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## **Prequalification Standard Document (PSD) For Procurement of Works**

**Subject of Procurement**

**Procurement Reference Number**

**Project Name**

**Date of Issue of Prequalification Document**

**Hargeisa,**



## **Prequalification Document**

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# Part 1 Prequalification Procedures

## Section 1. Instructions to Applicants

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## Section I. Instructions to Applicants

### A. General

#### 1. Introduction

- 1.1 The Public Entity indicated in the Section 2, Prequalification Data Sheet (PDS), issues this Prequalification Document (PQD) to applicants interested in bidding for the provision of Works which general description is provided in the PDS. The Works that are subject of this procurement process are more particularly specified in Section 6, Schedule of Requirements upon the basis of the information supplied in and in accordance with this Prequalification Document.
- 1.2 The prequalification reference number and number of lots of this Prequalification Document are provided in the PDS. If Applications are being invited for individual contracts (lots) the Applicant may apply for one lot only, several or all of the lots. Each lot will form a separate contract and the quantities indicated for different lots will be indivisible
- 1.3 Each Applicant may only submit one Application, either individually or as a partner in joint venture. Applicant who submits or participates in more than one Application (other than as a subcontractor or in cases of alternatives that have been permitted or requested) will cause all the Applications with the Applicant's participation to be disqualified.
- 1.4 Applicants who have prequalified individually shall not be allowed to compete in joint venture or partnership unless it is established that the joint venture or the partnership does not narrow the scope of the competition.
- 1.5 Applicants participating in this prequalification process as joint venture or in partnership and pre-qualifying as such shall not be allowed to compete individually in the next stage bidding.
- 1.6 The Public Entity is not bound to accept any Application and reserves the right to annul the prequalification process at any time, without thereby incurring any liability to the Applicants.
- 1.7 The Public Entity retains ownership of all Applications submitted in response to this Prequalification Document. Consequently, Applicants have no right to have their Applications returned to them except late Applications.
- 1.8 Applicants are expected to examine carefully and comply with all instructions, forms, and specifications contained in this Prequalification Document. Failure to submit Application containing all the required information and documentation within the deadline specified may lead to the rejection of the Application. No account can be taken of any reservation in the Application as regards the Prequalification Document; any reservation will result in the immediate rejection of the Application.
- 1.9 The permitted method of communication shall be in writing. Throughout this Prequalification Document the term "in writing" means communicated in written form (e.g. by mail, e-mail, fax) and delivered against receipt.

#### 2. Source of Funds

- 2.1 The Public Entity has an approved budget toward the cost of the procurement described in the Section 6, Schedule of Requirement. The Public Entity intends to use these funds to place a Contract for which these Prequalification Document are issued.
- 2.2 Payments under the contract(s) resulting from the bidding for which this prequalification is conducted will be made directly by the Public Entity and will be subject in all respects to the terms and conditions of the resulting Contract placed by the Public Entity.

### 3. Fraud, Corruption and Complaints Provisions

3.1 The Government of the Republic of Somaliland (herein after called the Government) represented by the National Tender Board (herein after called the Board) requires Contracting Authorities, as well as Applicants to observe the highest standards of ethics during the procurement and the execution of contracts. In pursuance of this policy, the Government:

- (a) Defines, for the purposes of this provision, the terms set forth below as follows:
  - (i) “Corrupt practice” is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the action of a public official in the procurement process or in contract execution;
  - (ii) “Fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
  - (iii) “Collusive practices” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party; and
  - (iv) “Coercive practices” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.
  - (v) Obstructive practice is
    - deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede the Anticorruption Commission, the Auditor General, and the National Tender Board or their auditors investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent them from disclosing their knowledge of matters relevant to the investigation or from pursuing the investigation, or
    - acts intended to materially impede the exercise of inspection and audit rights provided for under ITA Clause 3.5 below.
- (b) Will reject a recommendation for award if it determines that the Applicant recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for the contract in question;
- (c) Will debar an Applicant from participation in public procurement for a specified period of time if it at any time determines the Applicant has engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for, or in executing, a contract. The List of Debarred Applicants will be published on the Board's Website.

