Section 3: Evaluation and Qualification Criteria

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# 1. Evaluation

In addition to the criteria listed in ITB 35.2 (a)–(f), other relevant factors are as follows:

# 1.1 Adequacy of Technical Proposal

Evaluation of the Bidder’s Technical Proposal will include an assessment of the Bidder’s technical capacity to successfully implement the contract considering its proposed site organization, method statement, mobilization, and construction schedule (to be described by the Bidder in sufficient detail to demonstrate the adequacy of its work methods, scheduling, and material sourcing) including the extent to which they are presented in a consistent manner and comply with requirements stipulated in Section 6 (Employer’s Requirements) without material deviation, reservation, or omission.

# Noncompliance with equipment and personnel requirements described in Section 6 (Employer’s Requirements) shall not normally be a ground for bid rejection, and such noncompliance will be subject to clarification during bid evaluation and rectification prior to contract award.

# 1.2 Completion Time

# An alternative Completion Time, if permitted under ITB 13.2, will be evaluated as follows:

**Not Applicable**

# 1.3 Technical Alternatives

# Technical alternatives, if permitted under ITB 13.4, will be evaluated as follows:

**Not Applicable**

# 1.4 Specialist Subcontractors

# Only the specific experience of Specialist Subcontractors for key activities specified in criterion 2.4.2 Construction Experience in Key Activities will be considered. The experience of Specialist Subcontractors in contracts of similar size and nature, and their financial resources shall not be added to those of the Bidder for purposes of qualification of the Bidder.

# 1.5 Quantifiable Nonconformities and Omissions

# Subject to ITB 14.2 and ITB 35.2, the evaluated cost of quantifiable nonconformities including omissions, is determined as follows:

Pursuant to ITB 30.3, the cost of all quantifiable nonmaterial nonconformities shall be evaluated, including omissions in Daywork where competitively priced but excluding omission of prices in the Bill of Quantities. The Employer will make its own assessment of the cost of any nonmaterial nonconformities and omissions for the purpose of ensuring fair comparison of bids

# 1.6 Domestic Preference

# If domestic preference shall apply under ITB 33.1, the procedure will be as follows as:

**Not Applicable**

# 1.7 Other Criteria

# 1.7.1 Environmental, Health and Safety Management Plan (EHSMP)

Any bid not accompanied by the EHSMP may be rejected by the Employer as nonresponsive. If a Bidder submits a EHSMP that is not commensurate with the risks and impacts of the proposed works and activities in the bidding document, the Employer shall issue a request for clarification to request for further information from the Bidder. The Bidder must submit the requested information within **5 working days** of receiving such a request. Failure to provide a satisfactory response to the request for further information within the prescribed period of receiving such a request may cause the rejection of the Bid.

# 1.7.2 Sustainable Procurement

The following sustainable procurement technical requirements will be evaluated on a pass/fail basis. Failure to meet any of the following requirements will result in mandatory rejection of the bid.

# 1.7.3 Life Cycle costs (for Financial Evaluation)

Life cycle costing **shall not apply**.

# 1.8 Multiple Contracts

**Not Applicable**

# 2. Qualification

# 2.1 Eligibility

| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| --- | --- | --- | --- | --- | --- |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |

# 2.1.1 Nationality

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Nationality in accordance with ITB 4.2. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Forms  ELI – 1; ELI – 2  with attachments |

# 2.1.2 Conflict of Interest

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No conflicts of interest in accordance with ITB 4.3. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Letter of Bid |

# 2.1.3 ADB Eligibility

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been declared ineligible by ADB, as described in ITB 4.4. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Letter of Bid |

# 2.1.4 Government-Owned Enterprise

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Bidder required to meet conditions of ITB 4.5. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Forms ELI - 1, ELI - 2 with attachments |

# 2.1.5 United Nations Eligibility

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not having been excluded by an act of compliance with a United Nations Security Council resolution in accordance with ITB 4.8. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Letter of Bid |

# 2.2 Historical Contract Nonperformance

# 2.2.1 History of Nonperforming Contracts

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Nonperformance of a contracta did not occur as a result of contractor default since 1 January 2020 | Must meet requirement | Must meet requirement | Must meet requirementb | Not Applicable | Form CON-1 |

a *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 Bidder have been exhausted.*

b *This requirement also applies to contracts executed by the Bidder as Joint Venture partner.*

# 2.2.2 Suspension Based on Execution of Bid-Securing Declaration

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Not under suspension based on execution of a Bid-Securing Declaration pursuant to ITB 4.6. | Must meet requirement | Must meet requirement | Must meet requirement | Not applicable | Letter of Bid |

# 2.2.1 Pending Litigation and Arbitration

Pending litigation and arbitration criterion **shall not** apply.

