ZAMBEZI RIVER AUTHORITY

Web Site: www.zaraho.org.zm

**Prequalification Document for**

**Procurement of**

**Kariba Dam Emergency Gate and New Gantry Underwater Visual Inspections and Special Investigations.**

**Invitation for Prequalification No.: ZRA/KDRP/08/2015**

**Employer: Zambezi River Authority**

**Country: Zambia& Zimbabwe**

**Issued on: 21 August 2015**

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PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

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**Section I. Instructions to Applicants**

## A. General

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| --- | --- |
| 1. Scope of Application | 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer, as defined in the **PDS,** issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Works described in Section VII, Scope of Works. In case the Works are to be bid as individual contracts (i.e. the slice and package procedure), these are listed in the PDS. The International Competitive Bidding (“ICB”) number corresponding to this prequalification is also provided in the **PDS.** |
| 2. Source of Funds | 2.1 Zambezi River Authority (hereinafter called “Employer”) indicated in the **PDS** has set aside funds for financing various operations during the 2015 budget (hereinafter called “funds”). The Employer intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted. |
| 3. Corrupt and Fraudulent Practices | 3.1 The Employer requires compliance with its policy in regard to corrupt and fraudulent practices as set forth in Section 4.7. |
| 4. Eligible Applicants | 4.1 The “Applicant” include all entities involved or intended to be involved with the proposed Works (including all partners and any of their affiliates that directly or indirectly control, or are controlled by or are under common control with the firm), specialized sub-contractors, consultants, manufacturers or suppliers and the personnel of each, for any part of the contract including related services.  4.2 An Applicant may be a firm that is a private entity, or public entity—or a 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 JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, bidding (in the event the JV submits a bid) and during contract execution (in the event the JV is awarded the Contract).Unless specifiedin the **PDS**, there is no limit on the number of members in a JV. |
|  | 4.3 A firm may apply for prequalification both individually, and as part of a joint venture, or as a sub-contractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture or as a sub-contractor. However, a firm may participate as a sub-contractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.  4.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a sub-contractor among them for the same contract. However, if prequalified only one prequalified applicant will be allowed to bid for the same contract. All bids submitted in violation of this procedure will be rejected. |
|  | 4.5 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. |
|  | 4.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Employer as Engineer for contract implementation of the works that are the subject of this prequalification. |
|  | 4.7 An Applicant that has been previously sanctioned by any Government or International Finance Institution in accordance with the above ITA 3.1, including in accordance with the Prevention and Combating of Corruption shall be ineligible to be prequalified, to bid for, awarded a contract under this tendering process  4.8 As in 4.7 above. |
|  | 4.9 An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid–Securing Declaration. |
|  | 4.10 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request. |
| 5. Eligibility | 5.1 Prequalification is open to all nationals. |
|  | B. Contents of the Prequalification Document |
| 6. Sections of Prequalifica­tion Document | 6.1 This Prequalification 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 Prequalification Procedures   * Section I. Instructions to Applicants (ITA) * Section II. Prequalification Data Sheet (PDS) * Section III Qualification Criteria and Requirements * Section IV. Application Forms   PART 2 Works Requirements   * Section V. Scope of Works |
|  | 6.2 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 Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail. |
|  | 6.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document. |
| 7. Clarification of Prequali­fication Document and Pre-Application Meeting | 7.1 A prospective Applicant requiring any clarification of the Prequalification Document shall contact the Employer in writing at the Employer’s address indicated in the **PDS.** The Employer will respond in writing to any request for clarification provided that such request is received no later than seven (7) 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 Prequalification Document directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Employer shall also promptly publish its response at the web page identified in the **PDS**. Should the Employer deem it necessary to amend the Prequalification 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.  7.2 If indicated in the **PDS**, the prospective 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 **PDS**. During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Prequalification Document.  7.3 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 Prequalification Document. Any modification to the Prequalification 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. |