3.2 In pursuit of the policy defined in Sub-Clause 3.1, the Public Entity may terminate a contract for Works if it at any time determines that corrupt or fraudulent practices were engaged in by representatives of the Public Entity or of an Applicant during the procurement or the execution of that contract.

3.3 Where it is proved that the Applicant has given or has offered to give inducement or bribe to an official or procurement staff of the Public Entity to influence the result of the prequalification process in his favor shall be disqualified from the Application, prohibited from participating in any future public procurement.

3.4 Applicants are required to indicate their acceptance of the provisions on fraud and corruption, as defined in this clause through the statement in the Application Submission Sheet.

- 3.5 In further pursuance of this policy, Applicants shall permit the Board to inspect their accounts and records and other Document relating to the Application submission, bid submission and contract performance, and to have them audited by auditors appointed by the Board.
- 3.6 Subject to the recent editions of the Public Procurement Act, a candidate or an applicant aggrieved or is likely to be aggrieved on account of the Public Entity inviting a bid not complying with the provisions of the Public Procurement Act in conducting a bid proceeding may present complaint to the Chairman of the National Tender Board to have the bid proceeding reviewed or investigated. Any complaint must be submitted in writing to the Chairman of the National Tender Board, within 14 calendar days from the date the Candidate or an applicant knew, or should have known, of the circumstances giving rise to the complaint. If the Chairman of the National Tender Board does not issue a decision within five (5) calendar days after submission of complaint, or the Candidate or an applicant is not satisfied with the decision, it may submit a complaint to the Supreme Court within five (5) calendar days from the date on which the decision has been or should have been communicated to the Candidate or an applicant by the Chairman of the National Tender Board. The Supreme Court 's decision is binding for both parties

#### **4. Eligible Applicants**

- 4.1 An Applicant may be a natural person, private, public or government-owned legal entity, subject to ITA Sub-Clause 4.4, 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 (JV), consortium, or association. In the case of a Joint Venture, consortium, or association:
- (a) All parties to the Joint Venture, consortium or association shall be jointly and severally liable, unless otherwise specified in the PDS;
  - (b) There shall be no limit on the number of partners, unless otherwise specified in the PDS, and
  - (c) A Joint Venture, consortium or association shall nominate a Representative who shall have the authority to conduct all businesses for and on behalf of any and all the parties of the Joint Venture, consortium or association during the prequalification process and, in the event the Joint Venture, consortium or association is awarded the Contract, during contract execution.
- 4.2 This Invitation for Prequalification is open to all Applicants (including all members of a joint venture, sub-contractors and personnel) who have nationality of an eligible country, as defined in Section 5, Eligible Countries. An Applicant shall be deemed to have the nationality of a country if the Applicant is a citizen or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or Contractors for any part of the Contract including related services.
- 4.3 An Applicant that has been debarred from participating in public procurement in accordance with ITA Clause 3.1 (c), at the date of the deadline for Application submission or thereafter, shall be disqualified.
- 4.4 Government-owned enterprises shall be eligible if they can establish that they are legally and financially autonomous and operate under commercial law and that they are not a dependent agency of the Public Entity.

- 4.5 Unless otherwise specified in the PDS, Applicants shall provide such evidence of their eligibility satisfactory to the Public Entity, to verify that the Applicant:
- (a) Is not insolvent, in receivership, bankrupt or being wound up, not have had their business activities suspended and not be the subject of legal proceedings for any of the foregoing
  - (b) Appropriate documentary evidence demonstrating its compliance, which shall include:
    - (i) Valid business license indicating the stream of business in which the Applicant is engaged,
    - (ii) VAT registration certificate issued by the tax authority (only domestic Applicants in case of contract value as specified in PDS),
    - (iii) Valid Tax clearance certificate issued by the tax authority (domestic Applicants only);
    - (iv) Relevant professional practice certificates, if required in PDS.
  - (c) Foreign Applicants must, as appropriate submit business organization registration certificate or trade license issued by the country of establishment.
- 4.6 To participate in this prequalification process, being registered in the Contractors list is a prerequisite (mandatory for domestic Applicants only).
- (a) Candidates desiring to participate in this prequalification process shall have to register themselves using the form made available for this purpose at the office of the National Tender Board.
- 4.7 Applicants shall provide such evidence of their continued eligibility satisfactory to the Public Entity, as the Public Entity shall reasonably request in PDS.

