Section 4 - Bidding Forms

This section contains the forms to be completed by the Bidder and submitted as part of its Bid.

Table of Forms

Letter of Technical Bid 2

Letter of Price Bid 6

Schedule No. 1:Plant and Mandatory Spare Parts Supplied from Abroad 9

Schedule No. 2: Plant and Mandatory Spare Parts Supplied from Within the Employer’s Country 10

Schedule No. 3: Design Services 11

Schedule No. 4 - Installation and Other Services 12

Schedule No. 5: Grand Summary 13

Schedule No. 6: Recommended Spare Parts 14

Tables of Adjustment Data 15

Bid Security 16

Technical Proposal 17

Site Organization 18

Method Statement 19

Mobilization Schedule 20

Construction Schedule 21

Personnel 23

Form PER – 2: Resume of Proposed Personnel 24

Equipment 25

Proposed Subcontractors and/or Manufacturers for Major Items of Plant and Services 26

Manufacturer's Authorization 27

Affiliate Company Guarantee 28

Time Schedule 29

COVID-19 specific Site Health and Safety Management Plan Bidder’s Qualification 31

Form ELI - 1: Bidder’s Information Sheet 33

Form ELI - 2: Joint Venture Information Sheet 34

Form CON– 1: Historical Contract Non-Performance 35

Form FIN - 1: Historical Financial Performance 36

Form FIN - 2: Average Annual Turnover 37

Form FIN – 3: Availability of Financial Resources 38

Form FIN- 4: Financial Requirements for Current Contract Commitments 39

Form EXP – 1: Contracts of Similar Size and Nature 41

Form EXP - 2: Experience in Key Activities 42

Letter of Technical Bid

-- Note –

*The bidder must accomplish the Letter of Technical Bid on its letterhead clearly showing the bidder’s complete name and address.*

 Date:

 OCB No.:

 Invitation for Bid No.:

To:[*. . .* insert complete name of the employer *. . .*]

We, the undersigned, declare that:

1. We have examined and have no reservations to the Bidding Documents, including Addenda issued in accordance with Instructions to Bidders (ITB) 8.
2. We offer to design, manufacture, test, deliver, install, pre-commission, and commission in conformity with the Bidding Document the following Plant and Services: [*. . .* insert narrative *. . .*]
3. Our Bid consisting of the Technical Bid and the Price Bid shall be valid for a period of [. . . insert bid validity period as specified in ITB 20.1 of the BDS . . .] days from the date fixed for the bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
4. We, including any Subcontractors or Manufacturers for any part of the Contract, have or will have nationalities from eligible countries, in accordance with ITB4.2.
5. We, including any Subcontractors or Suppliers for any part of the Contract, do not have any conflict of interest in accordance with ITB 4.3.
6. We are not participating, as a Bidder, either individually or as partner in a joint venture, in more than one bid in this bidding process in accordance with ITB 4.3(e), other than alternative offers submitted in accordance with ITB 13.
7. 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]](#footnote-1)
8. 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/suppliers):

1. Name of Institution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Period of debarment, ineligibility, or blacklisting (start and end date): \_\_\_\_\_\_\_\_\_\_\_\_
3. Reason for the debarment, ineligibility, or blacklisting: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. 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/violations of ordinance which carry the penalty of imprisonment.

If so charged or convicted, please state details:

1. Nature of the offense/violation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Court/Area of jurisdiction: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Resolution (i.e. dismissed; settled; convicted/duration of penalty): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Other relevant details:
5. 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/violations of ordinance which carry the penalty of imprisonment.
6. 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.
7. [We are not a government-owned enterprise] / [We are a government-owned enterprise but meet the requirements of ITB4.5].**[[2]](#footnote-2)**
8. We have not been suspended nor declared ineligible by the Employer based on execution of a Bid-Securing Declaration in accordance with ITB 4.6.
9. We agree to permit ADB or its representative to inspect our accounts and records and other documents relating to the bid submission and to have them audited by auditors appointed by ADB.
10. If our Bid is accepted, we commit to mobilizing key equipment and personnel in accordance with the requirements set forth in Section 6 (Employer’s Requirements) and our technical proposal, or as otherwise agreed with the Employer.
11. We understand that any misrepresentation that knowingly or recklessly misleads, or attempts to mislead may lead to the automatic rejection of 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

In the capacity of

Signed

Duly authorized to sign the Bid for and on behalf of

Date

Country of Origin Declaration Form

Name of Bidder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ IFB Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Page \_\_\_ of \_\_\_

|  |  |  |
| --- | --- | --- |
| Item | Description | Country of Origin |
|  |  |  |
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Letter of Price Bid