| 8. Amendment of Prequalifica­tion Document | 8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Document by issuing an Addendum. |
|  | 8.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all prospective Applicants who have obtained the Prequalification Document from the Employer. The Employer shall promptly publish the Addendum at the Employer’s web page identified in the **PDS**. |
|  | 8.3 To give prospective 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. |
|  | C. Preparation of Applications |
| 9. Cost of Applications | 9.1 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 prequalification process. |
| 10. Language of Application | 10.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in the language specified in the **PDS.** 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 **PDS,** in which case, for purposes of interpretation of the Application, the translation shall govern. |
| 11. Documents Comprising the Application | 11.1 The Application shall comprise the following:  (a) Application Submission Form, in accordance with ITA 12.1;  (b) documentary evidence establishing the Applicant’s eligibility: **N/A**  (c) documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and  (d) any other document required as specified in the **PDS**.  11.2 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 |
| 12. Application Submission Form | 12.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format. |
| 13. Documents Establishing the Eligibility of the Applicant | 13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Form. **N/A** |
| 14. Documents Establishing the Qualifications of the Applicant | 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.  14.2 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:  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 is to be converted) was originally established.  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 **PDS**. Any error in determining the exchange rates in the Application may be corrected by the Employer. |
| 15. Signing of the Application and Number of Copies | 15.1 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.  15.2 The Applicant shall submit copies of the signed original Application, in the number specified in the **PDS,** and clearly mark them “COPY”. In the event of any discrepancy between the original and the copies, the original shall prevail. |
|  | D. Submission of Applications |
| 16. Sealing and Identification of Applications | 16.1 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 prequalification process indicated in the PDS 1.1. |
|  | 16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above. |
| 17. Deadline for Submission of Applications | 17.1 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 **PDS.** When so specified in the **PDS,** Applicants have the option of submitting their Applications electronically, in accordance with electronic application submission procedures specified in the **PDS.** |
|  | 17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification 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. |
| 18. Late Applications | 18.1 The Employer reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the **PDS**. |
| 19. Opening of Applications | 19.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 18.1.  19.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS.**  19.3 The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. |
|  | E. Procedures for Evaluation of Applications |
| 20. Confidential­ity | 20.1 Information relating to the Applications, their evaluation and result shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28. |
|  | 20.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process (except as specified in 20.1 above), may do so only in writing. |
| 21. Clarification of Applications | 21.1 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. |
|  | 21.2 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. |
| 22. Responsive­ness of Applications | 22.1 The Employer may reject any Application which is not responsive to the requirements of the Prequalification 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. |
| 23. Domestic Bidder Price Preference | 23.1 Unless otherwise specified in the **PDS,** a margin of preference for domestic bidders shall not apply in the bidding processresulting from this prequalification. |
| 24. Sub-contrac­tors | 24.1 Unless otherwise stated in the **PDS,** the Employer does not intend to execute any specific elements of the Works by sub-contractors selected in advance by the Employer**.**  24.2 The Employer may decide to permit subcontracting for certain specialized works as indicated in Section III 4.2, Experience. The Employer may do so at its own initiative or at the request of the Applicants during the prequalification process (if justified). When subcontracting is permitted by the Employer, the specialized sub-contractors experience shall be considered for evaluation. Section III describes the qualification criteria for sub-contractors.  24.3 Applicants may propose subcontracting to the percentage of the total value of the contract or the volume of works mentioned in the **PDS** and as further described in ITA 25.2. |
|  | F. Evaluation of Applications and Prequalification of Applicants |
