for similar operations contracts for [Water/ Wastewater] treatment plants undertaken as prime contractor, joint venture member, or management contractor, which are either operational at the date of application, or in which the operations period ended after 1st January [insert year].*The selected operations contracts shall:* relate to treatment plant with a minimum capacity of [ …]
* have a contract period of three years or more with satisfactory operation
 | Must meet requirement | N/A | N/A | Must meet requirement | Form EXP - 4.4 |
| **4.5**  | **Specific Experience in managing ES aspects** | For the contracts in 4.2 to 4.4 *[insert instead: “4.1 to 4.4” as applicable]* above and/or any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or Subcontractor between 1st January *[insert year]* and Application submission deadline, experience in managing ES risks and impacts in the following aspects: *[Based on the ES assessment, specify, as appropriate, specific experience requirements to manage ES aspects.]*  | Must meet requirement  | Must meet requirement | Must meet the following requirements: [*list key requirements to be met by each member otherwise state: ”N/A”]* | Must meet the following requirements: *[list key requirements to be met by one member otherwise state: ”N/A”]* | Form EXP – 4.5 |

**Notes for Applicants:**

1. The Applicant may use a single contract to satisfy two or more experience criteria requirements. In such cases, the Applicant shall complete separate EXP forms for each subject contract type. (For example, if a contractor undertook both design and construction on a similar contract, it may use that experience to qualify under Design Experience and Construction Experience. It such case it would complete forms EXP-4.2 and EXP-4.3.)
2. Substantial completion shall be based on 80% or more of the contract completed.
3. For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant’s role and responsibilities shall be considered as qualifying experience.

***[Notes for the Employer***

1. *If the contracts are to be procured as individual contracts under a slice and package arrangement (multiple contracts), the Employer should state the requirements to qualify for individual and multiple contracts (e.g. number of contracts, minimum and aggregate values).*

 *2. The manner JV members should meet the requirements may be modified depending on the market and specifics of the proposed contract.]*

Table 2 – Rated Criteria and Requirements

**[*Note to Employer: The criteria, requirements, maximum scores, weightings and scoring methodology contained in the table below is an example only and may be modified to suit the nature and complexity of the contract. Only applications that are substantially responsive to the qualification criteria and requirements in Table 1 are to be assessed against Table 2, Rated Criteria and Requirements*]**

1. Past Experience

|  | **Scoring** | **Documentation** |
| --- | --- | --- |
| **Requirement** | **Maximum score** | **Remark** | **Submission Requirement** |
| **Number of similar contracts**[*Number of satisfactory contracts that exceed the number specified in Table 1, Factor 4 (where this number is z) that are:*1. similar to the Requirements (Reference Table 1, 4); and
2. completed during the past\_\_\_ years. *[insert number equal or more than the number of years specified in Table 1, Sub-Factor 4] ]*

**Scoring methodology:**

|  |  |
| --- | --- |
| **Contract Type** | Number of satisfactory similar contracts (z) |
| *[>= z+4 contracts*]  | z+*3 contracts*] | [z+*2 contracts*] | [z+*1 contracts*] | [z contracts] |
| **Design-Build-Operate contracts\*** | *[100]* | *[90]* | *[75]* | *[50]* |  *0* |
| **Design contracts** | *[25]* | *[20]* | *[15]* | *[10]* | *0* |
| **Construction contracts** | *[25]* | *[20]* | *[15]* | *[10]* | *0* |
| **Operations contracts\*** | *[50]* | *[45]* | *[40]* | *[25]* | *0* |

\* In the case that DBO and/or Operations experience is not a mandatory qualifying requirement in Table 1 then their corresponding value of “z” is zero.The total evaluated score is the aggregate of the scores for each contract type. The total evaluated score shall not exceed the maximum score in column 2. *[It is recommended that the Employer should include an example of how the scoring system will be applied by providing a worked example similar to the following:* *Example: Applicant A has the following experience in excess of the minimum number of contracts required in Table 1: 1 DBO contract, 1 design contract, 0 construction contracts, and 2 operations contracts. Using the values in the scoring table above, the evaluated score would be 50 + 10 + 40 = 100.]* | *[insert a maximum score]* | In case of JV, the experience shall be provided by the member or members indicated in Table 1.  | Form EXP 4.1 – 4.4 |