-- Note –

*The bidder must accomplish the Letter of PriceBid on its letterhead clearly showing the bidder’s complete name and address.*

 Date:

 OCB No.:

 Invitation for Bid No.:

To: [*. . .* insert complete name of the employer *. . .*]

We, the undersigned, declare that:

1. We have examined and have no reservations to the Bidding Document, including Addenda issued in accordance with Instructions to Bidders (ITB) 8.
2. We offer to design, manufacture, test, deliver, install, pre-commission, and commission in conformity with the Bidding Document the following Plant and Services: [*. . .* insert narrative *. . .*]
3. The total price of our Bid, excluding any discounts offered in item (d) below is the sum of

 [*amount of foreign currency in words*], [*amount in figures*], and [*amount of local currency in words*], [*amount in figures*]

*The total bid price from the Grand Summary (Schedule No. 5) should be entered by the Bidder inside this box.Absence of the total bid price in the Letter of Price Bid may result in the rejection of the bid.*

1. ThThe discounts offered and the methodology for their application are as follows: [. . . insert discounts and methodology for their application if any . . *.*]
2. Our Bid shall be valid for a period of [. . . insert bid validity period as specified in ITB 20.1 of the BDS . . .]days from the date fixed for the submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
3. If our Bid is accepted, we commit to obtain a performance security in accordance with the Bidding Document.
4. We have paid, or will pay the following commissions, gratuities, or fees with respect to the bidding process or execution of the Contract: **[[3]](#footnote-3)**

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Recipient | Address | Reason | Amount |
|   |   |   |   |
|   |   |   |  . |

1. We understand that this bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal contract is prepared and executed.
2. We understand that you are not bound to accept the lowest evaluated bid or any other bid that you may receive.
3. We agree to permit ADB or its representative to inspect our accounts and records and other documents relating to the bid submission and to have them audited by auditors appointed by ADB.

Name

In the capacity of

Signed

Duly authorized to sign the Bid for and on behalf of

Date

**Price Schedules**

**(Refer Volume III)**

**PREAMBLE**

**General**

1. The Price Schedules are divided into separate Schedules as follows:

Schedule No. 1: Plant and Mandatory Spare Parts Supplied from Abroad

Schedule No. 2: Plant and Mandatory Spare Parts Supplied from within the Employer’s Country

Schedule No. 3: Design Services

Schedule No. 4: Installation and Other Services

Schedule No. 5: Grand Summary

Schedule No. 6: Recommended Spare Parts

2. The Schedules do not generally give a full description of the plant to be supplied and the services to be performed under each item. Bidders shall be deemed to have read the Employer’s Requirements and other sections of the Bidding Document and reviewed the Drawings to ascertain the full scope of the requirements included in each item prior to filling in the rates and prices. The entered rates and prices shall be deemed to cover the full scope as aforesaid, including overheads and profit.

3. If Bidders are unclear or uncertain as to the scope of any item, they shall seek clarification in accordance with ITB 7 prior to submitting their bid.

**Pricing**

4. The units and rates in figures entered into the Price Schedules should be typewritten or if written by hand, must be in print form. Price Schedules not presented accordingly may be considered nonresponsive. Any alterations necessary due to errors, etc., shall be initialed by the Bidder.

 As specified in the Bid Data Sheet and Special Conditions of Contract, prices shall be fixed and firm for the duration of the Contract, or prices shall be subject to adjustment in accordance with the corresponding Appendix (Price Adjustment) to the Contract Agreement.

5. Bid prices shall be quoted in the manner indicated and in the currencies specified in the Instructions to Bidders in the Bidding Document.

 For each item, Bidders shall complete each appropriate column in the respective Schedules, giving the price breakdown as indicated in the Schedules.

 Prices given in the Schedules against each item shall be for the scope covered by that item as detailed in Section 6 (Employer’s Requirements) or elsewhere in the Bidding Document.

6. Payments will be made to the Contractor in the currency or currencies indicated under each respective item.

7. When requested by the Employer for the purposes of making payments or part payments, valuing variations or evaluating claims, or for such other purposes as the Employer may reasonably require, the Contractor shall provide the Employer with a breakdown of any composite or lump sum items included in the Schedules.