| 25. Evaluation of Applications | 25.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other 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. |
|  | 25.2 Applicants planning to subcontract more than 10% of total volume of work shall specify, in the Application Submission Form, the activity (ies) or parts of the works to be subcontracted along with complete details of the sub-contractors and their qualification and experience. The sub-contractors proposed shall be fully qualified for their work proposed, and meet the specified criteria in Section III, failing which such sub-contractors will not be permitted to participate. The qualification and experience of sub-contractors proposed by the Applicant under ITA 24.3 will not be considered for evaluation of the Applicant. The Applicant on its own (without taking into account the qualification and experience of the sub-contractor) should meet the prequalification criteria. |
|  | 25.3 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 prequalify 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. The Qualification Criteria and Requirements are mentioned in Section III. However, with respect to the specific experience under item 4.2 (a) of Section III, the Employer will select any one or more of the options as identified below:  N is the minimum number of contracts  V is the minimum value of a single contract  **(a) Prequalification for one Contract**:  Option 1: (i) N contracts, each of minimum value V;  Or  Option 2: (i) N contracts, each of minimum value V, Or  (ii) Less than or equal to N contracts, each of minimum value V, but with total value of all contracts equal or more than N x V;  **(b) Prequalification for multiple Contracts**  Option 1: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N1,N2,N3, etc. shall be different contracts:  Lot 1: N1 contracts, each of minimum value V1;  Lot 2: N2 contracts, each of minimum value V2;  Lot 3: N3 contracts, each of minimum value V3;  ----etc.  Or  Option 2: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N1,N2,N3, etc. shall be different contracts:  Lot 1: N1 contracts, each of minimum value V1;  Lot 2: N2 contracts, each of minimum value V2;  Lot 3: N3 contracts, each of minimum value V3;  ----etc, Or  (ii) Lot 1: N1 contracts, each of minimum value V1; or number of contracts less than or equal to N1, each of minimum value V1, but with total value of all contracts equal or more than N1 x V1  Lot 2: N2 contracts, each of minimum value V2; or number of contracts less than or equal to N2, each of minimum value V2, but with total value of all contracts equal or more than N2 x V2  Lot 3: N3 contracts, each of minimum value V3; or number of contracts less than or equal to N3, each of minimum value V3, but with total value of all contracts equal or more than N3 x V3  ----etc.  Or  Option 3: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N1,N2,N3, etc. shall be different contracts:  Lot 1: N1 contracts, each of minimum value V1;  Lot 2: N2 contracts, each of minimum value V2;  Lot 3: N3 contracts, each of minimum value V3;  ----etc, Or  (ii) Lot 1: N1 contracts, each of minimum value V1; or number of contracts less than or equal to N1, each of minimum value V1, but with total value of all contracts equal or more than N1 x V1  Lot 2: N2 contracts, each of minimum value V2; or number of contracts less than or equal to N2, each of minimum value V2, but with total value of all contracts equal or more than N2 x V2  Lot 3: N3 contracts, each of minimum value V3; or number of contracts less than or equal to N3, each of minimum value V3, but with total value of all contracts equal or more than N3 x V3  ----etc, Or  (iii) Subject to compliance as per (ii) above with respect to minimum value of single contract for each lot, total number of contracts is equal or less than N1 + N2 + N3 +--but the total value of all such contracts is equal or more than N1 x V1 + N2 x V2 + N3 x V3 +---.  25.4 Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 (or participating as a sub-contractor as per ITA 25.2) shall not be considered. |
| 26. Employer’s Right to Accept or Reject Applications | 26.1 The Employer reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants. |
| 27. Prequalifica­tion of Applicants | 27.1 All Applicants who’s Applications substantially meet or exceed the specified qualification requirements will be prequalified by the Employer.  27.2 An Applicant may be “conditionally prequalified,” that is, qualified subject to the Applicant submitting or correcting certain specified nonmaterial documents or deficiencies to the satisfaction of the Employer.  27.3 Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the Employer before or at the time of submitting their bids. |
| 28. Notification of Prequalifica­tion | 28.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.  28.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified. |
| 29. Invitation for Bids | 29.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified or conditionally prequalified. |
|  | 29.2 Bidders may be required to provide a Bid Security or a Bid-Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents. |
| 30. Changes in Qualifications of Applicants | 30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if (i) a prequalified 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, Qualification Criteria and Requirements; or (iii) 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 seven (7) days after the date of the Invitation for Bids. |

