User’s Guide to Prequalification of Bidders

Standard Procurement Document

This User’s Guide is intended to provide guidance to borrowers on how to prepare a prequalification document based on the Asian Development Bank’s Standard Procurement Document for the Prequalification of Bidders. It also provides guidance on how to evaluate applications. It is applicable to projects governed by the Procurement Regulations for ADB Borrowers: Goods, Works, Nonconsulting and Consulting Services (2017, as amended from time to time).

About the Asian Development Bank

ADB’s vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region’s many successes, it remains home to a large share of the world’s poor. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.
USER’S GUIDE TO PREQUALIFICATION OF BIDDERS

STANDARD PROCUREMENT DOCUMENT

June 2018

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Abbreviations

ADB ......................... Asian Development Bank
ADS ......................... Application Data Sheet
APF ......................... Application Forms
CON ....................... Historical Contract Nonperformance
ELC ....................... Eligible Countries
ELI ....................... Eligibility Form
EXP ....................... Experience Form
FIN ....................... Financial Data Form
IFP ....................... Invitation for Prequalification
ITA ....................... Instructions to Applicants
OCB ....................... Open Competitive Bidding
QLC ....................... Qualification Criteria
SOC ....................... Scope of Contract
SPQD ...................... Standard Procurement Document for the Prequalification of Bidders
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<td>Applicant</td>
<td>A party that submits an application for prequalification for a particular works contract or plant contract.</td>
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<td>Bidder</td>
<td>A party that submits a bid for a particular works contract or plant contract.</td>
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<td>Contractor</td>
<td>A legal entity that is party to and performs a works contract, the other party to the contract being the “Employer.”</td>
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<td>Employer</td>
<td>One of the two parties to a works contract, the other party being the “Contractor.”</td>
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<td>Joint Venture</td>
<td>An ad hoc association of firms that pool their resources and skills to undertake a large or complex contract in the role of the contractor, with all firms (partners in the joint venture) being legally liable, jointly and severally, for the execution of the contract in the event of a partner’s withdrawal.</td>
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<tr>
<td>Management Contractor</td>
<td>A firm, acting in the role of the contractor, that does not normally perform contract construction work directly, but manages the work of other (sub)contractors, while bearing full responsibility and risk for price, quality, and timely performance of the works contract.</td>
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<td>Prequalification</td>
<td>An assessment made by the Employer of the appropriate level of experience and capacity of firms expressing interest in undertaking a particular contract before inviting them to bid.</td>
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<tr>
<td>Specialist Subcontractor</td>
<td>A specialist enterprise engaged for highly specialized processes which cannot be provided by the main contractor.</td>
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<tr>
<td>Supplier</td>
<td>An entity or company from which the equipment and materials to be used for a contract (works contract or plant contract) is purchased or obtained by the bidder.</td>
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<td>Works</td>
<td>The total work involvement in a construction contract, including the permanent works or finished product as specified, and the temporary works required by the contractor for the execution and completion of the contract.</td>
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<td>Writing</td>
<td>For the purpose of this document, any authenticated handwritten, typed, or printed communication, including telex, cable, e-mail, any electronic form, and facsimile transmission, with proof of receipt when and in the form requested by the sender.</td>
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Introduction

This Standard Procurement Document for the Prequalification of Bidders (SPQD) of the Asian Development Bank (ADB) has been prepared by ADB to facilitate prequalification of Bidders for contracts to be procured through open competitive bidding. The SPQD is based on the master procurement document entitled “Prequalification Documents for Procurement of Works,” which was prepared by multilateral development banks and other public international financial institutions, and reflects the majority view of these institutions. The SPQD has the structure and the provisions of the master procurement document, except where ADB-specific considerations have required a change.

The Procurement Regulations for ADB Borrowers: Goods, Works, Nonconsulting and Consulting Services (2017, as amended from time to time) generally recommends the use of prequalification for large or complex works, contracts for technically complex plant,1 or any other circumstances in which the high costs of preparing detailed bids could discourage competition.2 The successful execution of these large and complex projects requires that contracts are awarded only to firms, or combinations of firms, which are suitably experienced in the type of work and construction technology involved, and that are financially and managerially sound. The assessment by the Employer of the suitability of firms to carry out a particular contract prior to being invited to submit a bid is a process called prequalification. Prequalification is followed by a closed competitive bidding procedure in which only those firms meeting specified prequalification criteria are invited to submit a bid. All Applicants meeting the specified criteria shall be allowed to bid.

The SPQD has been prepared to ensure that only firms with appropriate experience, a proven track record, and adequate annual turnover, but without a significant history of contract nonperformance, will be invited to submit bids. An important feature of the SPQD is that it can be used with minimum changes, as it does not contain explanations, footnotes, or examples. The SPQD is only available in electronic format.

The purpose of this User’s Guide is to provide guidance to employers on how to prepare a prequalification document based on the SPQD and how to evaluate applications for (i) large and complex civil works contracts and (ii) contracts for technically complex plant. This guide includes an initial section on how to prepare the Invitation for Prequalification. The Employer should note that the Invitation for Prequalification is not a part of the prequalification document.

ADB welcomes any feedback or experiences from both borrowers and Bidders on the use of its SPQD. For information on procurement under ADB-financed projects, contact

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Asian Development Bank
6 ADB Avenue, Mandaluyong City
1550 Metro Manila, Philippines
E-mail: procurement@adb.org
Tel: +63 2 632 4444
Fax: +63 2 636 2444 [Attn: Director General, PPFD]
www.adb.org

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1 These may include large and complex buildings, civil engineering structures, design, and build or supply and installation projects.
2 See para. 14 of Appendix 3: Open Competitive Bidding.
The Prequalification Process

Advertisement and Notification

The Invitation for Prequalification (IFP) shall be advertised on the Asian Development Bank (ADB) website; on a freely and publicly accessible website in English; and in a newspaper of national circulation (at least in one English language newspaper, if available) or website in the borrower’s country. A copy of the IFP shall be submitted to ADB for no-objection and for publication on the ADB website in accordance with the Procurement Regulations for ADB Borrowers: Goods, Works, Nonconsulting and Consulting Services (2017, as amended from time to time).

ADB may additionally require that the IFP be advertised in well-known technical magazines or trade publications, or in newspapers of wide international circulation, in sufficient time to enable prospective Bidders to prepare and submit applications.

Preparing and Issuing a Prequalification Document

The Employer and Applicants should keep in mind the following:

• The Employer is responsible for preparing and issuing the prequalification document.
• Where prequalification is required, the Employer shall use ADB’s Standard Procurement Document for the Prequalification of Bidders (SPQD), as this is a mandatory requirement for contracts to be financed by ADB and procured under open competitive bidding.¹
• The Employer shall prepare the prequalification document using the published version of the SPQD without suppressing or adding text to Section 1 (Instructions to Applicants) (ITA). All information and data particular to each individual prequalification process must be provided by the Employer in the following sections of the prequalification document:
  Section 2 (Application Data Sheet)
  Section 3 (Qualification Criteria)
  Section 4 (Application Forms)
  Section 5 (Eligible Countries)
  Section 6 (Scope of Contract)
• The Employer shall allow Applicants sufficient time, depending on the magnitude and complexity of the contract, but generally not less than 42 days to
  – study the prequalification document,
  – prepare complete and responsive applications, and
  – submit their applications.

¹ For other types of procurement where no relevant SPQD has been issued by ADB, the Employer may use other internationally or nationally recognized documents provided that they are consistent with the Procurement Regulations and acceptable to ADB.
Preparation and Submission of Applications

The Applicant is solely responsible for the preparation and submission of its application. During this stage, the Employer shall

• promptly respond to requests for clarifications from applicants and amend, as needed, the prequalification document; and
• amend the prequalification document only with the prior approval of ADB.

Opening and Evaluation of Applications

The Employer is responsible for the opening and evaluation of applications, which is a critical event in the prequalification process. The Employer shall appoint experienced staff to conduct the evaluation of applications. Mistakes committed at evaluation may later prompt complaints from Applicants, requiring reevaluation of the applications, with consequent delays and waste of resources.

The Employer, in observance of best practices, shall

• maintain strict confidentiality throughout the evaluation process;
• reject any attempts or pressures to distort the outcome of the evaluation, including fraud and corruption;
• strictly apply only and all of the qualification criteria specified in the prequalification document; and
• notify all applicants in writing of the names of those applicants who have been prequalified.

Updating and Confirmation of Bidder’s Qualifications

Information pertaining to a bidder’s eligibility, historical contract nonperformance, and financial situation shall be updated during bidding.

Additional qualifying requirements not examined during prequalification such as

• financial resources and current contract commitments,
• equipment to be allocated for the particular contract, and
• personnel to be fielded for the particular contract
shall be included in the bidding document and will be assessed during bid evaluation.

Use of Electronic Procurement System

When an electronic procurement system is used, the applicable procedures of the prequalification process such as for (i) advertisement and notification; (ii) preparing and issuing a Prequalification Document; (iii) preparing and submission of applications; (iv) application opening and evaluation of applications; and (v) updating and confirmations of Bidder’s qualification, including the means of communication between the Employer and Applicants, shall be specified in the relevant clauses of Section 2 (Application Data Sheet).
Invitation for Prequalification

[Letterhead of the Employer]

Date ..............................................................
Loan/Grant No. and Title ...........................................
Contract No(s). and Title(s) ........................................
Deadline for Submission of Application …….[insert closing date and time]……..

1. The [insert name of the borrower or recipient] has received¹ financing from the ADB toward the cost of [insert name of the project]. Part of this financing will be used for payments under the Contract named above. [insert if applicable: “This contract will be jointly financed by [insert name of the cofinancing agency]. The eligibility rules and procedures of ADB will govern the prequalification and the bidding process.”]