# 2.2.4 Declaration: Environmental, Health and Safety Past Performance

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Declare any 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, health and safety contractual obligations in the past five years. | Must make the declaration. If the bidder proposes Specialist Sub-contractor/s to meet EQC 2.4.2, those Specialist Sub-contractor/s must also make the declaration | Not applicable | Each partner must make the declaration. If the bidder proposes Specialist Sub-contractor/s to meet EQC 2.4.2, those Specialist Sub-contractor/s must also make the declaration | Not applicable | Form CON-2 |

# 2.3 Financial Situation

# 2.3.1 Historical Financial Performance

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Submission of audited financial statements or, if not required by the law of the Bidder’s country, other financial statements acceptable to the Employer, for the last 05 years, 2023, 2022, 2021, 2020, 2019 to demonstrate the current soundness of the Bidder’s financial position. As a minimum, the Bidder's net worth for the last year, calculated as the difference between total assets and total liabilities should be positive. | Must meet requirement | Not applicable | Must meet requirement | Not applicable | Form FIN - 1 with attachments |

# 2.3.2 Average Annual Construction Turnover

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Minimum average annual construction turnover of **MVR 30 Million** calculated as total certified payments received for contracts in progress or completed, within the last **05 years**. | Must meet requirement | Must meet requirement | Must meet  **25%**  of the requirement | Must meet  **40%**  of the requirement | Form FIN - 2 |

# 2.3.3 Financial Resources

If the bid evaluation process and the decision for the award of the Contract takes more than 1 year from the date of bid submission, Bidders may be asked to resubmit their current contract commitments and latest information on financial resources supported by latest audited accounts or audited financial statements, or if not required by the law of the Bidder’s country, other financial statements acceptable to the Employer, and the Bidders’ financial capacity, will be reassessed on this basis.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| For Single Entities  The Bidder must demonstrate that its financial resources defined in FIN - 3, less its financial obligations for its current contract commitments defined in FIN - 4, meet or exceed the total requirement for the Subject Contract of MVR 7.1 Million | Must meet requirement | Not applicable | Not applicable | Not applicable | Form FIN – 3 and  Form FIN – 4 |
| For Joint Ventures   1. One partner must demonstrate that its financial resources defined in FIN - 3, less its financial obligations for its own current contract commitments defined in FIN - 4, meet or exceed its required share of 40% of **MVR 7.1 Million (MVR 2.84 Million)** from the total requirement for the Subject Contract.   AND | Not applicable | Not applicable | Not applicable | Must meet requirement | Form FIN – 3 and  Form FIN – 4 |
| 1. Each partner must demonstrate that its financial resources defined in FIN - 3, less its financial obligations for its own current contract commitments defined in FIN - 4, meet or exceed its required share of 25% of **MVR 7.1 Million (MVR 1.775 Million)** from the total requirement for the Subject Contract.   AND | Not applicable | Not applicable | Must meet requirement | Not applicable | Form FIN – 3 and  Form FIN – 4 |
| 1. The Joint Venture must demonstrate that the combined financial resources of all partners defined in FIN - 3, less all the partners’ total financial obligations for the current contract commitments defined in FIN - 4, meet or exceed the total requirement for the Subject Contract of **MVR 7.1 Million** | Not applicable | Must meet requirement | Not applicable | Not applicable | Form FIN – 3 and  Form FIN – 4 |