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| Section II. Prequalification Data Sheet | | |
| **A. General** | | |
| **ITA 1.1** | | The identification of the Invitation for Prequalification is: ZRA/KDRP/08/2015  The Employer is: : Zambezi River Authority  The list of contracts is: Kariba Dam Emergency Gate and New Gantry Underwater Visual Inspections and Special Investigations |
| **ITA 2.1** | | The name of the Employer is: Zambezi River Authority  The name of the Project is: Kariba DamRehabilitation |
| **ITA 4.2** | | Maximum number of members in the JV shall be: 2 |
| **ITA 4.8** | | - |
| **B. Contents of the Prequalification Document** | | |
| **ITA 7.1** | | For **clarification purposes,** the Employer's address is:  Zambezi River Authority, Kariba House, 32 Cha Cha Cha Road, P. O. Box 30233, Lusaka, Zambia  Attention: Langton Pfaira  Address: Same as above  City: Lusaka  Country: Zambia  Telephone: +260 211 226 950 / +260 211 227 970  Electronic mail address for clarifications is: [*pfaira@zaraho.org.zm*](mailto:pfaira@zaraho.org.zm)  *Cc: kgurukumba@yahoo.co.uk* |
| **ITA 7.1 & 8.2** | | Web page: www.zaraho.org.zm |
| **ITA 7.2** | | Pre-Application Meeting will be held: ***NO*** |
| **C. Preparation of Applications** | | |
| **ITA 10.1** | This Prequalification document has been issued in the English language*.*  All correspondence exchange shall be in English language.  The Application as well as all correspondence shall be submitted in English. | |
| **ITA 11.1 (d)** | The Applicant shall submit with its Application, the following additional documents: *Nil* | |
| **ITA 14.2** | The source for determining exchange rates is: Standard Chartered Bank, Zambia | |
| **ITA 15.2** | In addition to the original, the number of copies to be submitted with the Application is: One original send electronically in PDF in required. | |
| **D. Submission of Applications** | | |
| **ITA 17.1** | **The deadline for Application submission is:**  Date: 21 September 2015  Time: 1600hrs local time.  **Applicants shallsubmit their Applications electronically.**  The electronic application submission procedure shall be: *Submission should be send to the following three e-mail addresses;*  *Langton Pfaira [* [*lpfaira@yahoo.com*](mailto:lpfaira@yahoo.com) *]*  *Cc: Sithembinkosi Mhlanga [* [*szmhlanga@yahoo.com*](mailto:szmhlanga@yahoo.com) *]*  *Cc: Kozanai Gurukumba [* [*kgurukumba@yahoo.co.uk*](mailto:kgurukumba@yahoo.co.uk) *]*  For **application submission purposes only,** the Employer's address is:  Same as in ITA 7.1 above | |
| **ITA 18.1** | Late Applications will not be accepted. | |
| **ITA 19.1** | The recording of the received Applications shall be at:  Zambezi River Authority, Kariba House, 32 Cha Cha Cha Road, Lusaka, Zambia  Date: 21 September 2015  Time: 1600hrs | |
| **ITA 19.2** | If electronic submission of Applications shall be permitted, electronic Application opening procedures are: The Electronic submissions shall be down loaded from the three e-mail addresses in ITA 17.1, read out, and recorded. | |
| **E. Procedures for Evaluation of Applications** | | |
| **ITA 23.1** | A margin of preference shall notapply for eligible domestic bidders. | |
| **ITA 24.1** | At this time the Employer does not intendto execute certain specific parts of the Works by sub-contractors selected in advance. | |
| **ITA 24.3** | Maximum percentage of subcontracting permitted is 10% of the total value of the contract.  Applicants planning to subcontract more than 10% of total volume of works shall specify, in the Application Submission Form, the activity (ies) or parts of the works to be subcontracted along with complete details of the sub-contractors and their qualification and experience. The qualification and experience of the sub-contractors must meet the minimum criteria for the relevant works to be sub-contracted failing which such sub-contractors will not be permitted to participate.  Sub-contractors’ qualification and experience will not be considered for evaluation of the Applicant. The Applicant on its own (without taking into account the qualification and experience of the sub-contractor) should meet the prequalification criteria. | |