8. The bid price is inclusive of all Environmental, Health and Safety management and compliance cost.

**Schedules of Rates and Prices (Refer Volume III)**

Schedule No. 1:Plant and Mandatory Spare Parts Supplied from Abroad

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Item** | **Description** | **Country of Origin** | **Quantity** | **Unit Price*a*** | **Total Price*a*** | **Taxes and Duties** |
| **Foreign Currency** | **CIP** | **Foreign Currency** | **Local Currency** |
| **1** | **2** | **3** | **4** | **5** | **6** | **7 = 4 x 6** | **8** |
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| **TOTAL Column 7 to be carried forward to Schedule No. 5: Grand Summary** |  |  |
|  |  |  |  |
|  |  |  |  |
| Name of Bidder |  |  |  |
|  |  |  |  |
| Signature of Bidder |  |  |  |

*a* *Specify currencies in accordance with ITB 19.1 of the BDS.Create additional columns for foreign currencies if so required.*

Schedule No. 2: Plant and Mandatory Spare Parts Supplied from Within the Employer’s Country

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item** | **Description** | **Quantity** | **Unit Price*a*** | **Total EXW Price*a*** | **Sales and other Taxes** |
| **Local Currency** | **EXW Price** |
| **1** | **2** | **3** | **4** | **5** | **6 = 3 x 5** | **7** |
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| **TOTAL Column 6to be carried forward to Schedule No. 5: Grand Summary** |  |  |
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|  |  |  |  |
| Name of Bidder |  |  |  |
|  |  |  |  |
| Signature of Bidder |  |  |  |
|  |  |  |  |

*aSpecify currency in accordance with ITB 19.1 of the BDS.*

*bColumn 5 EXW Price shall include all customs duties and sales and other taxes already paid or payable on the components and raw materials used in the manufacture or assembly of the item or the customs duties and sales and other taxes already paid on previously imported items.*

Schedule No. 3: Design Services

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Item** | **Description** | **Quantity** | **Unit Price*a*** | **Total Price*a*** |
| **Local Currency Portion** | **Foreign Currency Portion** | **Local Currency Portion** | **Foreign Currency Portion** |
| **1** | **2** | **3** | **4** | **5** | **6 = 3 x 4** | **7 = 3 x 5** |
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| **TOTAL Columns 6 and 7 to be carried forward to Schedule No. 5: Grand Summary** |  |  |
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|  |  |  |  |
|  |  |  |  |
| Name of Bidder |  |  |  |
|  |  |  |  |
| Signature of Bidder |  |  |  |

*aSpecify currency in accordance with ITB19.1 of the BDS.*

Schedule No. 4 - Installation and Other Services

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Item** | **Description** | **Quantity** | **Unit Price*a*** | **Total Price*a*** |
| **Local Currency Portion** | **Foreign Currency Portion** | **Local Currency Portion** | **Foreign Currency Portion** |
| **1** | **2** | **3** | **4** | **5** | **6 = 3 x 4** | **7 = 3 x 5** |
| **1** | **. . . . .** |  |  |  |  |  |
| **2** | **. . . . .** |  |  |  |  |  |
| **3** | **. . . . .** |  |  |  |  |  |
| **4** | **. . . . .** |  |  |  |  |  |
| **5** | **. . . . .** |  |  |  |  |  |
| **6** | **STI. STD and HIV/AIDS alleviation program*b*** |  |  |  |  |  |
| **etc** | **. . . . .** |  |  |  |  |  |
| **TOTAL Columns 6 and 7 to be carried forward to Schedule No. 5: Grand Summary** |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| Name of Bidder |  |  |  |
|  |  |  |  |
| Signature of Bidder |  |  |  |

*aSpecify currency in accordance with ITB19.1 of the BDS.*

*bAs described in SCC 22.2.7.*

Schedule No. 5: Grand Summary

|  |  |  |
| --- | --- | --- |
| **Schedule No.** | **Title** | **Total Price*a*** |
| **Foreign** | **Local** |
| **1** | **Plant and Mandatory Spare Parts Supplied from Abroad *b*** |  |  |
| **2** | **Plant and Mandatory Spare Parts Supplied from Within the Employer’s Country *b*** |  |  |
| **3** | **Design Services** |  |  |
| **4** | **Installation and Other Services** |  |  |
| **Grand Total to be carried forward to Letter of Price Bid** |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| Name of Bidder |  |  |
|  |  |  |
| Signature of Bidder |  |  |

*a* *Specify currency in accordance with ITB19.1 of the BDS. Create additional columns for foreign currencies if so required.*