1. Contract/Project Management Capability

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Scoring** | **Documentation** |
| **Requirement** | **Maximum score** | **Remark** | **Submission Requirement** |
| *[Contract/project management capability in the following key areas:* ***[Note to Employer: consider putting a page limit on each of the responses****]*1. *Description of project management system/s and how they will be applied (including status of accreditation with recognized international standards applicable to the industry)*
2. *Environmental and Social management practice, and*
3. *Use of value Engineering, innovation and continuous improvement.]*

**Scoring methodology:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Key areas: *[****Number and extent of key areas demonstrated.]* | *[all 3]*  | *[2]* | *[1]* | *[0]* |
| **Initial score** | ***[67-100]*** | ***[34-66]*** | ***[1-33]*** | ***[0]*** |

 | *[insert a maximum score (out of 100)]*  | In case of JV, the capability of the lead member will be evaluated | Table 2-PM |

1. Employer’s Requirements

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Scoring** | **Documentation** |
| **Requirement** | **Maximum score** | **Remark** | **Submission Requirement** |
| ***[Note to Employer: consider putting a page limit on responses for 1 and 3 and requiring a chart for 2]****[Understanding of the Employer’s Requirements through an outline of the following:* 1. *Approach to the contract (including meeting Environmental and Social (ES) requirements)*
2. *Program of the main design, build and operate activities*
3. *Key impacts and risks (including those of an ES nature).]*

**Scoring methodology:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Key aspects: *[****Number and extent of key areas demonstrated.]* | *[all 3]*  | *[2]* | *[1]* | *[0]* |
| **Initial score** | ***[67-100]*** | ***[34-66]*** | ***[1-33]*** | ***[0]*** |

  | *[insert a maximum score (out of 100)]*  |  | Table 2-ER |

1. Sustainable Procurement

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Scoring** | **Documentation** |
| **Requirement** | **Maximum score** | **Remark** | **Submission Requirement** |
| *[Sustainable procurement (to be specified by the Employer) practices in the following key areas:* 1. *Sustainable procurement practice, and*
2. *Track record of delivering sustainable procurement outcomes.*

**Scoring methodology:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Key aspects:** *[Number and extent of key areas demonstrated.]* | *[all 2]*  | *[1]* | *[0]* |
| **Initial score** | ***[51-100]*** | ***[1-50]*** | ***[0]*** |

 | *[insert a maximum score (out of 100)]*  | In case of JV, at least one member will be evaluated. | Table 2-SP |

1. Cyber Security *[Include for contracts that have been assessed to present potential or actual cyber security risks]*

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Scoring** | **Documentation** |
| **Requirement** | **Maximum score** | **Remark** | **Submission Requirement** |
| [*Cyber Security practice and track record shall be demonstrated through::* 1. *Cyber Security risk management practice and track record*
2. *Relevant Cyber security accreditation such as ISO 27000 (ISO 27001) or equivalent*

**Scoring methodology:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Key aspects: *[****Number and extent of key areas demonstrated.]* | *[all 2*]  | [*1*] | [0] |
| **Initial score** | ***[51-100]*** | ***[1-50]*** | **[*0*]** |

 | [*insert a maximum score (out of 100)*  | In case of JV, at least one member will be evaluated. | Table 2-CS |

Section IV - Application Forms

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Application Submission Letter

Date: *[insert day, month, and year]*ISD No. and title: *[insert* ISD *number and title]*

To: *[insert full name of Employer]*

We, the undersigned, apply to be initially selected for the referenced Request for Proposal (RFP) and declare that:

1. **No reservations:** We have examined and have no reservations to the Initial Selection Document, including Addendum(s) No(s). issued in accordance with ITA 8: *[insert the number and issuing date of each addendum].*
2. **No conflict of interest:** We have no conflict of interest in accordance with ITA 4.6;
3. **Eligibility:** We (and our subcontractors) meet the eligibility requirements as stated in ITA 4, we **have** not been suspended by the Employer based on execution of a Bid-Securing Declaration or Proposal-Securing Declaration in accordance with ITA 4.10;
4. **Suspension and Debarment**: We, along with any of our subcontractors, suppliers, consultants, **manufacturers**, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the World Bank Group or a debarment imposed by the World Bank Group in accordance with the Agreement for Mutual Enforcement of Debarment Decisions between the World Bank and other development banks. Further, we are not ineligible under the Employer’s country laws or official regulations or pursuant to a decision of the United Nations Security Council;
5. **Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH):** [*select the appropriate option from (i) to (v) below and delete the others*].