## **5. Eligible Goods, Materials, Equipment and Services**

- 5.1 The goods, materials, equipment and services to be supplied under the Contract shall have as their country of origin an eligible country in accordance with Section 5, Eligible Countries, and all expenditures under the Contract will not contravene such restrictions. At the Public Entity's request, Applicants may be required to provide evidence of the origin of goods, materials, equipment and services.
- 5.2 For purposes of this Clause, the term "goods" means raw material, products and equipment and commodities in solid, liquid or gaseous form, marketable software and live animals as well as installation, transport, maintenance or similar obligations related to supply of the goods if their value does not exceed that of the goods themselves; and "related services" includes services such as transportation, commissioning, insurance, installation, training, and initial maintenance
- 5.3 The term "country of origin" means the country where the goods have been mined, grown, cultivated, produced, manufactured, or processed; or through manufacture, processing, or assembly, another commercially recognized article results that differs substantially in its basic characteristics from its imported components.
- 5.4 The nationality of the Bidder that produces, assembles, distributes, or sells the goods shall not determine their origin.

## **6. Conflict of Interest**

- 6.1 An Applicant shall not have a conflict of interest. All Applicants found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest with one or more parties in this prequalification process, if:

- (a) They have at least one controlling partner 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 Application; 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 information about or influence on the Application of another Applicant, or influence the decisions of the Public Entity regarding this prequalification process; or
- (e) An Applicant participates in more than one Application in this prequalification process. Participation by an Applicant in more than one Application will result in the disqualification of all Applications in which such Applicant is involved. However, this does not limit the inclusion of the same subcontractor in more than one Application; or
- (f) An Applicant participated as a consultant in the preparation of the design or Schedule of Requirements that is the subject of this prequalification process;
- (g) An Applicant that has a business or family relationship with a member of the Public Entity's staff who is directly or indirectly involved in any part of (i) the preparation of the Schedule of Requirements, or (ii) the selection process for such assignment.
- (h) An Applicant or any of its affiliates has been hired (or is proposed to be hired) by the Public Entity as Engineer for the Contract implementation

## **B. Contents of the Prequalification Document**

### **7. Prequalification Document**

- 7.1 The Prequalification Document consists of Parts 1, and 2 which include all the Sections indicated below, and should be read in conjunction with any Addenda issued in accordance with ITA Clause 9.

#### **Part 1 Prequalification Procedures**

- Section 1 Instructions to Applicants (ITA)
- Section 2 Application Data Sheet (PDS)
- Section 3 Evaluation Methodology and Criteria
- Section 4 Application Forms
- Section 5 Eligible Countries

#### **Part 2 Schedule of Requirements**

- Section 6 Schedule of Requirements

- 7.2 The Invitation for Prequalification Applications is not part of the Prequalification Document. In case of discrepancies between the Invitation for Prequalification Applications and the Prequalification Document listed in ITA Clause 7.1 above, said Prequalification Document will take precedence.
- 7.3 The Public Entity is not responsible for the incompleteness of the Prequalification Document and their addenda if they were not obtained directly from the Public Entity. Applicants who did not obtain the Prequalification Document directly from the Public Entity will be rejected during evaluation of Applications.
- 7.4 The Applicant is expected to examine all instructions, forms, terms, and specifications in the Prequalification Document. Failure to furnish all information or documentation required by the Prequalification Document may result in the rejection of the Application

**8. Clarification of Prequalification Document**

- 8.1 A prospective Applicant requiring any clarification of the Prequalification Document shall contact the Public Entity in writing at the Public Entity's address indicated in the PDS. The Public Entity will respond in writing to any request for clarification, provided that such request is received no later than the date and time indicated in the PDS. The Public Entity shall forward copies of its response to all Applicants who have received the Prequalification Document directly from it, including a description of the inquiry but without reference to the identity of the prospective Applicant initiating the request. Should the Public Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA Clause 9 and ITA Sub-Clause 19.2.
- 8.2 Only the written responses will be considered official and carry weight in this prequalification process and subsequent evaluation. Any answers received outside the official channels, whether received verbally or in writing, from employees or representatives of the Public Entity, or any other party, shall not be considered official responses to questions regarding this Prequalification Document.