*b Taxes and/or duties from Schedules 1 and 2 may be added to the contract price in accordance with GCC 14 (Taxes and Duties) but excluded from bid evaluation in accordance with ITB 39.2.*

Schedule No. 6: Recommended Spare Parts

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Item** | **Description** | **Quantity** | **Unit Price*a*** | **Total Price*a*** |
| **EXW****Local Parts****Local Currency** | **CIP****Imported Parts****Foreign Currency**  | **Local Currency Portion** | **Foreign Currency Portion** |
| **1** | **2** | **3** | **4** | **5** | **6 = 3 x 4** | **7 = 3 x 5** |
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| Name of Bidder |  |  |  |
|  |  |  |  |
| Signature of Bidder |  |  |  |

*a* *Specify currency in accordance with ITB 19.1 of the BDS.*

Tables of Adjustment Data *(Not Applicable for this Project)*

Table A - Local Currency

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Index****Code** | **Index Description** | **Source of Index** | **Base Value****and Date** | **Bidder’s****Local Currency Amount** | **Bidder’s****Proposed****Weighting** |
|  | Nonadjustable | --- | --- | --- | a: 0.15 b: c: d: e: \_\_\_\_\_\_\_\_\_ |
|  |  |  | **Total** |  | **1.00** |

Table B - Foreign Currency

Name of Currency: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Insert name of currency. If the Bidder wishes to quote in more than one foreign currency, this table should be repeated for each foreign currency.*

*To be entered by the bidder*

To be entered by the bidder

| **Index Code** | **Index Description** | **Source of Index** | **Base Value and Date** | **Bidder’s Currency in Type/Amount** | **Equivalent in FC1** | **Bidder’s Proposed Weighting** |
| --- | --- | --- | --- | --- | --- | --- |
|  | Nonadjustable | --- | --- | --- |  | a: 0.15 b: c: d: e: \_\_\_\_\_\_\_\_\_ |
|  |  |  |  | **Total** |  | **1.00** |

- Note -

*The base date shall be the date 28 days prior to the deadline for submission of the bid.*

*Tables of Adjustment Data shall only be included if prices are to be quoted as adjustable prices in accordance with ITB 18.6.*

Bid Security

##### Bank Guarantee

 *Bank’s name, and address of issuing branch or office***[[4]](#footnote-4)**

**Beneficiary:** *Name and address of the employer*

**Date:**

**Bid Security No.:**

We have been informed that . . . . . *name of the bidder. . . . .*  (hereinafter called "the Bidder") has submitted to you its bid dated . . . . . . . . . (hereinafter called "the Bid") for the execution of . . . . . . . . *name of contract* . . . . . . . under Invitation for Bids No. . . . . . . . . . (“the IFB”).

Furthermore, we understand that, according to your conditions, bids must be supported by a bid guarantee.

At the request of the Bidder, we . . . . . *name of Bank. . . . .*  hereby irrevocably undertake to pay you any sum or sums not exceeding in total an amount of . . . . . . . . . .*amount in words* . . . . . . . . . (. . . . . . .*amount in figures* . . . . . . . )upon receipt by us of your first demand in writing accompanied by a written statement stating that the Bidder is in breach of its obligation(s) under the bid conditions, because the Bidder:

1. has withdrawn its Bid during the period of bid validity specified by the Bidder in the Letters of Technical and Price Bid; or
2. does not accept the correction of errors in accordance with the Instructions to Bidders (hereinafter “the ITB”); or
3. having been notified of the acceptance of its Bid by the Employer during the period of bid validity, (i) fails or refuses to execute the Contract Agreement, or (ii) fails or refuses to furnish the Performance Security, in accordance with the ITB.

This guarantee will expire (a) if the Bidder is the successful Bidder, upon our receipt of copies of the Contract Agreement signed by the Bidder and the Performance Security issued to you upon the instruction of the Bidder; or (b) if the Bidder is not the successful Bidder, upon the earlier of (i) our receipt of a copy of your notification to the Bidder of the name of the successful Bidder, or (ii) 28 days after the expiration of the Bidder’s bid.

Consequently, any demand for payment under this guarantee must be received by us at the office on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees, ICC Publication No. 758.

. . . . . . . . . . . *Authorized signature(s) and bank’s seal (where appropriate)*. . . . . . . . . .