2. The [insert name of the Employer] (the “Employer”) intends to prequalify firms for: [insert general description of the scope of the contract].²

3. It is expected that the Invitation for Bids will be made in [insert month and year].

4. To obtain further information and inspect the Prequalification Document, interested eligible Applicants should contact:
   [insert employer’s office]³
   [insert name of the officer]
   [insert postal address or street address, include zip code]
   [insert telephone number including country code]
   [insert e-mail address]
   [insert fax number]

5. To purchase the Prequalification Document, eligible Applicants should
   • write to address above requesting the Prequalification Document for [insert number and title of the contract] and
   • pay a nonrefundable fee⁴ of [insert amount and currency] by [insert method of payment]⁵

   The document will be sent by [insert delivery procedure].⁶ No liability will be accepted for loss or late delivery.

¹ Substitute with “has applied for” or “intends to apply for” if appropriate.
² Where prequalification is called for multiple contracts, substitute “contract” in para. 1 with “contracts” and provide descriptions for all the contracts in para 2.
³ The Borrower and the Employer may be the same or different entities. The text of the Invitation for Prequalification and the texts of the other associated documents must indicate which agency will act as the Employer.
⁴ The fee, to defray printing and mailing or shipping costs, should be nominal.
⁵ For example, cashier’s check, direct deposit to a specified account number, etc.
⁶ 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.
6. Deliver your Application:
   • to the address [insert address]
   • on or before [insert closing date and time consistent with the Application Data Sheet].

   The Employer reserves the right to accept or reject late Applications.

7. The Employer will not be responsible for any costs or expenses incurred by Applicants in connection with
   the preparation or delivery of their Applications.

8. The Employer will notify all Applicants in writing of the names of those Applicants who have been
   prequalified.

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7 Depending on the magnitude and complexity of the contract, the duration may vary, but generally a minimum period of 6 weeks
should be allowed for the submission of prequalification applications. This period is counted from either (i) the issuance or the
publication date of the Invitation for Prequalification; or (ii) the date of availability of the prequalification documents, whichever
is later, to the date for submission of prequalification applications.
Section 1: Instructions to Applicants

This Section 1 (Instructions to Applicants) (ITA) specifies the procedures that regulate the prequalification process. The ITA contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. Information is also provided on the submission, opening, and evaluation of applications. The ITA clearly identify the information that may need to be specified by the Employer for the prequalification process and require that such information be introduced through Section 2 (Application Data Sheet).

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A. General

1. Scope of Application

1.1 In connection with the Invitation for Prequalification (IFP) indicated in Section 2 (Application Data Sheet) (ADS), the Employer, as defined in the ADS, issues this Prequalification Document to Applicants interested in bidding for the works described in Section 6 (Scope of Contract). The number of contracts and the name and identification of each contract as well as the open competitive bidding (OCB) number corresponding to this prequalification are provided in the ADS.

2. Source of Funds

2.1 The Borrower or Recipient (hereinafter called “Borrower”) indicated in the ADS has applied for or received financing (hereinafter called “funds”) from the Asian Development Bank (hereinafter called “ADB”) toward the cost of the project named in the ADS. The Borrower 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 (hereinafter called “Contract”).

2.2 Payments by ADB will be made only at the request of the Borrower and upon approval by ADB in accordance with the terms and conditions of the Financing Agreement between the Borrower and ADB (hereinafter called “Financing Agreement”), and will be subject in all respects to the terms and conditions of that Financing Agreement. No party other than the Borrower shall derive any rights from the Financing Agreement or have any claim to the funds.

3. Fraud and Corruption

3.1 ADB’s Anticorruption Policy (1998, as amended to date) requires Borrowers (including beneficiaries of ADB-financed activity), as well as Bidders, Suppliers, and Contractors under ADB-financed contracts, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, ADB

(a) defines, for the purposes of this provision, the terms set forth below as follows:

(i) “corrupt practice” means the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;

(ii) “fraudulent practice” means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;

(iii) “coercive practice” means 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;

(iv) “collusive practice” means an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;

(v) “abuse” means theft, waste, or improper use of assets related to ADB-related activity, either committed intentionally or through reckless disregard;

1 For the purpose of prequalification, the clause applies to “Applicants”.
(vi) “conflict of interest” means any situation in which a party has interests that could improperly influence that party's performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws and regulations;

(vii) “obstructive practice” means (a) deliberately destroying, falsifying, altering, or concealing of evidence material to an ADB investigation, or deliberately making false statements to investigators, with the intent to impede an ADB investigation; (b) threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to a Bank investigation or from pursuing the investigation; or (c) deliberate acts intended to impede the exercise of ADB's contractual rights of audit or inspection or access to information; and

(viii) “integrity violation” is any act, as defined under ADB's Integrity Principles and Guidelines (2015, as amended from time to time), which violates ADB's Anticorruption Policy, including (i) to (vii) above and the following: violations of ADB sanctions, retaliation against whistleblowers or witnesses, and other violations of ADB's Anticorruption Policy, including failure to adhere to the highest ethical standard.

(b) will reject a proposal for award if it determines that the Bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices or other integrity violations in competing for the Contract;  

(c) will cancel the portion of the financing allocated to a contract if it determines at any time that representatives of the Borrower or of a beneficiary of ADB financing engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices or other integrity violations during the procurement or the execution of that contract, without the Borrower having taken timely and appropriate action satisfactory to ADB to remedy the situation; and

(d) will impose remedial actions on a firm or an individual, at any time, in accordance with ADB's Anticorruption Policy and Integrity Principles and Guidelines, including declaring ineligible, either indefinitely or for a stated period of time, to participate in ADB-financed, -administered, or -supported activities or to benefit from an ADB-financed, -administered, or -supported contract, financially or otherwise, if it at any time determines that the firm or individual has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices or other integrity violations.

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2 For the purpose of prequalification, item (b) is modified as “will reject a proposal for prequalification if it determines that the Applicant recommended for prequalification has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices or other integrity violations in competing for the Contract.”

3 Whether as a Contractor, Subcontractor, Consultant, Manufacturer or Supplier, or Service Provider; or in any other capacity (different names are used depending on the particular Bidding Document).
3.2 All Applicants, consultants, contractors, suppliers, and other third parties engaged or involved in ADB-related activities have a duty to cooperate fully in any screening or investigation when requested by ADB to do so. Such cooperation includes, but is not limited to, the following:

(a) being available to be interviewed and replying fully and truthfully to all questions asked;

(b) providing ADB with any items requested that are within the party’s control including, but not limited to, documents and other physical objects;

(c) upon written request by ADB, authorizing other related entities to release directly to ADB such information that is specifically and materially related, directly or indirectly, to the said entities or issues which are the subject of the investigation;

(d) cooperating with all reasonable requests to search or physically inspect their person and/or work areas, including files, electronic databases, and personal property used on ADB activities, or that utilizes ADB’s Information and Communications Technology (ICT) resources or systems (including mobile phones, personal electronic devices, and electronic storage devices such as external disk drives);

(e) cooperating in any testing requested by ADB, including but not limited to, fingerprint identification, handwriting analysis, and physical examination and analysis; and

(f) preserving and protecting confidentiality of all information discussed with, and as required by, ADB.

3.3 All Applicants, consultants, contractors and suppliers shall ensure that, in its contract with its sub-consultants, Subcontractors and other third parties engaged or involved in ADB-related activities, such sub-consultants, Subcontractors and other third parties similarly undertake the foregoing duty to cooperate fully in any screening or investigation when requested by ADB to do so.

3.4 The Employer hereby puts the Applicant on notice that the Applicant or any joint venture partner of the Applicant (if any) may not be able to receive any payments under the Contract if the Applicant or any of its joint venture partners, as appropriate, is, or is owned (in whole or in part) by a person or entity subject to applicable sanctions.

4. Eligible Applicants

4.1 An Applicant may be a natural person, private entity, or government-owned enterprise subject to ITA 4.6 or any combination of them with a formal intent to enter into an agreement or under an existing agreement in the form of a Joint Venture. In the case of a Joint Venture,

(a) all partners shall be jointly and severally liable; and

(b) a Joint Venture shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the Joint Venture during the prequalification process; in the event the Joint Venture is prequalified, during the bidding process; and, in the event the Joint Venture is awarded the Contract, during contract execution.
4.2 An Applicant, and all partners constituting the Applicant, shall have the nationality of an eligible country, in accordance with Section 5 (Eligible Countries). An Applicant shall be deemed to have the nationality of a country if the Applicant is a citizen of that country; or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This requirement shall also apply to the determination of the nationality of proposed Subcontractors or Suppliers for any part of the Contract including related services.

4.3 At the time of bidding, Bidders shall not have a conflict of interest. All Bidders found to have a conflict of interest shall be disqualified. Bidders may be considered to be in a conflict of interest with one or more parties in the bidding process if any of, including but not limited to, the following apply:

(a) they have controlling shareholders in common; or

(b) they receive or have received any direct or indirect subsidy from any of them; or

(c) they have the same legal representative for purposes of this bid; or

(d) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to material information about or improperly influence the bid of another Bidder, or influence the decisions of the Employer regarding this bidding process; or

(e) a Bidder participates in more than one bid in this bidding process, either individually or as a partner in a joint venture, except for alternative offers if permitted by the Bidding Document. This will result in the disqualification of all Bids in which it is involved. However, subject to any finding of a conflict of interest in terms of ITA 4.3(a) to (d) above, this does not limit the participation of a Bidder as a Subcontractor in another bid or of a firm as a Subcontractor in more than one bid; or

(f) a Bidder, joint venture partner, associates, parent company, or any affiliated entity, participated as a Consultant in the preparation of the design or technical specifications of the works, plant and services that are the subject of the bid; or

(g) a Bidder was affiliated with a firm or entity that has been hired (or is proposed to be hired) by the Employer or Borrower as Engineer for the Contract; or

(h) a Bidder would be providing goods, works, or nonconsulting services resulting from or directly related to consulting services for the preparation or implementation of the project specified in the ADS ITA 2.1 that it provided or were provided by any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm.
4.4 Applicants found to be in conflict of interest situations at the time of prequalification but otherwise meeting requirements shall be invited to submit bids, however in the invitation for bids such applicants will be informed about conflict of interest and will be required to manage it in a manner acceptable to ADB to comply with ITA 4.3 above.