We *[where JV, insert:* “including any of our JV members”*]*, and any of our subcontractors:

1. [have not been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations.]
2. [are subject to disqualification by the Bank for non-compliance with SEA/ SH obligations.]
3. [had been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations. An arbitral award on the disqualification case has been made in our favor.]
4. [had been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations for a period of two years. We have subsequently provided and demonstrated that we have adequate capacity and commitment to comply with SEA and SH prevention and response obligations.]
5. [had been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations for a period of two years. We have attached documents demonstrating that we have adequate capacity and commitment to comply with SEA and SH prevention and response obligations.]
6. **State-owned enterprise or institution:** [*select the appropriate option and delete the other*] [*We are not a state-owned enterprise or institution*] / [*We are a state-owned enterprise or* **institution** *but meet the requirements of ITA 4.9*];
7. **Subcontractors and Specialized Subcontractors:** We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following parts of the contract:

*[Insert any part of the contract which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*

1. **Commissions, gratuities, fees:** We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the Initial Selection process, the **corresponding** RFP process or execution of the Contract:

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

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

1. **Not bound to accept:** We understand that you may cancel the Initial Selection process at any time and that you are neither bound to accept any Application that you may receive nor to invite the initially selected **Applicants** to submit Proposal for the contract subject of this Initial selection process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
2. **True and correct:** All information, statements and description contained in the Application are in all respect true, correct and **complete** to the best of our knowledge and belief.

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

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

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

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

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

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

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

Form ELI -1.1 `
Applicant Information Form

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

ISD No. and title: [*insert ISD number and title*]

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

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

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

Form ELI -1.2
Applicant's JV Information Form

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

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

|  |
| --- |
| Applicant name:*[insert full name]* |
| Applicant's JV Member’s name:*[insert full name of Applicant's JV Member]* |
| Applicant's JV Member’s country of registration:*[indicate country of registration]* |
| Applicant JV Member’s year of constitution:*[indicate year of constitution]* |
| Applicant JV Member’s legal address in country of constitution:*[insert street/ number/ town or city/ country]* |
| Applicant JV Member’s Lead Member informationName: *[insert full name]*Address: *[insert street/ number/ town or city/ country]*Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*E-mail address: *[indicate e-mail address]* |
| 1. Attached are copies of original documents of🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 4.5.🞎 In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Employer, in accordance with ITA 4.9.2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

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

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

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Year of dispute** | **Amount in dispute (currency)** | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
| *[insert year]* | *[insert amount]* | Contract Identification: [indicate complete contract name, number, and any other identification]Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Matter in dispute: *[indicate main issues in dispute]*Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*Status of dispute:  | *[insert amount]* |
| Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements |
| 🞎 No Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.4.🞎 Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.4 as indicated below. |
| **Year of award** | **Outcome as percentage of Net Worth**  | **Contract Identification** | **Total Contract Amount (currency), USD Equivalent (exchange rate)** |
| *[insert year]* | *[insert percentage]* | Contract Identification: [indicate complete contract name, number, and any other identification]Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Matter in dispute: *[indicate main issues in dispute]*Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*Reason(s) for Litigation and award decision *[indicate main reason(s)]* | *[insert amount]* |

Form CON – 3 ES Performance Declaration

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

Applicant’s Name: *[insert full name]*Date: *[insert day, month, year]*Joint Venture Member’s or Specialized Subcontractor’s Name: *[insert* *full name]*ISD No. and title: *[insert ISD number and title]*Page *[insert page number]* of *[insert total number]* pages

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

Form CON – 4
Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment Performance Declaration

*[The following table shall be filled in by the Applicant, each member of a Joint Venture and each subcontractor proposed by the Applicant]*