Technical Proposal

**Site Organization**

**Method Statement**

**Mobilization Schedule**

**Construction Schedule**

**Plant**

**Personnel**

**Equipment**

**Proposed Subcontractors for Major Items of Plant and Services**

**Manufacturer’s Authorization**

**Affiliate Company Guarantee**

**Time Schedule**

**Functional Guarantee of the Proposed Facilities**

**COVID-19 specific Site Health and Safety Management Plan**

Site Organization

Method Statement

Mobilization Schedule

Construction Schedule

**Plant**

Personnel

**Form PER – 1: Proposed Personnel**

Bidders should provide the details of proposed personnel and their experience record in the relevant Information Forms below for each of the candidate.

|  |  |
| --- | --- |
| 1. | **Title of position\*** |
|  | **Name**  |
| **2.** | **Title of position\*** |
|  | **Name**  |
| **3.** | **Title of position\*** |
|  | **Name**  |
| **4.** | **Title of position\*** |
|  | **Name**  |
| **etc.** | **Title of position\*** |
| **Name**  |

-- Note --

*\*As listed in Section 6 (Employer’s Requirements).*

Form PER – 2: Resume of Proposed Personnel

The Bidder shall provide all the information requested below. Use one form for each position.

|  |
| --- |
| **Position** |
| **Personnel information** | **Name**  | **Date of birth** |
|  | **Professional qualifications** |
| **Present employment** | **Name of employer** |
|  | **Address of employer** |
|  | **Telephone** | **Contact (manager/personnel officer)** |
|  | **Fax** | **E-mail** |
|  | **Job title** | **Years with present employer** |

Summarize professional experience in reverse chronological order. Indicate particular technical and managerial experience relevant to the project.

|  |  |  |
| --- | --- | --- |
| From | To | Company/Project/Position/Relevant Technical and Management Experience |
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Equipment

**Form EQU: Equipment**

The Bidder shall provide adequate information and details to demonstrate clearly that it has the capability to meet the equipment requirements indicated in Section 6 (Employer’s Requirements), using the Forms below. A separate Form shall be prepared for each item of equipment listed, or for alternative equipment proposed by the Bidder.

|  |
| --- |
| **Item of Equipment** |
| **Equipment Information** | **Name of manufacturer** | **Model and power rating** |
|  | **Capacity** | **Year of manufacture** |
| **Current Status** | **Current location** |
|  | **Details of current commitments** |
|  |  |
| **Source** | **Indicate source of the equipment** **o Owned o Rented o Leased o Specially manufactured** |

Omit the following information for equipment owned by the Bidder.

|  |  |
| --- | --- |
| **Owner** | **Name of owner** |
|  | **Address of owner** |
|  |  |
|  | **Telephone** | **Contact name and title** |
|  | **Fax** | **Telex** |
| **Agreements** | **Details of rental/lease/manufacture agreements specific to the project** |
|  |  |
|  |  |

Proposed Subcontractors and/or Manufacturers for Major Items of Plant and Services

The following Subcontractors and/or Manufacturers are proposed for carrying out the item of the facilities indicated based on Criterion 2.5 of Section 3 (Evaluation and Qualification Criteria). Bidders are free to propose more than one for each item.

|  |  |  |
| --- | --- | --- |
| **Major Items of Plant and Services** | **Proposed Subcontractors or Manufacturers** | **Nationality** |
|  |  |  |
|  |  |  |
|  |  |  |

Manufacturer's Authorization

<Manufacturer's Letter Head>

Date: *[insert date (as day, month and year) of bid submission]*

OCB No.: *[insert number of bidding process]*

To: *[insert complete name of the employer]*

WHEREAS

We *[insert complete name of the manufacturer or manufacturer’s authorized agent]*, who are official manufacturers or agent authorized by the Manufacturer of *[insert type of goods manufactured]*, having factories at *[insert full address of manufacturer’s factories]*, do hereby authorize *[insert complete name of the bidder]* to submit a bid the purpose of which is to provide the following goods, manufactured by us *[insert name and/or brief description of the goods]*, and to subsequently negotiate and sign the Contract.

We hereby extend our full guarantee and warranty in accordance with Clause 27 of the General Conditions of Contract, with respect to the goods offered by the above firm.

Signed: *[insert signature(s) of authorized representative(s) of the manufacturer]*

Name: *[insert complete name(s) of authorized representative(s) of the manufacturer]*

Title: *[insert title]*

Duly authorized to sign this Authorization on behalf of *[insert complete name of the manufacturer]*

Dated on \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ *[insert date of signing]*

-- Note --

*The bidder shall require the manufacturer to fill out this form in accordance with the instructions indicated. This letter of authorization should be signed by a person with the proper authority to sign documents that are binding on the manufacturer. The bidder shall include it in its bid, if so indicated in the BDS.*

Affiliate Company Guarantee

Name of Contract/Contract No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and address of Employer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(together with successors and assigns).