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| **Eligibility and Qualification Criteria** | | | **Compliance Requirements** | | | | **Documentation** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **No.** | **Subject** | **Requirement** | **Single Entity** | **Joint Venture (existing or intended)** | | | **Submission Requirements** |
| **All Parties Combined** | **Each Member** | **One Member** |
| 1. Eligibility | | | | | | | |
| 1.1 | **Nationality** | N/A | N/A | N/A | N/A | N/A | N/A |
| 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 Form |
| 1.3 | **Eligibility** | Not having been previously sanctioned by a Government or International Financial Institution as described in ITA 4.7 and 5.1 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 1.4 | **Government Owned Entity of the Employer country** | Meet conditions of ITA 4.9 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | N/A |
| 1.5 | **N/A** | **N/A** | **N/A** | **N/A** | **N/A** | **N/A** | **N/A** |
| 2. Historical Contract Non-Performance | | | | | | | |
| 2.1 | **History of Non-Performing Contracts** | Non-performance of a contract[[1]](#footnote-1) did not occur as a result of contractor’s default since 1st January 2013 | Must meet requirement3 | Must meet requirements | Must meet requirement[[2]](#footnote-2) | N/A | Form CON-2 |
| 2.2 | **Suspension Based on Execution of Bid Securing Declaration by the Employer** | Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.10. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form |
| 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[[3]](#footnote-3) since 1st January 2013 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form CON – 2 |
| 3. Financial Situation and Performance | | | | | | | |
| 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 construction cash flow requirements estimated as US$2 million for the subject contract(s) net of the Applicants other commitments  (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 works 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 *three* 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 requirement  Must meet requirement  Must meet requirement | Must meet requirement  Must meet requirement  N/A | N/A  N/A  Must meet requirement | N/A  N/A  N/A | Form FIN – 3.1, with attachments |
| 3.2 | **Average Annual Construction Turnover** | Minimum average annual construction turnover of US$2 million calculated as total certified payments received for contracts in progress and/or completed within the last *three (3)*  years | 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 |
| 4. Experience | | | | | | | |
| 4.1 (a) | **General Construction Experience** | Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last *five (5) years* | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |
| 4.2 (a) | **Specific Construction & Contract Management Experience** | (i) A minimum number of similar[[4]](#footnote-4) contracts specified below that have been satisfactorily and substantially[[5]](#footnote-5) completed as a prime contractor, joint venture member[[6]](#footnote-6), management contractor or sub-contractor7 between 1st January 2010 and application submission deadline: (i) N contracts, each of minimum value V;  Or  (ii) Less than or equal to N contracts, each of minimum value V, but with total value of all contracts equal or more than N x V; *[insert values of N & V, delete (ii) above if not applicable]*.  *[In case the Works are to be bid as individual contracts under a slice and package (multiple contract) procedure, the minimum number of contracts required for purposes of evaluating qualification shall be selected from the options mentioned in ITA 25.3b]* | Must meet requirement | Must meet requirement[[7]](#footnote-7) | N/A | N/A | Form EXP 4.2(a) |
|  |  |  |  |  |  |
| 4.2 (b) |  | For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or sub-contractor7 between 1st January *2010* and application submission deadline, a minimum construction experience in the following key activities successfully completed[[8]](#footnote-8): *[list activities indicating volume, number or rate of production as applicable][[9]](#footnote-9)* | Must meet requirements | Must meet requirements | N/A | Must meet the following requirements for the key activities listed below. *[list key activities and the corresponding minimum requirements]* | Form EXP – 4.2 (b) |