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

|  |
| --- |
| **SEA and/or SH Declaration** **in accordance with Section III, Qualification Criteria, and Requirements** |
| We:🞎 (a) have not been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations🞎 (b) are subject to disqualification by the Bank for non-compliance with SEA/ SH obligations🞎 (c) had been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations. An arbitral award on the disqualification case has been made in our favor.🞎 (d) had been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations for a period of two years. We have subsequently demonstrated that we have adequate capacity and commitment to comply with SEA/ SH obligations.🞎 (e) had been subject to disqualification by the Bank for non-compliance with SEA/ SH obligations for a period of two years. We have attached evidence demonstrating that we have adequate capacity and commitment to comply with SEA/ SH obligations..  |
| **[*If (c) above is applicable*, *attach evidence of an arbitral award reversing the findings on the issues underlying the disqualification.]*** |
| ***[If (d) or ( e) above are applicable, provide the following information:]*** |
| Period of disqualification: From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| If previously provided for another Bank financed works contract, details of evidence that demonstrated adequate capacity and commitment to comply with SEA/ SH obligations (**as per (d) above)**Name of Employer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Name of Project: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Contract description: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Brief summary of evidence provided: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Contact Information: (Tel, email, name of contact person): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| As an alternative to the evidence under (d), other evidence demonstrating adequate capacity and commitment to comply with SEA/ SH obligations (**as per (e) above)** *[attach details as appropriate].* |

Form FIN – 3.1
Financial Situation and Performance

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

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

**1. Financial data**

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

\* Refer ITA 14 for the exchange rate

**2. Sources of Finance**

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

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

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

**3. Financial documents**

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Table 1 –Qualification Criteria, and Requirements Sub-factor 3.1. The financial statements shall:

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

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

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

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

🞎 Attached are copies of financial statements[[9]](#footnote-10) for the *[number]* years required above; and complying with the requirements

Form FIN - 3.2
Average Annual Construction Turnover

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

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

|  |
| --- |
| **Annual Construction Turnover Data**  |
| **Year** | **Amount** **Currency** | **Exchange rate\*** | **USD equivalent** |
| *[indicate calendar year]* | *[insert amount and indicate currency]* |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  | Average Annual Construction Turnover \*\* |  |

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

\*\* Total USD equivalent for all years divided by the total number of years. See Section III, Table 1 Qualification Criteria, and Requirements, 3.2.

Form EXP - 4.1
Specific DBO Experience

(Table 1, 4.1 and Table 2)

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

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

|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, e.g., 15 June, 2014]* |
| Design-Build Commissioning Date | *[insert day, month, year, e.g., 15 June, 2015]* |
| Operations period completion date (actual or expected) | *[insert day, month, year, e.g. 03 October, 2030]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor 🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in local currency]* | US$ *[insert**Exchange rate and total contract amount in US$**equivalent] \** |
| If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in US$ equivalent] \** |
| ***[insert roles and responsibilities]*** |
| Description of the similarity in accordance with Section III Table 1, 4.2  |  |
| Physical size of required contracts items | *[insert physical size of items]* |
| Complexity | *[insert description of complexity]* |
| Methods/Technology | *[insert specific aspects of the methods/technology involved in the contract]* |
| Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Employer’s Requirements]* |
| Employer's Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, including country and**city area codes]**[insert e-mail address, if available]* |

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

Form EXP - 4.2
Specific Design Experience

(Table 1, 4.2 and Table 2)

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

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

|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate boxes]* | Lead design 🞎 | Process design🞎 | Detailed design🞎 | Other 🞎 |
| Total Contract Amount | *[insert total contract amount in local currency]* | US$ *[insert**Exchange rate and total contract amount in US$**equivalent] \** |
| If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in US$ equivalent] \** |
| ***[insert roles and responsibilities]*** |
| Description of the similarity in accordance with Section III Table 1, 4.2  |  |
| Physical size of required contracts items | *[insert physical size of items]* |
| Complexity | *[insert description of complexity]* |
| Methods/Technology | *[insert specific aspects of the methods/technology involved in the contract]* |
| Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Employer’s Requirements]* |
| Employer's Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, including country and**city area codes]**[insert e-mail address, if available]* |

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

Form EXP - 4.3
Specific Construction Experience

(Table 1, 4.3 and Table 2)