We have been informed that ………………. [*name of Contractor*] ………………. (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) as that which 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/subsidiary company*] [*position in parent/subsidiary company*]

Date:……………………………………………

-- Note --

*If permitted in accordance with ITB 35.2 of the BDS, the Bidder shall fill out the Affiliate Company Guarantee Form for each subsidiary, parent entity, affiliate, subcontractor, etc. that the Bidder submits for consideration of the Employer in determining its qualifications.*

Time Schedule

To be used by Bidder when alternative Time for Completion is invited in ITB 13.2.

**Functional Guarantee of the Proposed Facilities (Not Applicable)**

**Form FUNC**

The Bidder shall copy on the left column of the table below, the identification of each functional guarantee required in the Specification and stated by the Employer in EQC 1.3.4 of Section 3, Evaluation and Qualification Criteria, and on the right column, provide the corresponding value for each functional guarantee of the proposed plant and equipment.

|  |  |
| --- | --- |
| **Functional Guarantee** *[as required by the Employer in Section 3]* | **Functional Guarantee Value Offered by the Bidder** |
| 1. |  |
| 2. |  |
| 3. |  |
| … |  |

COVID-19 specific Site Health and Safety Management Plan Bidder’s Qualification

To establish its qualifications to perform the contract in accordance with Section 3 (Evaluation and Qualification Criteria) the Bidder shall provide the information requested in the corresponding Information Sheets included hereunder.

Form ELI - 1: Bidder’s Information Sheet

|  |
| --- |
| Bidder’s Information |
| **Bidder’s legal name**  |  |
| **In case of a Joint Venture, legal name of each partner** |  |
| **Bidder’s country of constitution** |  |
| **Bidder’s year of constitution** |  |
| **Bidder’s legal address in country of constitution** |  |
| **Bidder’s authorized representative**(name, address, telephone number(s), fax number(s), e-mail address) |  |
| **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 ITB 4.1 and ITB 4.2
* 2. Authorization to represent the firm or Joint Venture named above, in accordance with ITB 22.2
* 3. In case of a Joint Venture, a letter of intent to form a Joint Venture or Joint Venture agreement, in accordance with ITB 4.1
* 4. In case of a government-owned enterprise, any additional documents not covered under 1 above required to comply with ITB 4.5
 |

Form ELI - 2: Joint Venture Information Sheet

Each member of theJoint Venture must fill out this form separately. Subcontractor must fill out this form.

|  |
| --- |
| Joint Venture/Subcontractor Information |
| **Bidder’s legal name** |  |
| **Joint Venture Partner’s or Subcontractor’s legal name** |  |
| **Joint Venture Partner’s or Subcontractor’s country of constitution** |  |
| **Joint Venture Partner’s or Subcontractor’s year of constitution** |  |
| **Joint Venture Partner’s or Subcontractor’s legal address in country of constitution** |  |
| **Joint Venture Partner’sor Subcontractor’s authorized representative information**(name, address, telephone number(s), fax number(s), e-mail address) |  |
| **Attached are copies of the following documents:*** 1. Articles of incorporation or constitution of the legal entity named above, in accordance with ITB 4.1 and ITB 4.2
* 2. Authorization to represent the firm named above, in accordance with ITB 22.2
* 3. In the case of a government-owned enterprise, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITB 4.5
 |

Subcontractors are those listed in Technical Proposal – Proposed Subcontractors and/or Manufacturers for Major Items of Plant and Services.

Form CON– 1: Historical Contract Non-Performance

Each Bidder must fill out this form in accordance with Criteria 2.2.1 and 2.2.3 of Section 3 (Evaluation and Qualification Criteria) to describe any history of non-performing 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 below:

Joint Venture Partner:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **Table 1: History of Non-Performing Contracts** |
| **Choose one of the following:*** No non-performing contracts.
* Below is a description of non-performing contracts involving the Bidder (or each Joint Venture member if Bidder is a Joint Venture).
 |
| **Year** | **Description**  | **Amount of non-performed portion of contract ($ equivalent)** | **Total Contract Amount ($ equivalent)** |
| *[insert year]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Reason(s) for nonperformance: *[indicate main reason(s)]* | *[insert amount]* | *[insert amount]* |
|  |  |  |  |
| 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 against the Bidder (or each Joint Venture member if Bidder is a Joint Venture).
 |
| **Year** | **Matter in Dispute**  | **Value of Pending Claim in $ Equivalent** | **Value of Pending Claim as a Percentage of Net Worth** |
| *[insert year]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Matter of Dispute: *[indicate full description of dispute]*Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*Status: *[indicate status of dispute]* | *[insert amount]* | *[insert amount]* |
|  |  |  |  |