4.5 A firm shall not be eligible to participate in any procurement activities under an ADB-financed, -administered, or -supported project while under temporary suspension or debarment by ADB pursuant to its Anticorruption Policy (see ITA 3), whether such debarment was directly imposed by ADB, or enforced by ADB pursuant to the Agreement for Mutual Enforcement of Debarment Decisions. A bid from a temporarily suspended or debarred firm will be rejected.

4.6 Government-owned enterprises in the Employer’s country shall be eligible only if they can establish that they (i) are legally and financially autonomous, (ii) operate under commercial law, and (iii) are not in any way dependent agencies of the Employer.

4.7 Applicants shall be excluded if 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 persons or entities in that country.

4.8 Applicants shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.

5. Eligible Materials, Equipment, and Services

5.1 The materials, equipment, and services to be supplied under the Contract and financed by ADB shall have as their country of origin in an eligible country of ADB; see Section 5 (Eligible Countries).

B. Contents of Prequalification Document

6. Sections of the Prequalification Document

6.1 The Prequalification Document consists of Parts I and II which include all the sections indicated below, and should be read in conjunction with any addenda issued in accordance with ITA 8.

PART I Prequalification Procedures
• Section 1 Instructions to Applicants (ITA)
• Section 2 Application Data Sheet (ADS)
• Section 3 Qualification Criteria (QLC)
• Section 4 Application Forms (APF)
• Section 5 Eligible Countries (ELC)

PART II Requirements
• Section 6 Scope of Contract (SOC)
INSTRUCTIONS TO APPLICANTS

6.2 The IFP issued by the Employer is not part of the Prequalification Document.

6.3 The Employer is not responsible for the completeness of the Prequalification Document and its addenda, if they were not obtained directly from the source stated by the Employer in the IFP.

6.4 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish all information or documentation required by the Prequalification Document. The information or documentation shall be complete, accurate, current, and verifiable. The Employer shall have the right to conduct independent checks to determine the completeness and accuracy of the information or documentation provided by the Applicant, and to take remedial actions, including rejection of the Applicant, as appropriate.

7. Clarification of Prequalification Document

7.1 A prospective Applicant requiring any clarification on the Prequalification Document shall contact the Employer in writing at the Employer’s address indicated in the ADS. The Employer will respond in writing to any request for clarification, provided that such request is received no later than 14 days prior to the deadline for submission of Applications. The Employer shall forward copies of its response to all Applicants who have acquired the Prequalification Document, including a description of the inquiry but without identifying its source, subject to ITA 6.3. Should the Employer deem it necessary to amend the Prequalification Document as a result of a request for clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.

7.2 The Applicant’s designated representative is invited to attend a pre-Application meeting, if indicated in the ADS. During this pre-Application meeting, prospective Applicants may request clarification of the project requirements, the criteria for qualifications or any other aspects of the Prequalification Document. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant.

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 8.2 and not through the minutes of the pre-Application meeting.

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 addenda.

8.2 Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all who have obtained the Prequalification Document from the Employer in accordance with ITA 6.3.

8.3 To give prospective Applicants reasonable time in which to take an addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications, pursuant to 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, and the Employer shall 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 English language. 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 into the English language, 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 Sheet, in accordance with ITA 12;
        (b) written confirmation authorizing the signatory of the Application to commit the Applicant, in accordance with ITA 15.3;
        (c) documentary evidence establishing the Applicant’s eligibility to prequalify, in accordance with ITA 13;
        (d) documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and
        (e) any other document required as specified in the ADS.

12. Application Submission Sheet
    12.1 The Applicant shall prepare an Application Submission Sheet using the form furnished in Section 4 (Application Forms). This form must be completed without any alteration to the text, and no substitutes shall be accepted. All blank spaces shall be filled in with the information requested.

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 Sheet and Forms ELI 1 and 2, included in Section 4 (Application Forms).

14. Documents Establishing the Qualifications of the Applicant
    14.1 To establish its qualifications to perform the Contract in accordance with Section 3 (Qualification Criteria), the Applicant shall provide the information requested in the corresponding Information Sheets included in Section 4 (Application Forms).

15. Format and Signing of the Application
    15.1 The Applicant shall prepare one original set 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.
15.2 The Applicant shall submit copies of the signed original Application, in the number specified in the ADS, and clearly mark them “COPY.” In the event of any discrepancy between the original and the copies, the original shall prevail.

15.3 The requirements regarding the legal instrument evidencing the authorization to represent and sign on behalf of the Applicant shall be as specified in the ADS. The name and position held by each person signing the authorization must be typed or printed below the signature. If an Applicant submits a deficient authorization, the Application shall not be rejected in the first instance. The Employer shall request the Applicant to submit an acceptable authorization within the number of days as specified in the ADS. Failure to provide an acceptable authorization within the period stated in the Employer’s request shall cause the rejection of the Application.

15.4 Applications submitted by an existing or intended Joint Venture shall include an undertaking signed by all partners

(a) stating that all partners shall be jointly and severally liable; and

(b) nominating a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the Joint Venture during the prequalification process; in the event the Joint Venture is prequalified, during the bidding process; and, in the event the Joint Venture is awarded the Contract, during contract execution.

**D. Submission of Applications**

16. Sealing and Marking of Applications

16.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope which 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 ADS 1.1.

16.2 If the envelope is not sealed and marked as required, the Employer will assume no responsibility for the misplacement of the Application.

17. Deadline for Submission of Applications

17.1 Applications must be received by the Employer at the address and no later than the deadline indicated in the ADS.

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 or reject late Applications.

19. Opening of Applications

19.1 The Employer shall open all Applications at the date, time and place specified in the ADS, subject to ITA 18.1.

19.2 The Employer shall prepare a record of the opening of Applications that shall include, as a minimum, the name of the Applicant. A copy of the record shall be distributed to all Applicants.

E. Evaluation of Applications

20. Confidentiality

20.1 Information relating to the evaluation of Applications, and recommendation for prequalification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of prequalification is made to all Applicants.

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, if any Applicant wishes to contact the Employer on any matter related to the prequalification process, it may do so in writing.

21. Clarification of Applications

21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask any Applicant for a clarification of its Application which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing.

21.2 If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer’s request for clarification, its Application may be rejected.

22. Responsiveness of Applications

22.1 The Employer may reject any Application which is not responsive to the requirements of the Prequalification Document, subject to ITA 21.

23. Domestic Preference

23.1 If so indicated in the ADS, domestic preference shall apply in the bidding process resulting from this prequalification.

24. Subcontractors

24.1 Applicants shall state in the Application Submission Sheet whether they intend to subcontract any of the key activities specified in Section 3 (Qualification Criteria).

24.2 The Applicant shall not propose to subcontract the entire scope of the contract. However, if an Applicant intends to subcontract any of the key activities listed in criterion 4.2 of Section 3 (Qualification Criteria), then such key activities and the proposed Subcontractors (Specialist Subcontractors) shall be clearly identified in Section 4 (Application Forms), Forms ELI – 2 and EXP – 2. Such Specialist Subcontractors shall meet the corresponding qualification requirements specified in Section 3 (Qualification Criteria). A formal intent to enter into an agreement with the Specialist Subcontractors in the form of a letter jointly signed by the Applicant and the Specialist Subcontractor should be submitted together with the Application. At the time of bidding, the Bidder shall use in its bid only Specialist Subcontractors prequalified during the prequalification exercise.
24.3 Unless otherwise stated in the ADS, the Employer does not intend for the contractor to execute any specific elements of the contract through nominated subcontractors.

F. Prequalification of Applicants

25. Evaluation of Applications

25.1 The Employer shall use only the criteria and methods defined in Section 3 (Qualification Criteria) to evaluate the qualifications of the Applicants, and proposed Subcontractors.

25.2 Only the qualifications of proposed Specialist Subcontractors with respect to “Experience in Key Activities” that have been identified in the Application pursuant to ITA 24.2 will be considered in the evaluation of an Applicant. However, the financial resources of Specialist Subcontractors may not be added to those of the Applicant for purposes of prequalification of the Applicant.

25.3 Unless otherwise indicated in the ADS, this prequalification shall be for a single contract.

25.4 Unless permitted in the ADS, the qualifications of other firms, including the Applicant’s subsidiaries, parent entities, affiliates, subcontractors (other than Specialist Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant 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 Applicants.

27. Prequalification of Applicants

27.1 All Applicants, including their proposed Specialist Subcontractors, whose Applications have been determined to be substantially responsive to the requirements of the Prequalification Document and who have met or exceeded the specified criteria shall be prequalified by the Employer.

28. Notification of Prequalification

28.1 Once the Employer has completed the evaluation of the Applications it shall notify all Applicants in writing of the names of those Applicants who have been prequalified. In addition, those Applicants who have been disqualified will be informed separately.

29. Invitation to Bid

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.

29.2 Bidders may be required to provide bid security or a Bid-Securing Declaration acceptable to the Employer for an amount as specified in the bidding document.
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 Joint Venture, any change in the structure or formation of any member and also including any change in any specialist subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the Employer prior to the deadline for submission of Bids. Any such change should be submitted to the Employer not later than 14 days after the date of the Invitation for Bids. Such approval shall be denied if

(a) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members;

(b) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section 3 (Qualification Criteria); or

(c) in the opinion of the Employer, the change may result in a substantial reduction in competition.

31. Bidding-Related Complaints

31.1 The procedures for dealing with Bidding-Related Complaints arising out of this prequalification process are specified in the ADS.
# Section 2: Application Data Sheet

This Section 2 (Application Data Sheet) (ADS) contains information and provisions that are specific to a particular prequalification process. The Employer must specify in the ADS only the information that the Instructions to Applicant (ITA) request to be specified in the ADS. All information shall be provided; no clause shall be left blank.