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

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

|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor 🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in local currency]* | US$ *[insert**Exchange rate and total contract amount in US$**equivalent] \** |
| If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in US$ equivalent] \** |
| ***[insert roles and responsibilities]*** |
| Description of the similarity in accordance with Section III Table 1, 4.2  |  |
| Physical size of required contracts items | *[insert physical size of items]* |
| Complexity | *[insert description of complexity]* |
| Methods/Technology | *[insert specific aspects of the methods/technology involved in the contract]* |
| Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Employer’s Requirements]* |
| Employer's Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, including country and**city area codes]**[insert e-mail address, if available]* |

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

Form EXP - 4.4
Specific Operations Experience

(Table 1, 4.1 and Table 2)

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

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

|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Contract Completion date (actual/expected) | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor 🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in local currency]* | US$ *[insert**Exchange rate and total contract amount in US$**equivalent] \** |
| If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in US$ equivalent] \** |
| ***[insert roles and responsibilities]*** |
| Description of the similarity in accordance with Section III Table 1, 4.2  |  |
| Physical size of required contracts items | *[insert physical size of items]* |
| Complexity | *[insert description of complexity]* |
| Methods/Technology | *[insert specific aspects of the methods/technology involved in the contract]* |
| Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Employer’s Requirements]* |
| Employer's Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, including country and**city area codes]**[insert e-mail address, if available]* |

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

Form EXP - 4.5
Specific Experience in Managing ES aspects

*[The following table shall be filled in for contracts performed by the Proposer, and each member of a Joint Venture]*

*Proposer* Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Date: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Proposer* JV Member Name: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*ISD No. and title: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Page *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*pages

* + - 1. Key Requirement no 1 in accordance with 4.5: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| Contract Identification |  |
| Award date |  |
| Completion date |  |
| Role in Contract | Prime Contractor🞎 | Member in JV 🞎 | Management Contractor🞎 | Subcontractor 🞎 |
| Total Contract Amount |  | US$  |
| Details of relevant experience |  |

* + - 1. Key Requirement no 2 in accordance with 4.5: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*
			2. Key Requirement no 3 in accordance with 4.5: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Table 2-PM
Contract / Project Management Capability

Table 2-ER
Understanding of the Employer’s Requirement

Table 2-SP
Sustainable Procurement

*The applicant shall demonstrate capability in Sustainable Procurement in accordance with Table 2*

Table 2-CS
Cyber Security Requirement

*The Applicant shall demonstrate capability in managing Cyber security risks in accordance with Table 2.*

Section V - Eligible Countries

**Eligibility for the Provision of Goods, Works and Services in Bank-Financed
Procurement**

In reference to ITA 5.1, for the information of the Applicants, at the present time firms and individuals, supply of goods, or contracting of works or services, from the following countries are excluded from this Initial Selection process:

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

Under ITA 5.1 (b) *[list the countries or state “none”]*

 Section VI - Fraud and Corruption

**(Text in this Section VI shall not be modified)**

1. **Purpose**
	1. The Bank’s Anti-Corruption Guidelines and this annex apply with respect to procurement under Bank Investment Project Financing operations.
2. **Requirements**
3. The Bank requires that Borrowers (including beneficiaries of Bank financing); bidders (applicants/proposers), consultants, contractors and suppliers; any sub-contractors, sub-consultants, service providers or suppliers; any agents (whether declared or not); and any of their personnel, observe the highest standard of ethics during the procurement process, selection and contract execution of Bank-financed contracts, and refrain from Fraud and Corruption.
4. To this end, the Bank:
5. Defines, for the purposes of this provision, the terms set forth below as follows:
6. “corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
7. “fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
8. “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
9. “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
10. “obstructive practice” is:
11. deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a Bank investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
12. acts intended to materially impede the exercise of the Bank’s inspection and audit rights provided for under paragraph 2.2 e. below.
13. Rejects a proposal for award if the Bank determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
14. In addition to the legal remedies set out in the relevant Legal Agreement, may take other appropriate actions, including declaring misprocurement, if the Bank determines at any time that representatives of the Borrower or of a recipient of any part of the proceeds of the loan engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices during the procurement process, selection and/or execution of the contract in question, without the Borrower having taken timely and appropriate action satisfactory to the Bank to address such practices when they occur, including by failing to inform the Bank in a timely manner at the time they knew of the practices;
15. Pursuant to the Bank’s Anti-Corruption Guidelines, and in accordance with the Bank’s prevailing sanctions policies and procedures, may sanction a firm or individual, either indefinitely or for a stated period of time, including by publicly declaring such a firm or individual ineligible (i) to be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;[[10]](#footnote-11) (ii) to be a nominated[[11]](#footnote-12) sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank-financed contract; and (iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in the preparation or implementation of any Bank-financed project;
16. Requires that a clause be included in request for bid/request for proposals documents and in contracts financed by a Bank loan, requiring (i) bidders (applicants/proposers), consultants, contractors, and suppliers, and their sub-contractors, sub-consultants, service providers, suppliers, agents, personnel, permit the Bank to inspect[[12]](#footnote-13) all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the Bank.