**9. Modification to Prequalification Document**

- 9.1 Where Public Entity finds it necessary to introduce modification to the Prequalification Document on its initiative or on the basis of request for clarification by Applicant, the Public Entity may modify the Prequalification Document at any time prior to the deadline for submission of applications.
- 9.2 Any alteration to the content of the Prequalification Document shall at the same time be communicated in the form of an amendment to all Applicants who received the Prequalification Document and will be binding on them. Applicants are required to immediately acknowledge receipt of any such amendment, and it will be assumed that the information contained in the amendment will have been considered by the Applicant in its application.
- 9.3 The Public Entity may, at its discretion, extend the closing date for submission of Applications where it modifies a Prequalification Document as per Clause 9.1 above, if it is assumed that the time remaining before the closing date is not sufficient for Applicants to prepare adjusted Application Document on the basis of such modification.

**C. Preparation of Applications****10. Cost of Applications**

- 10.1 The Applicant shall bear all costs associated with the preparation and submission of its application, and the Public Entity shall not be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

**11. Language of Application**

- 11.1 The Application, as well as all correspondence and Document relating to the prequalification exchanged by the Applicant and the Public Entity, shall be written in the language specified in the PDS.
- 11.2 Applications and supporting Document of Applicants prepared in a language other than language of application shall have to be translated by a legally competent interpreter into language of application and a copy of the translation has to be submitted together with the original Document, especially where such Document pertain to the fundamental elements of the application.

11.3 If the Public Entity detects discrepancy between language of the original document and the translated version, it shall reject the Document unless such discrepancy constitutes minor deviation from the requirement stated in the Prequalification Document.

## **12. Professional Qualifications and Capability of the Applicant**

12.1 If required in PDS, in order to proof their professional qualifications and capability Applicants must provide their team skills matrix and personnel statistics for the period specified in the PDS by completing relevant tables in the form entitled Applicants Certification of Compliance furnished in Section 4, Application Forms.

12.2 For key individuals who actually will be performing the activities described in the Prequalification Document, Applicant must provide resumes that identify years of experience, relevant project implementation experience, and relevant education and training.

12.3 Alternative professional staff shall not be proposed, and only one resume may be submitted for each position.

12.4 Applicants must provide references for the proposed personnel, ensuring that references provided will be available to be contacted during the evaluation timeframe for this Prequalification Document.

12.5 It is desirable that the majority of the proposed professional staff is permanent employees of the Applicant or has an extended and stable working relationship with the Applicant.

## **13. Technical Qualifications, Competence, and Experience of the Applicant**

13.1 The Applicant must present a description of its company and organization, with appropriate reference to any parent company and subsidiaries. The Applicant shall also include details demonstrating the Applicant's experience and ability in providing the Works listed in Section 6, Schedule of Requirements. Also, Applicant shall include a description of how it plans to manage the Works included in this Prequalification Document in addition to its other ongoing projects.

13.2 This information shall be included in a separate form entitled Applicants Certification of Compliance that is furnished in Section 4, Application Forms.

13.3 As a proof of satisfactory execution of contracts, the Applicant must provide Certificates of satisfactory execution of previous contracts and/or experience provided by the other contracting party to the contracts concerned in number and within the period specified in the PDS for similar sized/type contracts with a budget as specified in the PDS, including contact information for verification and inspection so as to provide due diligence. Contact information should include, at a minimum: name, function, address, e-mail, and phone number. Each reference provided should be the client's responsible project administrator or a senior official of the client who is familiar with the Applicant's performance and with the Applicant's system capabilities, and who may be contacted by the Public Entity during the evaluation process.