To facilitate the preparation of the ADS, its clauses are numbered with the same numbers as the corresponding ITA clauses. This guide provides information to the Employer on how to enter all required information.

## A. General

<table>
<thead>
<tr>
<th>ITA 1.1</th>
<th>The identification of the Invitation for Prequalification is: [insert identification number]</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITA 1.1</td>
<td>The name of the Employer is: [insert complete name of the Employer]</td>
</tr>
<tr>
<td>ITA 1.1</td>
<td>The names, identification, and number of the contracts are: [insert as required]</td>
</tr>
<tr>
<td>ITA 1.1</td>
<td>The name and identification number of the open competitive bidding (OCB) are: [insert name and identification number of the OCB]</td>
</tr>
<tr>
<td>ITA 2.1</td>
<td>The name of the Borrower is: [insert complete name]</td>
</tr>
<tr>
<td>ITA 2.1</td>
<td>The name of the Project is: [insert complete name]</td>
</tr>
</tbody>
</table>

## B. Contents of the Prequalification Document

<table>
<thead>
<tr>
<th>ITA 7.1</th>
<th>For clarification purposes only, the Employer’s address is: [insert all information required below]</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Attention: [insert full name of the person, if applicable]</td>
</tr>
<tr>
<td></td>
<td>Street address: [insert street address and number]</td>
</tr>
<tr>
<td></td>
<td>Floor/Room number: [insert floor and room number, if applicable]</td>
</tr>
<tr>
<td></td>
<td>City: [insert name of the city or town]</td>
</tr>
<tr>
<td></td>
<td>ZIP code: [insert postal (ZIP) code, if applicable]</td>
</tr>
<tr>
<td></td>
<td>Country: [insert name of country]</td>
</tr>
<tr>
<td></td>
<td>Telephone: [insert telephone number including country and city codes]</td>
</tr>
<tr>
<td></td>
<td>Fax: [insert fax number with country and city codes]</td>
</tr>
<tr>
<td></td>
<td>E-mail: [insert e-mail address, if applicable]</td>
</tr>
<tr>
<td>ITA 7.2</td>
<td>Pre-application Meeting will be held: [Yes/No]</td>
</tr>
<tr>
<td></td>
<td>[If yes, please add the address, date and time of the meeting]</td>
</tr>
</tbody>
</table>
C. Preparation of Applications

<table>
<thead>
<tr>
<th>ITA 11.1 (e)</th>
<th>The Applicant shall submit with its Application the following additional documents: [Specify any additional document not already listed in ITA 11.1 that must be submitted with the Application]</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITA 15.2</td>
<td>In addition to the original, the number of copies to be submitted with the Application is: [insert number of copies required]</td>
</tr>
<tr>
<td>ITA 15.3</td>
<td>The requirements regarding the legal instrument evidencing the authorization to represent and sign on behalf of the Applicant shall be: [insert the name and description of the documentation required to demonstrate the authority of the signatory to sign the Application. Employer may wish to consider the following language: “An organizational document, board resolution or its equivalent, or power of attorney specifying the representative’s authority to sign the Application on behalf of, and to legally bind, the Applicant. If the Applicant is an intended or an existing Joint Venture, the power of attorney should be signed by all partners and specify the authority of the named representative of the Joint Venture to sign on behalf of, and legally bind, the intended or existing Joint Venture. If the Joint Venture has not yet been formed, also include evidence from all proposed Joint Venture partners of their intent to enter into a Joint Venture in the event of a contract award.”]</td>
</tr>
<tr>
<td>ITA 15.3</td>
<td>The Applicant shall submit an acceptable authorization within [insert number of days, normally 14 days] days.</td>
</tr>
</tbody>
</table>

D. Submission of Applications

| ITA 17.1 | For Application submission purposes only, the Employer’s address is: [insert all information required below]

Attention: ............................................................................................................................................................................

Street address: ....................................................................................................................................................................

Floor/Room number: ...........................................................................................................................................................

City: ....................................................................................................................................................................................

ZIP code: ...............................................................................................................................................................................

Country: ................................................................................................................................................................................

Telephone: ...........................................................................................................................................................................

Fax: ......................................................................................................................................................................................

E-mail: ................................................................................................................................................................................

The deadline for Application submission is:

Date: [insert day, month and year, i.e., 15 June 2018]

Time: [insert time and identify if a.m. or p.m., i.e., 2:00 p.m.] |
### E. Evaluation of Applications

#### ITA 23.1
Domestic preference [insert “shall” or “shall not”] apply in the bidding process corresponding to this prequalification.

If domestic preference applies, insert “The procedure for evaluation will be specified in the bidding document.”

#### ITA 24.3
The Employer [insert “intends” or “does not intend”] for the Contractor to execute any specific elements of the contract through nominated subcontractors.

If the Employer intends to execute specific parts of the contract by nominated subcontractors, insert, “The specific parts of the contract and the respective Subcontractors are: ____________________________________________________________

### F. Prequalification of Applicants

#### ITA 25.3
[Use the text below in case of a single contract]
As stipulated in ITA 1.1, this prequalification exercise shall be for a single contract.

Or

[Use the text below in case of multiple contracts]
As stipulated in ITA 1.1, this prequalification exercise shall be for multiple contracts. [Continue this sentence with one of the following two alternatives taking into account the advice provided in the User’s Guide, Page 2, Multiple Contracts]

[Alternative 1]
The Employer will prequalify each Applicant for a maximum contract value (bidding capacity). An Applicant shall be allowed to bid for any contract within his bidding capacity, however, the Applicant may only be awarded a maximum number of contracts for which the Applicant meets the aggregated requirements of such contract combination (award capacity). A Bidder’s award capacity will be determined during bid evaluation when additional information such as (i) average annual turnover, (ii) financial resources and current contract commitments, (iii) equipment to be allocated, and (iv) personnel to be fielded will be assessed.

[Alternative 2]
The Employer will prequalify Applicants for each contract separately. Applicants shall indicate in their Applications for which contract they wish to be prequalified.
| ITA 25.4 | The qualifications of other firms such as the Applicant’s subsidiaries, parent entities, affiliates, subcontractors [insert “shall” or “shall not”] be permitted.  
If permitted, add “The Applicant shall fill out the Affiliate Company Guarantee Form included in Section 4 (Application Forms) for each subsidiary, parent entity, affiliate, subcontractor, etc. that the Applicant submits for consideration of the Employer in determining its qualifications.” |
| ITA 31.1 | The procedures for Bidding-Related Complaints are referenced in the “Procurement Regulations for ADB Borrowers (Appendix 7).” The Applicant should submit its complaint following these procedures, in writing, to:  
For the attention: [insert full name of person receiving complaints]  
Title/position: [insert title/position]  
Employer: [insert name of Employer]  
E-mail address: [insert e-mail address]  
Fax number: [insert fax number] delete if not used |
Section 3: Qualification Criteria

This Section 3 (Qualification Criteria) (QLC) contains all the criteria and methods that the Employer will use to evaluate Applications. The information to be provided in relation to each criterion and the definitions of the corresponding terms are included in the respective Application Forms.

ADB requires Bidders to be prequalified by meeting predefined, precise minimum requirements. The method entails setting pass-fail criteria which, if not met by the Applicant, result in disqualification.

The criteria adopted must relate to characteristics that are essential to ensure satisfactory execution of the contract, and must be stated in unambiguous terms. In essence, the criteria must be chosen so that only Contractors who are well qualified to carry out the contract are permitted to bid. The criteria must also be set so that they neither inhibit competition nor set a predetermined number of firms to be prequalified. All firms that meet the criteria should be invited to bid.

An Applicant’s capabilities to perform the contracts satisfactorily are established in respect of the following:

1. Eligibility
2. Historical Contract Nonperformance
3. Financial Situation
4. Experience

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    B: For Plant - Design, Supply, and Installation Contract - Average Annual Turnover .......... 30

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A: For Civil Works Contract ...................................................................................................... 31

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4.1 Contracts of Similar Size and Nature ............................................................................... 33

4.2 Experience in Key Activities .............................................................................................. 34
NOTE

The qualification criteria described below are pass or fail criteria. Applicants must meet all these qualification criteria. In a case where (i) all applicants fail to meet any of the criteria, or (ii) there is a limited number of qualified applicants (i.e., only one or two); or (iii) there is no adequate number of applications received (i.e., only one, two, or three), the Employer may, with prior ADB approval, cancel the prequalification process and invite bids on a postqualification basis with the appropriate modifications of the qualification requirements that were used for the prequalification exercise.

1. Eligibility

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Nationality</td>
<td>Must meet</td>
<td></td>
</tr>
<tr>
<td>Nationality in accordance with ITA 4.2.</td>
<td>requirement</td>
<td></td>
</tr>
<tr>
<td>1.2 Conflict of Interest</td>
<td>Must meet</td>
<td></td>
</tr>
<tr>
<td>No conflicts of interest in accordance with ITA 4.3 and ITA 4.4.</td>
<td>requirement</td>
<td></td>
</tr>
<tr>
<td>1.3 ADB Eligibility</td>
<td>Must meet</td>
<td></td>
</tr>
<tr>
<td>Not having been declared ineligible by ADB, as described in ITA 4.5.</td>
<td>requirement</td>
<td></td>
</tr>
<tr>
<td>1.4 Government-Owned Enterprise</td>
<td>Must meet</td>
<td></td>
</tr>
<tr>
<td>Applicant required to meet conditions of ITA 4.6.</td>
<td>requirement</td>
<td></td>
</tr>
<tr>
<td>1.5 United Nations Eligibility</td>
<td>Must meet</td>
<td></td>
</tr>
<tr>
<td>Not having been excluded by an act of compliance with a United Nations Security Council resolution in accordance with ITA 4.7.</td>
<td>requirement</td>
<td></td>
</tr>
</tbody>
</table>
2. Historical Contract Nonperformance

2.1 History of Nonperforming Contracts

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Single Entity</td>
<td>Joint Venture</td>
</tr>
<tr>
<td>Nonperformance of a contract(^a) did not occur as a result of contractor default since 1st January [insert year]</td>
<td>Must meet requirement</td>
<td>All Partners Combined</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each Partner</td>
</tr>
<tr>
<td></td>
<td></td>
<td>One Partner</td>
</tr>
</tbody>
</table>

\(^a\) 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 the Employer’s 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.