Section IV. Application Forms

**Table of Forms**

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[Historical Contract Non-Performance, Pending Litigation and Litigation History 34](#_Toc427760825)

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Application Submission Form

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

To: *[insert full name of Employer]*

We, the undersigned, apply to be prequalified for the referenced ICB and declare that:

(a) We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s)., issued in accordance with Instructions to Applicants (ITA) 8: *[insert the number and issuing date of each addendum].*

(b) We have no conflict of interest in accordance with ITA 4.6;

(c) We meet the eligibility requirements as stated ITA 4.1, we have not been suspended by the Employer based on execution of a Bid Securing Declaration in accordance with ITA 4.10;

(d) We, in accordance with ITA 24.2, plan to subcontract the following key activities and/or parts of the works:

*[Insert any of the key activities identified in Section III- 4.2(a) or (b) which the Employer has permitted under the Prequalification document and which the Applicant intends to subcontract along with complete details of the sub-contractors, their qualification and experience]*

(e) We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding bidding 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]*

(f) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to bid for the contract subject of this prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.

(g) 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 an 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 CON – 2**

Historical Contract Non-Performance, 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 Party Name:*[insert* *full name]*ICB No. and title: *[insert ICB number and title]*Page *[insert page number]* of *[insert total number]* pages

|  |  |  |  |
| --- | --- | --- | --- |
| Non-Performed Contracts in accordance with Section III, Qualification Criteria and  Requirements | | | |
| 🞎 Contract non-performance did not occur since 1st January *2013 specified* in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.  🞎 Contract(s) not performed since 1st January *2013* specified in Section III, Qualification Criteria and Requirements, requirement 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, Qualification Criteria and Requirements | | | |
| 🞎 No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2. | | | |
| 🞎 Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 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: *[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]* | *[insert amount]* |
| 🞎 No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2.  🞎 Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 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”]*  Status of dispute: *[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]* | *[insert amount]* |

**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, and year]*

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

ICB No. and title: *[insert ICB 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 three (*3) years****,*  **(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 Assets (TA) |  |  |  |  |  |
| Total Liabilities (TL) |  |  |  |  |  |
| Total Equity/Net Worth (NW) |  |  |  |  |  |
| Current Assets (CA) |  |  |  |  |  |
| Current Liabilities (CL) |  |  |  |  |  |
| Working 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 works 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 *Three (3)* years pursuant Section III, Qualifications 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[[10]](#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/Joint Venture Member's Name: *[insert full name]*Date: *[insert day, month, year]*Applicant's Party Name: *[insert full name]*ICB No. and title: *[insert ICB number and title]*Page *[insert page number]* of *[insert total number]* pages

|  |  |  |  |
| --- | --- | --- | --- |
| **Annual turnover data (construction only)** | | | |
| **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, Qualification Criteria and Requirements, Clause 3.2.

**Form EXP - 4.1**

General Construction Experience

*[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]*

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

*[Identify contracts that demonstrate continuous construction work over the past five (5) years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1.List contracts chronologically, according to their commencement (starting) dates.]*

|  |  |  |  |
| --- | --- | --- | --- |
| **Starting**  **Year** | **Ending**  **Year** | **Contract Identification** | **Role of**  **Applicant** |
| *[indicate year]* | *[indicate year]* | Contract name: *[insert full name]*  Brief Description of the Works performed by the  Applicant: *[describe works performed briefly]*  Amount of contract: *[insert amount in currency, mention currency used, exchange rate and US$ equivalent\*]*  Name of Employer: *[indicate full name]*  Address: *[indicate street/number/town or city/country]* | *[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]* |
|  |  | Contract name: *[insert full name]*  Brief Description of the Works performed by the  Applicant: *[describe works performed briefly]*  Amount of contract: *[insert amount in currency, mention currency used, exchange rate and US$ equivalent\*]*  Name of Employer: *[indicate full name]*  Address: *[indicate street/number/town or city/country]* | *[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]* |
|  |  | Contract name: *[insert full name]*  Brief Description of the Works performed by the  Applicant: *[describe works performed briefly]*  Amount of contract: *[insert amount in currency, mention currency used, exchange rate and US$ equivalent\*]*  Name of Employer: *[indicate full name]*  Address: *[indicate street/number/town or city/country]* | *[insert "Prime Contractor” or “JV Member” or "Sub-contractor” or "Management Contractor”]* |

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

**Form EXP - 4.2(a)**

**Specific Construction and Contract Management Experience**

*[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/Joint Venture Member's Name: *[insert full name]*Date: *[insert day, month, year]*JV Party Name: *[insert full name]*ICB No. and title: *[insert ICB 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$*  *equivalent]\** | |
| If member in a JV or sub-contractor, specify participation in total Contract amount | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | | *[insert exchange rate and total contract amount in US$ equivalent]\** | |
| Employer's Name: | *[insert full name]* | | | | |
| Address:  Telephone/fax number  E-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(a) (cont.)**

**Specific Construction and Contract Management Experience (cont.)**

|  |  |
| --- | --- |
| **Similar Contract No.**  *[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III: |  |
| 1. Amount | *[insert amount in local currency, exchange rate, US$ in words and in Figures]* |
| 2. Physical size of required works items | *[insert physical size of items]* |
| 3. Complexity | *[insert description of complexity]* |
| 4. Methods/Technology  5. Construction rate for key activities | *[insert specific aspects of the methods/technology involved in the contract]*  *[insert rates and items]* |
| 6. Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Works]* |