# 2.4 Construction Experience

# 2.4.1 Contracts of Similar Size and Nature

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | | | **Submission Requirements** |
| **All Partners Combined** | **Each Partner** | **One Partner** |
| Participation as a contractor, Joint Venture partner, or Subcontractor, in at least one contract that has been satisfactorily and substantially completed within the last 5 years, 2023, 2022, 2021, 2020, 2019,and that is similar to the proposed works, where the value of the Bidder’s participation exceeds **MVR 12.5 Million**. The similarity of the Bidder’s participation shall be based on: a, b  *Design and Construction of ground floor plus 1 level buildings or multi storey buildings* | Must meet requirement | Not applicable | Not applicable c | Must meet requirement | Form EXP - 1 d |

a  *For contracts under which the Bidder participated as a Joint Venture partner or Subcontractor, only the Bidder’s share, by value, shall be considered to meet this requirement.*

b  *For contracts implemented by a Joint Venture contractor, if the Bidder comprises the same Joint Venture, the 'Single Entity' requirements will apply.*

c *In case of complex works, the Employer may require each partner to demonstrate one satisfactorily and substantially completed contract of similar nature where such partner’s value of participation exceeds 25% of the subject contract value.*

d *In addition to the submission requirement Form EXP – 1, the Bidder shall provide the following supporting documents:*

*1. Signed Contract Agreement, and*

*2. Taking-Over Certificate, Certificate of Completion of the Works (or equivalent) or Performance Certificate,*

*in sufficient detail to verify the contract name, value and completion time (or substantial completion). If the documents are other than in English, an accurate certified translation of these documents in English shall be provided.*

# 2.4.2 Construction Experience in Key Activities

2.4.2 (a) Must be complied with by the Bidder. In case of a Joint Venture Bidder, the Bidder or at least one of the partners must meet the requirement in the key activity. For contracts under which the Bidder participated as a Joint Venture partner, only the Bidder’s designated scope of works under the contracts shall be considered to meet this requirement.

**Table A**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | **Documents** |
| **Requirement** | **Single Entity** | **Joint Venture** | **Submission Requirements** |
| For the above or other contracts executed during the period stipulated in 2.4.1, a minimum construction experience in the following key activities: | Must meet requirement | Must meet requirement | Form EXP – 2a |
| Architectural design of ground floor plus 1 level buildings or multi storey buildings of minimum 2 projects |  |  |  |
| Structural design of ground floor plus 1 level buildings or multi storey buildings of minimum of minimum 2 projects |  |  |  |

a *Submission requirements: Form EXP – 2 shall be supported by documents such as Signed Contract Agreement, Taking-Over Certificate or Contract Completion Certificate indicating the contract name, value. completion date (or percentage of substantial completion), activities performed by Joint Venture partners, and other relevant details sufficient to demonstrate compliance with the requirements.*

# 2.4.2. (b) The Employer accepts any of the following activities to be subcontracted. They may be complied with by the Bidder or by its proposed Specialist Subcontractor.

# If the key activity is to be undertaken by a Specialist Subcontractor, the Employer shall require evidence of the subcontracting agreement from the Bidder.

**Table B**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Compliance Requirements** | | **Documents** |
| **Requirement** | **Single Entity or Its Specialist Subcontractors** | **Joint Venture or Its Specialist Subcontractors** | **Submission Requirements** |
| For the above or other contracts executed during the period stipulated in 2.4.1, a minimum construction experience is required in the following key activities: | Must meet requirement | Must meet requirement | Form EXP – 2a |
| Architectural design of ground floor plus 1 level buildings or multi storey buildings of minimum 2 projects |  |  |  |
| Structural design of ground floor plus 1 level buildings or multi storey buildings of minimum of minimum 2 projects |  |  |  |

a *Submission requirements Form EXP – 2 shall be supported by documents such as Signed Contract Agreement, Taking-Over Certificate or Contract Completion Certificate indicating the contract name, value. completion date (or percentage of substantial completion), activities performed by Joint Venture partners, and other relevant details sufficient to demonstrate compliance with the requirements.*

# 2.4.3 Specific Experience in Managing Environmental, Health and Safety Aspects

**Not Applicable**

# 2.5 Organizational Environmental, Health and Safety System

# 2.5.1 Environmental, Health and Safety Certification

##### **Not Applicable**

# 2.5.2 Environmental, Health and Safety Documentation

**Not Applicable**

# 2.5.3 Environmental, Health and Safety Dedicated Personnel

**Not Applicable**