\(^b\) This requirement also applies to contracts executed by the Applicant as Joint Venture member.
2.2 Pending Litigation and Arbitration

Pending litigation and arbitration criterion shall not apply.¹

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Joint Venture</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement Single Entity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All pending litigation and arbitration, if any, shall be treated as resolved against the Applicant and so shall in total not represent more than . . . . . . . . . . . . . . . . . . . . percent of the Applicant's net worth calculated as the difference between total assets and total liabilities.</td>
<td>Must meet requirement</td>
<td>Not applicable</td>
<td>Must meet requirement</td>
</tr>
</tbody>
</table>

¹ If the criterion is applied, the Employer should indicate a percentage within the range of 50–100% of the Applicant’s net worth.

¹ The Employer may choose to apply this criterion on an exceptional basis. If the Employer chooses to apply this criterion, it should indicate “shall apply” and use the table in 2.2.
### 3. Financial Situation

#### 3.1 Historical Financial Performance

<table>
<thead>
<tr>
<th>Criteria Requirement</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission of audited financial statements or, if not required by the law of the Applicant’s country, other financial statements acceptable to the Employer, for the last …….a years to demonstrate the current soundness of the Applicant’s financial position. As a minimum, the Applicant’s net worth for the last year, calculated as the difference between total assets and total liabilities should be positive.</td>
<td>Joint Venture</td>
<td><img src="#" alt="Table" /></td>
</tr>
<tr>
<td></td>
<td>Single Entity</td>
<td>Submission Requirements</td>
</tr>
<tr>
<td>Must meet requirement</td>
<td>All Partners Combined</td>
<td>Form FIN - 1 with attachments</td>
</tr>
<tr>
<td>Not applicable</td>
<td>Each Partner</td>
<td></td>
</tr>
<tr>
<td>Must meet requirement</td>
<td>One Partner</td>
<td></td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*a* Insert time period between 3 and 5 years.

**NOTE**

The financial information provided by an Applicant should be reviewed in its entirety to allow a truly informed judgment, and the pass–fail decision on the financial position of the applicant should be given on this basis. Any abnormal feature that may lead to financial problems should alert the Employer to seek expert professional advice for further review and interpretation.
A. For Civil Works Contract

3.2 Average Annual Construction Turnover

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum average annual construction turnover of $…………a calculated as total certified payments received for contracts in progress or completed, within the last ……….b years.</td>
<td>Must meet requirement</td>
<td>Submission Requirements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Form FIN – 2</td>
</tr>
</tbody>
</table>

- The amount stated should normally not be less than two times the annualized value of the subject contract, expressed as $2 \times \frac{V}{T}$; where $V$ is the Employer’s estimated cost (including contingencies), $T$ is the contract duration in years. For contract duration of up to 1 year, $T$ of “1” should be used. The multiplier of 2 may be reduced for very large contracts but should not be less than 1.5.

- Insert number of years in words and figures and indicate time period between 3 and 5 years.

- The Employer is to define this value based on the minimum amount required that all partners of the Joint Venture must meet taking joint and several liability into account, usually at least 25%.

- The Employer is to define this value based on the minimum amount required that one partner of the Joint Venture must meet, usually at least 40%.
B. For Plant - Design, Supply, and Installation Contract

3.2 Average Annual Turnover

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Joint Venture</td>
<td>Submission Requirements</td>
</tr>
<tr>
<td>Single Entity</td>
<td>All Partners Combined</td>
<td>Each Partner</td>
</tr>
</tbody>
</table>

Minimum average annual turnover of $…………..\textsuperscript{a} calculated as total certified payments received for contracts in progress or completed, within the last …………\textsuperscript{b} years.

| | Must meet requirement | Must meet requirement | Must meet …………\textsuperscript{c} of the requirement | Must meet …………\textsuperscript{d} of the requirement | Form FIN – 2 |

\textsuperscript{a} The amount stated should normally not be less than two times the annualized value of the subject contract, expressed as \(2 \times \frac{V}{T}\); where \(V\) is the Employer’s estimated cost (including contingencies), \(T\) is the contract duration in years. For contract duration of up to 1 year, \(T\) of “1” should be used. The multiplier of 2 may be reduced for very large contracts but should not be less than 1.5.

\textsuperscript{b} Insert number of years in words and figures and indicate time period between 3 and 5 years.

\textsuperscript{c} The Employer is to define this value based on the minimum amount required that all partners of the Joint Venture must meet taking joint and several liability into account, usually at least 25%.

\textsuperscript{d} The Employer is to define this value based on the minimum amount required that one partner of the Joint Venture must meet, usually at least 40%.
### 4. Experience

#### A. For Civil Works Contract

#### 4.1 Contracts of Similar Size and Nature

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Single Entity</td>
<td>Joint Venture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All Partners Combined</td>
</tr>
</tbody>
</table>
| Participation as a contractor, Joint Venture partner, or Subcontractor, in at least one contract that has been successfully or substantially completed within the last ... ... years, and that is similar to the proposed works, where the value of the Applicant’s participation exceeds $ ... ... . The similarity of the Applicant’s participation shall be based on: 
1. ... 
2. ... 
3. ... | Must meet requirement | Not applicable | Not applicable | Must meet requirement | Form EXP - 1 |

Or

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
</table>
| Participation as a contractor, Joint Venture partner, or Subcontractor, in at least two contracts that have been successfully or substantially completed within the last ... ... years and that are similar to the proposed works, where the value of the Applicant’s participation under each contract exceeds $ ... ... . The similarity of the Applicant’s participation shall be based on: 
1. ... 
2. ... 
3. ... | Must meet requirement | Must meet requirement as follows: 
(i) Either one partner must meet requirement; or 
(ii) Any two partners must each demonstrate one (1) successfully or substantially completed contract of similar size, and nature | Not applicable | Not applicable | Form EXP - 1 |

---

1. Insert number of years in words and figures. The range is normally 5-10 years.
2. Usually 80% of the estimated value of the subject contract. In case of repetitive and contiguous works (e.g., transmission lines, water pipeline), the Employer has the option of specifying a value that is between 50% and 80% of the subject contract value. If the contract value is not in the specific currency, the exchange rate to be used to calculate the value of the contract shall be the selling rate of the Borrower’s national bank on the date of the contract.
3. Specify major requirements in terms of any of the following: physical size, nature of works, complexity, methods, technology, or other characteristics.
4. In case of complex works, the Employer may require each partner to demonstrate one successfully or substantially completed contract of similar nature where such partner’s value of participation exceeds 25% of the subject contract value.

---

2. The Employer has the option of requiring either one or two contracts of similar size and nature and should choose the appropriate language below.
4.2 Construction Experience in Key Activities

May be complied with by the Applicant or by Specialist Subcontractor. If Specialist Subcontractors are proposed by the Applicant for key activities, each Specialist Subcontractor must have experience in the related key activity as a single entity.

If the key activity is to be undertaken by a Specialist Subcontractor, the Employer shall require evidence of the subcontracting agreement at the time of bidding.

<table>
<thead>
<tr>
<th>Criteria Requirement</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the above or other contracts executed during the period stipulated in 4.1, a minimum construction experience in the following key activities:*</td>
<td>Must meet requirement</td>
<td>Form EXP – 2</td>
</tr>
<tr>
<td>1 ..........</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 ..........</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 .. etc ....</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Under 4.1, the specified requirements define the similarity of contracts, whereas the key activities or production rates to be specified under 4.2 define the required capability of the Bidder to execute key components of the Works. There shall not be any inconsistency or repetition of requirements between 4.1 and 4.2. For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period.

3 The key activities criterion should test the applicant’s experience of performing highly specialized construction activities (e.g., tunneling, dredging, and bridge construction) and achievement of specified production rates.
### B. For Plant - Design, Supply, and Installation Contract

#### 4.1 Contracts of Similar Size and Nature

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Joint Venture</td>
<td>Submission Requirements</td>
</tr>
<tr>
<td></td>
<td>Single Entity</td>
<td>All Partners Combined</td>
</tr>
<tr>
<td>Participation as a contractor, Joint Venture partner, or Subcontractor, in at least one contract that has been successfully or substantially completed within the last …….(^a) years and that is similar to the proposed contract, where the value of the Applicant’s participation exceeds $…………(^b). The similarity of the Applicant’s participation shall be based on:(^c) 1 …. 2 …. 3 ….</td>
<td>Must meet requirement</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Or

| Participation as a contractor, Joint Venture partner, or Subcontractor, in at least two contracts that have been successfully or substantially completed within the last …….\(^a\) years and that are similar to the proposed contract, where the value of the Applicant’s participation under each contract exceeds $……….\(^b\). The similarity of the Applicant’s participation shall be based on:\(^c\) 1 …. 2 …. 3 …. | Must meet requirement | Must meet requirement as follows:  
(i) Either one partner must meet requirement; or  
(ii) Any two partners must each demonstrate one (1) successfully or substantially completed contract of similar size, and nature | Not applicable\(^d\) | Not applicable | Form EXP - 1 |

---

\(^a\) Insert number of years in words and figures. The range is normally 5-10 years.

\(^b\) Usually 80% of the estimated value of the subject contract. In case of repetitive and contiguous works (e.g., transmission lines, water pipeline) the Employer has the option of specifying a value that is between 50% and 80% of the subject contract value. If the contract value is not in the specific currency, the exchange rate to be used to calculate the value of the contract shall be the selling rate of the Borrower’s national bank on the date of the contract.

\(^c\) Specify major requirements in terms of any of the following: physical size, nature of works, complexity, methods, technology, or other characteristics.