13.4 The Certificate of satisfactory execution of contracts shall include the following data:

- (a) The name and place of establishment of the contracting parties,
- (b) The subject-matter of the contract,
- (c) The value of the contract
- (d) The time and place of performance of the contract,
- (e) A statement concerning the satisfactory execution of contracts.

- 13.5 If, for objective reasons, such a certificate cannot be obtained from a contracting party, a statement issued by the Applicant concerning satisfactory execution of contracts may also be valid, on presentation of proof that the certificate was requested.
- 13.6 If the Applicant(s) propose a joint venture all of the information listed above must be provided for all of the joint venture members. This information shall be in separate sections, one section per joint venture member. In addition, the Application shall provide the agreements that support the relationships between consortium members.
- 13.7 Unless otherwise specified in the PDS, the Public Entity reserves the right to undertake physical checking of current Applicant's technical qualifications and competence in order to make sure that the Applicant has adequate qualifications.

#### **14. Financial Standing of the Applicant**

- 14.1 If required in PDS, in order to proof that it has adequate financial resources to manage this Framework Agreement the Applicant must present its financial data by completing relevant table in the form entitled Applicants Certification of Compliance that is furnished in Section 4, Application Forms.
- 14.2 Along with the proof referred to in ITA Clause 14.1 the Documents that are required as proof of the Applicant's financial standing are the following:
- (a) Financial statements certified by an independent auditor;
  - (b) Other Document as stated in the PDS.

#### **15. Joint Venture or Consortium**

- 15.1 If Applicant is a joint venture or consortium of two or more entities, the application must be single with the object of securing a single contract. Those entities must designate one of their members to act as the leader with authority to bind the joint venture or consortium. The composition of the joint venture or consortium must not be altered without the prior consent in writing of the Public Entity.
- 15.2 The application may be signed by the representative of the joint venture or consortium only if s/he has been expressly so authorized in writing by the members of the joint venture or consortium, and the authorizing contract, notarial act or deed must be submitted to the Public Entity. All signatures to the authorizing instrument must be certified in accordance with the national laws and regulations of each party comprising the joint venture or consortium together with the powers of attorney establishing, in writing, that the signatories to the Bid are empowered to enter into commitments on behalf of the members of the joint venture or consortium. Each member of such joint venture or consortium must prove to the satisfaction of the Public Entity that they comply with the necessary legal, professional, technical and financial requirements and have the wherewithal to carry out the contract effectively.

#### **16. Document Comprising the Application**

- 16.1 All applications submitted must comply with the requirements in the Prequalification Document and comprise the following:
- 16.2 Mandatory documentary evidence establishing the Applicant's qualification is the following:
- (a) Application Submission Sheet (form furnished in Section 4, Application Forms) including the following mandatory attachments:
    - (i) Valid business license indicating the stream of business in which the Applicant is engaged, as required in PDS Sub-Clause 4.5(b)(i);

- (ii) VAT registration certificate issued by the tax authority (only domestic Applicants in case of contract value, as required in PDS Sub-Clause 4.5(b)(ii);
  - (iii) Valid tax clearance certificate issued by the tax authority (domestic Applicants only), as required in PDS Sub-Clause 4.5(b)(iii);
  - (iv) Relevant professional practice certificates, if required in PDS Sub-Clause 4.6(b)(iv);
  - (v) Business organization registration certificate or trade license issued by the country of establishment (foreign Applicants only), as required in PDS Sub-Clause 4.6(c);
- (b) Applicant Certification of Compliance (form furnished in Section 4, Application Forms) including the following mandatory attachments:
- (i) Written statement by a power of attorney (or notary statement, etc.) proving that the person, who signed the application on behalf of the company/joint venture/consortium, is duly authorized to do so as stipulated in ITA Clause 17.2;
  - (ii) Document required in the PDS Clause 14.2(b) as proof of the Applicant's financial standing;
  - (iii) Certificates of satisfactory execution of contracts provided by contracting parties to the contracts successfully completed in the course of the period specified in the PDS with a budget of at least that of this contract, unless otherwise specified in the PDS Clause 13.3.
- (c) In the case of an application submitted by a joint venture (JV), the Form Data on Joint Ventures, the Agreement governing the formation of joint venture, or letter of intent to form JV, including a draft agreement, in accordance with ITA Clause 15.2, indicating at least the parts of the Works to be executed by the respective partners; and
- (d) Any other document or information required to be completed and submitted by Applicants, as specified in the PDS.