PART 2 – Employer’s Requirements

Section VII - Scope of Employer’s Requirements

**Contents**

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[2. Implementation Period 77](#_Toc135481451)

[3. Site and Other Data 78](#_Toc135481452)

[4. Environmental and Social (ES) Requirement 79](#_Toc135481453)

1. Description of the Works and Operation Services (Design, Build and Operation)

*[Insert a summary of the technical requirements including:*

1. *Outline description of the Works and Operations*
2. *Legal and Regulatory Requirements*
3. *Functional and/or Performance Requirements*
4. *Quality Assurance Requirement*
5. *Any other significant features*

2. Implementation Period

*[Insert estimated implementation period (Design Build Period and Operation Period)]*

3. Site and Other Data

4. Environmental and Social (ES) Requirement

 *[The Employer’s team preparing the ES requirements should include a suitably qualified Environmental and Social specialist/s.*

*Based on the ES assessment, the Employer shall provide key ES risks and impacts and expectations on contractors to manage the risks and impacts. This may include as appropriate, but not limited to a summary of: key expectations in addressing Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) risks and impacts, managing labor and working conditions, protection of the environment, security of the site, community health and safety, management of safety of hazardous materials, resource efficiency and pollution prevention and management, biodiversity conservation and sustainable management of living natural resources etc. Any summary (key) information provided here shall not be inconsistent with the more detailed requirements in the RFP document.]*

1. Substitute with “contracts” where Proposals are called concurrently for multiple contracts. Add a new para. 3 and renumber paras 3 - 8 as follows: “Initially selected Applicants may submit Proposals for one or several contracts, as further defined in the RFP Document.” [↑](#footnote-ref-2)
2. Insert if applicable: “This contract will be jointly financed by [insert name of co-financing agency]. Procurement process will be governed by the World Bank’s Procurement Regulations.” [↑](#footnote-ref-3)
3. The delivery procedure is usually airmail for overseas delivery and surface mail or courier for local delivery. If urgency or security dictates, courier services may be required for overseas delivery. With the agreement of the World Bank, documents may be distributed by e-mail, downloading from authorized web site(s) or electronic procurement system. Initial Selection Document (in Read Only form) should to be posted on the Employer’s web page, if available, for inspection by prospective Applicants. [↑](#footnote-ref-4)
4. An individual firm is considered a domestic Proposer for purposes of the margin of preference if it is registered in the country of the Employer, has more than 50 percent ownership by nationals of the country of the Employer, and if it does not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign contractors. JVs are considered as domestic Proposers and eligible for domestic preference only if the individual member firms are registered in the country of the Employer, have more than 50 percent ownership by nationals of the country of the Employer, and the JV shall be registered in the country of the Borrower. The JV shall not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign firms. JVs between foreign and national firms will not be eligible for domestic preference. [↑](#footnote-ref-5)
5. Nonperformance, as decided by the Employer, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted. [↑](#footnote-ref-6)
6. This requirement also applies to contracts executed by the Applicant as JV member. [↑](#footnote-ref-7)
7. The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application. [↑](#footnote-ref-8)
8. The Employer may use this information to seek further information or clarifications during the request for proposal stage and the associated due diligence. [↑](#footnote-ref-9)
9. If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified. [↑](#footnote-ref-10)
10. For the avoidance of doubt, a sanctioned party’s ineligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract. [↑](#footnote-ref-11)
11. A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the particular bidding document) is one which has been: (i) included by the bidder in its pre-qualification Application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid; or (ii) appointed by the Borrower. [↑](#footnote-ref-12)
12. Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Bank or persons appointed by the Bank to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to: accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information. [↑](#footnote-ref-13)