\(^d\) In case of complex works, the Employer may require each partner to demonstrate one successfully or substantially completed contract of similar nature where such partner's value of participation exceeds 25% of the subject contract value.

---

\(^4\) The Employer has the option of requiring either one or two contracts of similar size and nature and should choose the appropriate language below.
4.2 Experience in Key Activities

4.2(a) Must be complied with by the Applicant. In case of a Joint Venture Applicant, at least one of the partners must meet the requirement in the key activity.

Table A

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Single Entity</td>
<td>Joint Venture</td>
</tr>
<tr>
<td>For the above or other contracts executed during the period stipulated in 4.1, a minimum experience in the following key activities:</td>
<td>Must meet requirement</td>
<td>Must meet requirement</td>
</tr>
<tr>
<td>1 ..........</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 ..........</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 .. etc ..</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.2 (b) The Employer accepts any of the following activities to be subcontracted. They may be complied with by the Applicant 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 at the time of bidding.

Table B

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance Requirements</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Single Entity or its Specialist Subcontractors</td>
<td>Joint Venture or its Specialist Subcontractors</td>
</tr>
<tr>
<td>For the above or other contracts executed during the period stipulated in 4.1, a minimum experience in the following key activities:</td>
<td>One must meet requirement</td>
<td>One must meet requirement</td>
</tr>
<tr>
<td>4 ..........</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 ..........</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 .. etc ..</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The key activities criterion should test the applicant’s experience of performing highly specialized construction activities (e.g., tunneling, dredging, and bridge construction) and achievement of specified production rates.
Section 4: Application Forms

The Employer must include in Section 4 (Application Forms) all forms that the Applicant must complete and submit together with the Application.

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<table>
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<tr>
<th>Form Name</th>
<th>Page</th>
</tr>
</thead>
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</tr>
<tr>
<td>Affiliate Company Guarantee</td>
<td>39</td>
</tr>
<tr>
<td>Form ELI – 1: Applicant Information Sheet</td>
<td>40</td>
</tr>
<tr>
<td>Form ELI – 2: Joint Venture Information Sheet</td>
<td>41</td>
</tr>
<tr>
<td>Form CON – 1: Historical Contract Nonperformance</td>
<td>42</td>
</tr>
<tr>
<td>Form FIN – 1: Historical Financial Performance</td>
<td>44</td>
</tr>
<tr>
<td>A. For Civil Works Contract</td>
<td>45</td>
</tr>
<tr>
<td>Form FIN – 2: Average Annual Construction Turnover</td>
<td>45</td>
</tr>
<tr>
<td>B. For Plant - Design, Supply, and Installation Contract</td>
<td>46</td>
</tr>
<tr>
<td>Form FIN – 2: Average Annual Turnover</td>
<td>46</td>
</tr>
<tr>
<td>A. For Civil Works Contract</td>
<td>47</td>
</tr>
<tr>
<td>Form EXP – 1: Experience in Contracts of Similar Size and Nature</td>
<td>47</td>
</tr>
<tr>
<td>Form EXP – 2: Construction Experience in Key Activities</td>
<td>48</td>
</tr>
<tr>
<td>B. For Plant - Design, Supply, and Installation Contract</td>
<td>49</td>
</tr>
<tr>
<td>Form EXP – 1: Experience in Contracts of Similar Size and Nature</td>
<td>49</td>
</tr>
<tr>
<td>Form EXP – 2: Experience in Key Activities</td>
<td>50</td>
</tr>
</tbody>
</table>
Application Submission Sheet

NOTE

The Applicant must accomplish the Application Submission Sheet in its letterhead clearly showing the Applicant’s complete name and address.

Date: .....................................................
IFP No.: ..................................................
OCB No.: ..................................................

To: [... insert complete name of Employer ...]

We, the undersigned, apply to be prequalified for the referenced OCB and declare the following.

(a) We have examined and have no reservations to the Prequalification Document, including addenda, issued in accordance with ITA 8.

(b) We, including any Subcontractors or Suppliers for any part of the contract resulting from this prequalification process, if any, have nationalities from eligible countries, in accordance with ITA 4.2.

(c) We, including any Subcontractors or Suppliers for any part of the contract resulting from this prequalification process, if any, do not have any conflict of interest in accordance with ITA 4.3 and 4.4.

(d) Our firm, Joint Venture partners, associates, parent company, its affiliates or subsidiaries, including any Subcontractors or Suppliers for any part of the contract, are not subject to, or not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Asian Development Bank or a debarment imposed by the Asian Development Bank in accordance with the Agreement for Mutual Enforcement of Debarment Decisions between the Asian Development Bank and other development banks.¹

(e) Our firm, Joint Venture partners, associates, parent company, affiliates or subsidiaries, including any Subcontractors or Suppliers for any part of the Contract, are not, or have never been, temporarily suspended, debarred, declared ineligible, or blacklisted by the Employer’s country, any international organization, and other donor agency.

If so debarred, declared ineligible, temporarily suspended, or blacklisted, please state details (as applicable to each Joint Venture partner, associate, parent company, affiliate, subsidiaries, Subcontractors, and/or Suppliers):

(i) Name of institution: __________________

(ii) Period of debarment, ineligibility, or blacklisting [start and end date]: ______________

(iii) Reason for the debarment, ineligibility, or blacklisting: ___________________________

¹ These institutions include African Development Bank, European Bank for Reconstruction and Development (EBRD), Inter-American Development Bank (IADB), and the World Bank Group. According to para. 9 of the Agreement, other international financial institutions may join upon the consent of all Participating Institutions and signature of a Letter of Adherance by the international financial institution substantially in the form provided (Annex B to the Agreement). Upon adherence, such international financial institution shall become a Participating Institution for purposes of the Agreement. Bidders are advised to check www.adb.org/integrity for updates.
(f) Our firm's, Joint Venture partners, associates, parent company's affiliates or subsidiaries, including any Subcontractors or Suppliers key officers and directors have not been [charged or convicted] of any criminal offense (including felonies and misdemeanors) or infractions and/or violations of ordinance which carry the penalty of imprisonment. If so charged or convicted, please state details:

(i) Nature of the offense/violation: __________________

(ii) Court and/or area of jurisdiction: __________________

(iii) Resolution [i.e. dismissed, settled, or convicted; duration of penalty]: __________________

(iv) Other relevant details [please specify]: __________________

(g) We understand that it is our obligation to notify ADB should our firm, Joint Venture partners, associates, parent company, affiliates or subsidiaries, including any Subcontractors or Suppliers, be temporarily suspended, debarred or become ineligible to work with ADB or any other MDBs, the Employer’s country, international organizations, and other donor agencies, or any of our key officers and directors be charged or convicted of any criminal offense or infractions and/or violations of ordinance which carry the penalty of imprisonment.

(h) Our firm, Joint Venture partners, associates, parent company, affiliates or subsidiaries, including any Subcontractors or Suppliers, are not from a country which is prohibited to export goods to or receive any payments from the Employer’s country 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.

(i) [We are not a government-owned enterprise] / [We are a government-owned enterprise but meet the requirements of ITA 4.6].

(j) We, in accordance with ITA 24.1, plan to subcontract the following key activities or parts of the contract:

(k) We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process:

<table>
<thead>
<tr>
<th>Name of Recipient</th>
<th>Address</th>
<th>Reason</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(l) We understand that you may cancel the prequalification process at any time and that you are not bound either to accept any Application that you may receive or to invite the prequalified Applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA 26.

(m) We agree to permit ADB or its representative to inspect our accounts and records and other documents relating to the Application for prequalification and to have them audited by auditors appointed by ADB.

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2 Use one of the two options as appropriate.
3 If none has been paid or is to be paid, indicate “None.”
(n) We understand that any misrepresentation that knowingly or recklessly misleads, or attempts to mislead may lead to the automatic rejection of the Application for prequalification, or the Bid or cancellation of the contract, if awarded, and may result in remedial actions, in accordance with ADB’s Anticorruption Policy (1998, as amended to date) and Integrity Principles and Guidelines (2015, as amended from time to time).

Name: [insert complete name of the person signing the application]
In the capacity of [insert legal capacity of the person signing the application]
Signed: [insert signature of the person whose name and capacity are shown above]
Duly authorized to sign the Application for and on behalf of [insert complete name of the applicant]
Date: [insert date of signing]
Affiliate Company Guarantee

Name of Contract/Contract No.: ______________________________________________________

Name and address of Purchaser: ______________________________________________________
[together with successors and assigns].

We have been informed that [name of Applicant] (hereinafter called the “Contractor”) is submitting an offer for the above-referenced Contract in response to your invitation, and that the conditions of your invitation require its offer to be supported by an affiliate company guarantee.

In consideration of you, the Employer, awarding the Contract to the Contractor, we [name of affiliated company] irrevocably and unconditionally guarantee to you, as a primary obligation, that (i) throughout the duration of the Contract, we will make available to the Contractor our financial, technical capacity, expertise and resources required for the Contractor’s satisfactory performance of the Contract; and (ii) we are fully committed, along with the Contractor, to ensuring a satisfactory performance of the Contract.

If the Contractor fails to so perform its obligations and liabilities and comply with the Contract, we will indemnify the Employer against and from all damages, losses and expenses (including legal fees and expenses) which arise from any such failure for which the Contractor is liable to the Employer under the Contract.

This guarantee shall come into full force and effect when the Contract comes into full force and effect. If the Contract does not come into full force and effect within a year of the date of this guarantee, or if you demonstrate that you do not intend to enter into the Contract with the Contractor, this guarantee shall be void and ineffective. This guarantee shall continue in full force and effect until all the Contractor’s obligations and liabilities under the Contract have been discharged, when this guarantee shall expire and shall be returned to us, and our liability hereunder shall be discharged absolutely.