- Note -

*Table 2 of thisform shall only be included if Criterion 2.2.3 of Section 3 (Evaluation and Qualification Criteria) is applicable.*

Form FIN - 1: Historical Financial Performance

Each Bidder 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 below:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
|  | **Financial Data for Previous . . . . . Years [$ Equivalent]** |
| **Year 1:**  | **Year 2:**  | **Year \_\_:**  |

**Information from Balance Sheet**

|  |  |  |  |
| --- | --- | --- | --- |
| **Total Assets (TA)** |  |  |  |
| **Total Liabilities (TL)** |  |  |  |
| **Net Worth = TA-TL** |  |  |  |
| **Current Assets (CA)** |  |  |  |
| **Current Liabilities (CL)** |  |  |  |
| **Working Capital = CA – CL** |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Most Recent****Working Capital** |  | To be obtained for most recent year and carried forward to FIN-3 Line 1; in case of Joint Ventures, to the corresponding Joint Venture Partner’s FIN – 3. |

**Information from Income Statement**

|  |  |  |  |
| --- | --- | --- | --- |
| **Total Revenues**  |  |  |  |
| **Profits Before Taxes** |  |  |  |
| **Profits After Taxes** |  |  |  |
| * Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the last \_\_\_\_\_ years, as indicated above, complying with the following conditions.
* Unless otherwise required by Section 3 of the Bidding Documents, all such documents reflect the financial situation of the legal entity or entities comprising the Bidder and not the Bidder’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 requested or accepted).
 |

Form FIN - 2: Average Annual Turnover

Each Bidder must fill out this form.

The information supplied should be the Annual Turnover of the Bidder 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 below:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **Annual Turnover Data for the Last . . . . Years** |
| **Year** | **Amount****Currency** | **Exchange** **Rate** | **$****Equivalent** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  **Average Annual Turnover**  |  |

Form FIN – 3: Availability of Financial Resources

Bidders must demonstrate sufficient financial resources, usually comprising of Working Capital supplemented by credit line statements or overdraft facilities and others to meet the Bidder’s financial requirements for

1. its current Contract commitments, and
2. The subject Contract.

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

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **Financial Resources** |
| **No.** | **Source of financing** | **Amount ($ equivalent)** |
| 1 | Working Capital (to be taken from FIN-1) |  |
| 2 | Credit Line***a*** |  |
| 3 | Other Financial Resources |  |
| Total Available Financial Resources |  |

*a* *To be substantiated by a letter from the bank issuing the line of credit.*

Form FIN- 4: Financial Requirements for Current Contract Commitments

Bidders (or each Joint Venture partner) should provide information on their current commitments on all Contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for Contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

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

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **Current Contract Commitments** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Name of Contract | Employer’s**Contact** **(Address, Tel, Fax)** | **Contract Completion**Date | **Outstanding Contract Value****(X) *a*** | **Remaining Contract Period in months (Y)*b*** | **Monthly Financial Resources Requirement****(X / Y)** |
| 1 |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |
| 4 |  |  |  |  |  |  |
| Total Monthly Financial Requirement for Current Contract Commitments | **$** . . . . . . . . . . . . . . . . .  |

*a Remaining outstanding contract values to be calculated from 28 days prior to the bid submission deadline ($ equivalent based on the foreign exchange rate as of the same date).*

*b Remaining contract period to be calculated from 28 days prior to bid submission deadline.*
Form FIN - 5: Self-Assessment Tool for Bidder’s Compliance to Financial Resources (Criterion 2.3.3 of Section 3)

This form requires the same information submitted in Forms FIN-3 and FIN-4. All conditions of “Available Financial Resources Net of CCC **≥** Requirement for the Subject Contract” must be satisfied to qualify.