**Form EXP - 4.2(b)**

Construction Experience in Key Activities

Applicant's Name: *[insert full name]*Date: *[insert day, month, year]*Applicant's Party Name: *[insert full name]*Sub-contractor's Name[[11]](#footnote-11) (as per ITA 24.2 and 24.3): *[insert full name]*ICB No. and title: *[insert ICB number and title]*

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

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, Clause 4.2.

1. Key Activity No. One: *[insert brief description of the Activity, emphasizing its specificity]*

Total Quantity of Activity under the contract: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **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 contract currency(ies)]* | | | US$ *[insert exchange rate and total contract amount in US$ equivalent]* | |
| Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year  *[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]* | Total quantity in the contract  (i) | | Percentage  participation  (ii) | | Actual Quantity Performed  (i) x (ii) |
| Year 1 |  | |  | |  |
| Year 2 |  | |  | |  |
| Year 3 |  | |  | |  |
| Year 4 |  | |  | |  |
| Employer’s Name: | *[insert full name]* | | | | | |
| Address:  Telephone/fax number  E-mail: | *[indicate street / number / town or city / country]*  *[insert telephone/fax numbers, including country and*  *city area codes]*  *[insert e-mail address, if available]* | | | | | |

2. Activity No. Two

3. …………………

|  |  |
| --- | --- |
|  | **Information** |
| Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III: |  |
|  | *[insert response to inquiry indicated in left*  *column]* |
|  |  |
|  |  |
|  |  |
|  |  |

PART 2 – Works Requirements

Section VII. Scope of Works

**Contents**

[1. Description of the Works 2](#_Toc108425049)

[2. Construction Period 2](#_Toc108425050)

[3. Site and Other Data](#_Toc108425051) [2](#_Toc108425051)

1. Description of the Works

The object of the works is to:

1. carry out underwater visual inspections of the upstream concrete faces of the spillway, by use of an ROV (Remote Operated Vehicle)
2. drilling for concrete cores in different locations on the upstream part and upper part (from crest road) of the spillway
3. carry out laboratory tests on the drilled concrete cores
4. open inspection windows within the upstream grooves of sluice no.2
5. fill core holes and inspection windows
6. measure controlling dimensions and geometries of several concrete faces within the spillway sections
7. carry out bathymetric surveys of potential sites for slipway
8. issue inspection, survey and tests reports

2. Construction Period

The expected completion time for the works is six (6) months.

**3.** **Site and Other Data**

The works site is the Kariba Dam wall, which spans across the Zambezi River at the grid reference 880o E 728oN. The Zambezi River forms the common border between Zambia and Zimbabwe. The area of the works is mainly on the upstream side of the dam wall, with specific reference to the spillway area

Kariba Dam was commissioned in 1960 and has thus been in operation for nearly fifty years. The structure is a double curvature concrete arch dam, 128m high at the river bed section. The spillway comprises six gated sluices (submerged orifice) located 30m below the dam crest.

1. Non performance, as decided by the Employer, shall include all contracts where (a) non performance 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. Non performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non performance 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-1)
2. This requirement also applies to contracts executed by the Applicant as JV member. [↑](#footnote-ref-2)
3. 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 failure of the application. [↑](#footnote-ref-3)
4. The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VI, Scope of Works. Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted. [↑](#footnote-ref-4)
5. Substantial completion shall be based on 80% or more works completed under the contract. [↑](#footnote-ref-5)
6. For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant’s share, by value, shall be considered to meet this requirement. [↑](#footnote-ref-6)
7. In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated. [↑](#footnote-ref-7)
8. Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period. The rate of production shall be the annual production rate for the key construction activity (or activities). For the rate of production, either the average during the entire period or in any one or more years during the period should be specified. [↑](#footnote-ref-8)
9. The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts. [↑](#footnote-ref-9)
10. 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)
11. If applicable [↑](#footnote-ref-11)