This guarantee shall apply and be supplemental to the Contract as amended or varied by the Employer and the Contractor from time to time. We hereby authorize them to agree on any such amendment or variation, the due performance of which and compliance with which by the Contractor are likewise guaranteed hereunder. Our obligations and liabilities under this guarantee shall not be discharged by any allowance of time or other indulgence whatsoever by the Employer to the Contractor, or by any variation or suspension of the works to be executed under the Contract, or by any amendments to the Contract or to the constitution of the Contractor or the Employer, or by any other matters, whether with or without our knowledge or consent.

This guarantee shall be governed by the law of the same country (or other jurisdiction) that governs the Contract and any dispute under this guarantee shall be finally settled under the [Rules or Arbitration provided in the Contract]. We confirm that the benefit of this guarantee may be assigned subject only to the provisions for assignment of the Contract.

Signed by:……………………………………………                       Signed by: …………………………………………
[signature]                                                                      [signature]
……………………………………………                                                …………………………………………
[name]                                                                            [name]
……………………………………………                                               ……………………………………………
[position in parent or subsidiary company]                     [position in parent or subsidiary company]

Date:……………………………………………
Form ELI – 1: Applicant Information Sheet

<table>
<thead>
<tr>
<th>Applicant Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s legal name</td>
</tr>
<tr>
<td>In case of a Joint Venture, legal name of each partner</td>
</tr>
<tr>
<td>Applicant’s actual or intended country of constitution</td>
</tr>
<tr>
<td>Applicant’s actual or intended year of constitution</td>
</tr>
<tr>
<td>Applicant’s legal address in country of constitution</td>
</tr>
<tr>
<td>Applicant’s authorized representative (name, address, telephone number(s), fax number(s), e-mail address)</td>
</tr>
</tbody>
</table>

Attached are copies of the following documents:

- 1. In case of a single entity, articles of incorporation or constitution of the legal entity named above, in accordance with ITA 4.1 and ITA 4.2.
- 2. Authorization to represent the firm or Joint Venture named above, in accordance with ITA 15.3.
- 3. In case of a Joint Venture, a letter of intent to form a Joint Venture or Joint Venture agreement, in accordance with ITA 4.1.
- 4. In case of a government-owned enterprise, any additional documents not covered under 1 above required to comply with ITA 4.6.
Form ELI – 2: Joint Venture Information Sheet

Each member of the Joint Venture and Specialist Subcontractor, if any, must fill out this form separately.

<table>
<thead>
<tr>
<th>Joint Venture / Specialist Subcontractor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s legal name</td>
</tr>
<tr>
<td>Joint Venture Partner’s or Specialist Subcontractor’s legal name</td>
</tr>
<tr>
<td>Joint Venture Partner’s or Specialist Subcontractor’s country of constitution</td>
</tr>
<tr>
<td>Joint Venture Partner’s or Specialist Subcontractor’s year of constitution</td>
</tr>
<tr>
<td>Joint Venture Partner’s or Specialist Subcontractor’s legal address in country of constitution</td>
</tr>
<tr>
<td>Joint Venture Partner’s or Specialist Subcontractor’s authorized representative information (name, address, telephone number(s), fax number(s), e-mail address)</td>
</tr>
</tbody>
</table>

Attached are copies of the following documents:

- 1. Articles of incorporation or constitution of the legal entity named above, in accordance with ITA 4.1 and ITA 4.2.
- 2. Authorization to represent the firm named above, in accordance with ITA 15.3.
- 3. In the case of a government-owned enterprise, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA 4.6.
- 4. In case of Specialist Subcontractors as per ITA 24.2 a formal intent to enter into an agreement in the form of a letter jointly signed by the Applicant and the Specialist Subcontractor.
Form CON – 1: Historical Contract Nonperformance

Each Applicant must fill out this form in accordance with Criteria 2.1 and 2.2 of Section 3 (Qualification Criteria) to describe any history of nonperforming contracts and pending litigation or arbitration formally commenced against it.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: ____________________

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
<th>Amount of Nonperformed Portion of Contract ($ equivalent)</th>
<th>Total Contract Amount ($ equivalent)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>[insert year] Contract Identification: [indicate complete contract name/number, and any other identification]</td>
<td>[insert amount]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Name of Employer: [insert full name]</td>
<td>[insert amount]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Address of Employer: [insert street/city/country]</td>
<td>[insert amount]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reason(s) for nonperformance: [indicate main reason(s)]</td>
<td>[insert amount]</td>
</tr>
</tbody>
</table>
Table 2: Pending Litigation and Arbitration

Choose one of the following:

- No pending litigation and arbitration.
- Below is a description of all pending litigation and arbitration involving the Applicant (or each Joint Venture member if Applicant is a Joint Venture).

<table>
<thead>
<tr>
<th>Year</th>
<th>Matter in Dispute</th>
<th>Value of Pending Claim ($ Equivalent)</th>
<th>Value of Pending Claim as a Percentage of Net Worth</th>
</tr>
</thead>
<tbody>
<tr>
<td>[insert year]</td>
<td>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 of Dispute: [indicate full description of dispute] Party who initiated the dispute: [indicate “Employer” or “Contractor”] Status: [indicate status of dispute]</td>
<td>[insert amount]</td>
<td>[insert amount]</td>
</tr>
</tbody>
</table>

**NOTE**

Table 2 of this form shall only be included if Criterion 2.2 of Section 3 (Qualification Criteria) is applicable.
Form FIN – 1: Historical Financial Performance

Date: .....................................................
IFP No.: ..................................................
OCB No.: ..............................................
Page.........................of .................pages

Each Applicant must fill out this form.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: ___________________________

<table>
<thead>
<tr>
<th>Financial Data for Previous 3 Years* [$ Equivalent]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1:</td>
</tr>
</tbody>
</table>

Information from Balance Sheet

<table>
<thead>
<tr>
<th>Total Assets (TA)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Liabilities (TL)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Worth = TA – TL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Assets (CA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Liabilities (CL)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working Capital = CA – CL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Most Recent Working Capital |   |   |

Information from Income Statement

<table>
<thead>
<tr>
<th>Total Revenues</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Profits Before Taxes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Profits After Taxes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Attached are copies of financial statements (balance sheets including all related notes and income statements) for the last 3 years, as indicated above, complying with the following conditions:

- Unless otherwise required by Section 3 (Qualification Criteria), all such documents must reflect the financial situation of the legal entity or entities comprising the Applicant and not the Applicant’s parent companies, subsidiaries, or affiliates.
- Historical financial statements must be audited by a certified accountant.
- Historical financial statements must be complete, including all notes to the financial statements.
- Historical financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be accepted).

* If the time period indicated under Criterion 3.1 of Section 3 (Qualification Criteria) is either 4 or 5 years, then the table columns above should be expanded accordingly.

b The time period stated here should be the same as the time period indicated under Criterion 3.1 of Section 3 (Qualification Criteria).
A. For Civil Works Contract

Form FIN – 2: Average Annual Construction Turnover

Date: .............................................................
IFP No.: ....................................................
OCB No.: ..................................................
Page.........................of .................pages

Each Applicant must fill out this form.

The information supplied should be the Annual Construction Turnover of the Applicant or each member of a Joint Venture in terms of the amounts billed to clients for each year for work in progress or completed, converted to US dollars at the rate of exchange at the end of the period reported.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: ___________________

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Exchange</th>
<th>$ Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Currency</td>
<td>Rate</td>
<td></td>
</tr>
</tbody>
</table>

Average Annual Construction Turnover

---

\[ a \] The Employer should insert the period described in Criterion 3.2 of Section 3 (Qualification Criteria).

\[ b \] To determine the average annual construction turnover, the Employer shall divide the sum of each year’s annual turnover by the number of years, for which such information was requested.
B. For Plant - Design, Supply, and Installation Contract

Form FIN – 2: Average Annual Turnover

Date: ..........................................................
IFP No.: ..................................................
OCB No.: ..................................................
Page......................of .....................pages

Each Applicant must fill out this form.

The information supplied should be the Annual Turnover of the Applicant or each member of a Joint Venture in terms of the amounts billed to clients for each year for work in progress or completed, converted to US dollars at the rate of exchange at the end of the period reported.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner’s name:

Joint Venture Partner: ___________________

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount Currency</th>
<th>Exchange Rate</th>
<th>$ Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Average Annual Turnover**

* The Employer should insert the period described in Criterion 3.2 of Section 3 (Qualification Criteria).

b To determine the average annual turnover, the Employer shall divide the sum of each year’s annual turnover by the number of years, for which such information was requested.
A. For Civil Works Contract

Form EXP – 1: Experience in Contracts of Similar Size and Nature

<table>
<thead>
<tr>
<th>Date:</th>
<th>IFP No.:</th>
<th>OCB No.:</th>
</tr>
</thead>
</table>

Fill out one (1) form per contract.

The exchange rate to be used to calculate the value of the contract for conversion to a specific currency shall be the selling rate of the borrower’s national bank on the date of the contract.

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Contract Identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award Date</td>
<td>Completion Date</td>
</tr>
<tr>
<td>Total Contract Amount</td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>If partner in a Joint Venture or Subcontractor, specify participation of total contract amount</th>
<th>Percent of Total</th>
<th>Amount</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Employer’s name</th>
<th>Address</th>
<th>Telephone number</th>
<th>Fax number</th>
<th>E-mail</th>
</tr>
</thead>
</table>

**Description of the Similarity in Accordance with Criterion 4.1 of Section 3 (Qualification Criteria)**

**NOTE**

The Employer should insert here contract size, complexity, methods, technology, or other characteristics as described in Criterion 4.1 of Section 3 against which the Applicant should demonstrate similarity in the box on the right-hand side.
Form EXP – 2: Construction Experience in Key Activities

Date: .................................................
IFP No.: .............................................
OCB No.: .............................................
Page ....................... of ..................... pages

Fill out one (1) form per contract.

Each Applicant must fill out this form.