**Form FIN-5A: For Single Entities**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| For Single Entities:(A) | Total Available Financial Resources from FIN – 3(B) | Total Monthly Financial Requirement for Current Contract Commitments (CCC) from FIN – 4(C) | Available Financial Resources Net of CCCD = (B - C) | Requirementfor the Subject Contract(E) | Results: Yes or No[*D must be greater than or equal to E*](F) |
| \_\_\_\_\_\_\_\_\_(Name of Bidder) |  |  |  | . . . . . . . . . . . |  |

**Form FIN-5B: For Joint Ventures**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| For Joint Ventures:(A) | Total Available Financial Resources from FIN – 3 (B) | Total Monthly Financial Requirement for Current Contract Commitments (CCC) from FIN – 4(C) | Available Financial Resources Net of CCCD = (B - C) | Requirementfor the Subject Contract(E) | Results: Yes or No[*D must be greater than or equal to E*](F) |
| One Partner: |  |  |  |  |  |
| \_\_\_\_\_\_\_\_\_\_\_\_(Name of Partner) |  |  |  | . . . . . . . . . . . |  |
| Each Partner: |  |  |  |  |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_(Name of Partner 1) |  |  |  | . . . . . . . . . . . |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_(Name of Partner 2) |  |  |  | . . . . . . . . . . . |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_(Name of Partner 3) |  |  |  | . . . . . . . . . . . |  |
| All partners combined | ∑ D = Sum of available financial resources net of current contract commitments for all partners | ∑ D =\_\_\_\_\_\_\_ | . . . . . . . . . . . |  |

- Note -

*Form FIN – 5 is made available for use by the bidder as a self-assessment tool, and by the employer as an evaluation work sheet, to determine compliance with the financial resources requirement as stated in 2.3.3. Failure to submit Form FIN - 5 by the Bidder shall not lead to bid rejection.*

Form EXP – 1: Contracts of Similar Size and Nature

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.

|  |
| --- |
| **Contract of Similar Size and Nature** |
| **Contract No**. . . . . . **of** . . . . . | **Contract Identification** |  |
| **Award Date** |  | **Completion Date** |  |
| **Role in Contract** | * **Contractor**
 | * **Management Contractor**
 | * **Subcontractor**
 |
| **Total Contract Amount** | **$** |
| **If partner in a Joint Venture or subcontractor, specify participation of total Contract amount** | **Percent of Total** | **Amount** |
| **Employer’s name****Address****Telephone number****Fax number****E-mail** |  |
| **Description of the Similarity in Accordance with Criterion 2.4.1 of Section 3 (Evaluation and Qualification Criteria)** |
|  |  |

Form EXP - 2: Experience in Key Activities

Fill out one (1) form per Contract.

Each Bidder must fill out this form.

In case of a Joint Venture, at least one of the Joint Venture Partners who will comply with the requirements must fill out this form and provide the Joint Venture Partner’s name below:

Joint Venture Partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **Contract with Similar Key Activities** |
| **Contract No**. . . . . . **of** . . . . . | **Contract Identification** |  |
| **Award Date** |  | **Completion Date** |  |
| **Role in Contract** | * **Contractor**
 | * **Management Contractor**
 | * **Subcontractor**
 |
| **Total Contract Amount** | **$** |
| **If partner in a Joint Venture or subcontractor, specify participation of total Contract amount** | **Percent of Total** | **Amount** |
| **Employer’s name****Address****Telephone number** **Fax number****E-mail** |  |
| **Description of the Key Activities in Accordance with Criterion 2.4.2 of Section 3 (Evaluation and Qualification Criteria)** |
|  |  |

**Form EXP - 3: Subcontractors**

Fill out one (1) form per Contract.

|  |
| --- |
| **Contract for the Major Items** |
| **Contract No** . . . . . . **of** . . . . . . | **Contract Identification** |  |
| **Award Date** |  | **Completion Date** |  |
| **Role in Contract** | * **Contractor**
 | * **Management Contractor**
 | * **Subcontractor**
 |
| **Total Contract Amount** | **$** |
| **If partner in a Joint Venture or subcontractor, specify participation of total Contract amount** | **Percent of Total** | **Amount** |
| **Employer’sname****Address****Telephone number** **Fax number****E-mail** |  |
| **Description of the Major Items in Accordance with Criterion 2.5 of Section 3 (Evaluation and Qualification Criteria)** |
|  |  |

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 paragraph 9 of the Agreement, other international financial institutions may join upon the consent of all Participating Institutions and signature of a Letter of Adherence 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](http://www.adb.org/integrity) for updates. [↑](#footnote-ref-1)
2. Use one of the two options as appropriate. [↑](#footnote-ref-2)
3. If none has been paid or is to be paid, indicate “None.” [↑](#footnote-ref-3)
4. All italicized text is for use in preparing this form and shall be deleted from the final document. [↑](#footnote-ref-4)