If complied by Specialist Subcontractors, each Specialist Subcontractor must fill out this form and provide the Specialist Subcontractor’s name:

Specialist Subcontractor: ___________________

<table>
<thead>
<tr>
<th>Contract with Similar Key Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contract No.</strong></td>
</tr>
<tr>
<td>Award Date</td>
</tr>
<tr>
<td>Total Contract Amount</td>
</tr>
<tr>
<td>If partner in a Joint Venture or Subcontractor, specify participation of total contract amount</td>
</tr>
<tr>
<td>Employer’s name</td>
</tr>
</tbody>
</table>

**Description of Key Activities in Accordance with Criterion 4.2 of Section 3 (Qualification Criteria)**

**NOTE**

The Employer should insert here the highly specialized construction activities listed under criterion 4.2 of Section 3 against which the Applicant should demonstrate similarity in the box on the right-hand side.
### B. For Plant - Design, Supply, and Installation Contract

Form EXP – 1: Experience in Contracts of Similar Size And Nature

| Date: ............................................................. |
| IFP No.: ..................................................... |
| OCB No.: ..................................................... |
| Page: ........................ of ............................ |

Fill out one (1) form per contract.

The exchange rate to be used to calculate the value of the contract for conversion to a specific currency shall be the selling rate of the borrower’s national bank on the date of the contract.

<table>
<thead>
<tr>
<th>Contract No. . . . . . of . . . . . .</th>
<th>Contract Identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award Date</td>
<td>Completion Date</td>
</tr>
<tr>
<td>Role in Contract</td>
<td></td>
</tr>
<tr>
<td>□ Contractor</td>
<td>□ Management Contractor</td>
</tr>
<tr>
<td>□ Subcontractor</td>
<td></td>
</tr>
<tr>
<td>Total Contract Amount $</td>
<td></td>
</tr>
<tr>
<td>If partner in a Joint Venture or Subcontractor, specify participation of total contract amount</td>
<td>Percent of Total</td>
</tr>
<tr>
<td>Employer’s name</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td></td>
</tr>
<tr>
<td>Fax number</td>
<td></td>
</tr>
<tr>
<td>E-mail</td>
<td></td>
</tr>
</tbody>
</table>

**Description of the Similarity in Accordance with Criterion 4.1 of Section 3 (Qualification Criteria)**

**NOTE**

The Employer should insert here contract size, complexity, methods, technology, or other characteristics as described in Criterion 4.1 of Section 3 against which the Applicant should demonstrate similarity in the box on the right-hand side.
Form EXP – 2: Experience in Key Activities

Date: ....................................................
IFP No.: ..................................................
OCB No.: .............................................
Page.............................................of ...............pages

Fill out one (1) form per contract.

Each Applicant must fill out this form.

If complied by Specialist Subcontractors, each Specialist Subcontractor must fill out this form and provide the Specialist Subcontractor’s name:

Specialist Subcontractor: ___________________

<table>
<thead>
<tr>
<th>Contract with Similar Key Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract No. . . . of . . . . . . . . .</td>
</tr>
<tr>
<td>Award Date</td>
</tr>
<tr>
<td>Role in Contract</td>
</tr>
<tr>
<td>Total Contract Amount</td>
</tr>
<tr>
<td>If partner in a Joint Venture or Subcontractor, specify participation of total contract amount</td>
</tr>
<tr>
<td>Employer’s name</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Telephone number</td>
</tr>
<tr>
<td>Fax number</td>
</tr>
<tr>
<td>E-mail</td>
</tr>
</tbody>
</table>

Description of Key Activities in Accordance with Criterion 4.2 of Section 3 (Qualification Criteria)

NOTE

The Employer should insert here Criterion 4.2 of Section 3 against which the Applicant should demonstrate similarity in the box on the right-hand side.

Operational certificate from end user specifying hours/years of successful operation of the plant and/or its component, type test report and other requirement as stipulated in Criterion 4.2 of Section 3 should be provided as attachments of this form.
Section 5: Eligible Countries

This section contains the list of eligible countries. Please choose one of the following cases and follow the instructions as appropriate.

**NOTES**

**For Contracts to be financed by loans/grants from**

1. **OCR without cofinancing resources:**
   
   Unless a waiver of ADB member country procurement eligibility restrictions was approved by the ADB Board of Directors, please insert the most recent list of ADB member countries obtainable from [www.adb.org/about/members](http://www.adb.org/about/members)

   **EXCEPTION:** If any other contract under the project is financed by cofinancing resources that are administered by ADB (other than those listed in para. 2 below), then please state “No nationality restrictions apply, other than any restrictions arising from ITB 4.7.”

2. **Regular loan from OCR with cofinancing resources from any one of the following funds:**
   
   (i) Asian Clean Energy Fund,
   (ii) Japan Fund for Poverty Reduction,
   (iii) Investment Climate Facilitation Fund,
   (iv) Japan Fund for the Joint Credit Mechanism, and
   (v) e-Asia and Knowledge Partnership Fund,

   Unless a waiver of ADB member country procurement eligibility restrictions was approved by the ADB Board of Directors, please insert the most recent list of ADB member countries obtainable from [www.adb.org/about/members](http://www.adb.org/about/members)

3. **Concessional loan from OCR with cofinancing resources from any one of the following funds:**
   
   (i) Asian Clean Energy Fund,
   (ii) Japan Fund for Poverty Reduction,
   (iii) Japan Fund for Public Policy Training,
   (iv) Japan Fund for Information and Communication Technology,
   (v) Investment Climate Facilitation Fund, and
   (vi) e-Asia and Knowledge Partnership Fund,

   Unless a waiver of ADB member country procurement eligibility restrictions was approved by the ADB Board of Directors, please insert the most recent list of ADB member countries obtainable from [www.adb.org/about/members](http://www.adb.org/about/members)

4. **Regular loan from OCR with cofinancing resources other than those listed in para. 2 above:**

   Please state “No nationality restrictions apply, other than any restrictions arising from ITB 4.7.”

5. **Concessional loan from OCR with cofinancing resources other than those listed in para. 3 above:**

   Please state “No nationality restrictions apply, other than any restrictions arising from ITB 4.7.”

6. **ADF without cofinancing resources:**

   Unless a waiver of ADB member country procurement eligibility restrictions was approved by the ADB Board of Directors, please insert the most recent list of ADB developed member countries that have contributed to ADF resources, and all ADB developing member countries.

   **EXCEPTION:** If any other contract under the project is financed by cofinancing resources that are administered by ADB (other than those listed in para. 7 below), then please state “No nationality restrictions apply, other than any restrictions arising from ITB 4.7.”
7. **ADF with cofinancing resources from any one of the following funds:**

   (i) Asian Clean Energy Fund,
   (ii) Japan Fund for Poverty Reduction,
   (iii) Japan Fund for Public Policy Training,
   (iv) Japan Fund for Information and Communication Technology,
   (v) Investment Climate Facilitation Fund, and
   (vi) e-Asia and Knowledge Partnership Fund,

   Unless a waiver of ADB member country procurement eligibility restrictions was approved by the ADB Board of Directors, please insert the most recent list of ADB developed member countries that have contributed to ADF resources, and all ADB developing member countries.

8. **ADF with cofinancing resources other than those listed in para. 6 above:**

   Please state “No nationality restrictions apply, other than any restrictions arising from ITB 4.7.”
Section 6: Scope of Contract

Section 6 (Scope of Contract) (SOC) shall provide sufficient information to enable Applicants to understand clearly the project to be implemented, form the group to perform the contract, and efficiently and accurately prepare Applications that are realistic and competitive. The Employer prepares the SOC that shall become part of the ensuing contract to be awarded.

The SOC should be complete, precise, and clear in order to avoid unnecessary requests for clarification from Applicants that may cause delays in the prequalification process. Depending on the nature of clarifications, the Employer may need to amend the Prequalification Document and eventually extend the deadline for submission of Applications.

The Employer shall assign appropriate, competent, and experienced staff to prepare the SOC such that the widest possible competition is permitted, while at the same time clearly specifying the required standards of field organization and personnel, equipment, methods, workmanship, and implementation schedule. A well prepared SOC ensures that a particular open competitive bidding (OCB) procedure shall meet the objectives of economy, efficiency, fairness, and transparency.

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1. Requirements

1.1. Brief Description of the Scope

1.2. Major Contract Components

NOTE
This document should be a skeleton of the Future Functional Specifications and should outline the main components of the project including the major expected technical characteristics and performance requirements of the Plant including but not limited to the capacity of the plant (MVA, MW, etc.) the expected performance and efficiency of the plant, the applicable standards, etc.

1.3. Estimated Quantities of Major Components

1.4. Methods Required

1.5. Key Personnel and Key Equipment

NOTE
The Employer should insert the following statement: “The Bidder’s capacity to mobilize the key personnel and key equipment for the Contract consistent with its proposal regarding work methods, scheduling, and material sourcing in sufficient detail and fully in accordance with the requirements that will be stipulated in the Bidding Document will be assessed prior to the award of the Contract to the successful Bidder.”

1.6. Contract Implementation Period
2. Supplementary Information

2.1. Project Country

2.2. Contract Site

2.3. Applicable Conditions of Contract

NOTE

The Employer should indicate which particular conditions of contract will be applied during the execution of the Contract (i.e., FIDIC Conditions of Contract for Construction Multilateral Development Bank Harmonized Edition General Conditions June 2010 [for civil works contracts]; Form of Contract for Plant - Design, Supply, and Installation or Form of International Contract for Process Plant Construction published by the Engineering Advancement Association of Japan [for plant contract]; or other internationally recognized standard conditions of contract and contract forms acceptable to ADB).
3. Facilities to Be Provided by the Employer
User’s Guide to Prequalification of Bidders

This User’s Guide is intended to provide guidance to borrowers on how to prepare a prequalification document based on the Asian Development Bank’s Standard Procurement Document for the Prequalification of Bidders. It also provides guidance on how to evaluate applications. It is applicable to projects governed by the Procurement Regulations for ADB Borrowers: Goods, Works, Nonconsulting and Consulting Services (2017, as amended from time to time).

About the Asian Development Bank

ADB’s vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region’s many successes, it remains home to a large share of the world’s poor. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.