## **17. Format and Signing of Application**

- 17.1 The Applicant shall prepare one original of the Document comprising the application as described in ITA Clause 16 and clearly mark it "ORIGINAL." In addition, the Applicant shall submit copies of the application, in the number specified in the PDS and clearly mark each of them "COPY." In the event of any discrepancy between the original and the copies, the original shall prevail.
- 17.2 The original and all copies 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. This authorization shall consist of a written statement by a power of attorney (or notary statement, etc.) proving that the person, who signed the application on behalf of the company/joint venture/consortium is duly authorized to do so and it shall be attached to the application. The name and position held by each person signing the authorization must be typed or printed below the signature. All pages of the application shall be signed or initialed by the person signing the application
- 17.3 Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the person signing the application.

## D. Submission and Opening of Applications

### 18. Sealing and Marking of Applications

- 18.1 The Applicant shall enclose the original and each copy of the application in separate sealed envelopes, duly marking the envelopes as “ORIGINAL” and “COPY.” These envelopes containing the original and the copies shall then be enclosed in one single envelope.
- 18.2 The inner and outer envelopes shall:
- (a) Be addressed to the Public Entity in accordance with ITA Sub-Clause 19.1;
  - (b) Bear the subject of the procurement and prequalification reference number indicated in the PDS Sub-Clause 1.2;
  - (c) Bear the words “**Not to be opened before the time and date for application opening**”.
- 18.3 The outer envelopes shall also indicate the name and address of the Applicant to enable the Application to be returned unopened in case it is declared “late” pursuant to ITA Clause 20.1.
- 18.4 If all envelopes are not sealed and marked as required, the Public Entity shall assume no responsibility for the misplacement or premature opening of the application.

### 19. Deadline for Submission of Applications

- 19.1 Applicants may always submit their applications by registered post or by hand. Applications must be received by the Public Entity at the address and no later than the date and time indicated in the PDS.
- 19.2 The Public Entity may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification Document in accordance with ITA Clause 9, in which case all rights and obligations of the Public Entity and Applicants previously subject to the deadline shall thereafter be subject to the deadline as extended.

### 20. Late Applications

- 20.1 The Public Entity shall not consider any application that arrives after the deadline for submission of applications, in accordance with ITA Clause 19. Any application received by the Public Entity after the deadline for submission of applications shall be declared late, rejected, and returned unopened to the Applicant.

### 21. Withdrawal, Substitution, and Modification of Applications

- 21.1 An Applicant may withdraw, substitute, or modify its application after it has been submitted by sending a written notice, duly signed by an authorized representative, and shall include a copy of the authorization in accordance with ITA Sub-Clause 17.2, (except that withdrawal notices do not require copies). The corresponding substitution or modification of the application must accompany the respective written notice. All notices must be:
- (a) Submitted in accordance with ITA Clauses 17 and 18 (except that withdrawals notices do not require copies), and in addition, the respective envelopes shall be clearly marked “Withdrawal,” “Substitution,” “Modification;” and
  - (b) Received by the Public Entity prior to the deadline prescribed for submission of applications, in accordance with ITA Clause 19.
- 21.2 Applications requested to be withdrawn in accordance with ITA Sub-Clause 21.1 shall be returned unopened to the Applicants. Application withdrawal notices received after the

application submission deadline will be ignored, and the submitted application will be deemed to be a validly submitted application.

**22. Opening of Applications**

- 22.1 The Public Entity shall conduct the opening of applications at the date and time specified in the PDS.
- 22.2 The Public Entity shall record the minutes of the opening of applications that shall include, as a minimum: the name of the applicant and any other salient points raised in the application opening proceeding. A copy of the minutes shall be distributed to all Applicants.
- 22.3 Any application document not opened and read out during the application opening proceeding shall not be considered for further evaluation.

**E. Procedures for Evaluation of Applications****23. Confidentiality**

- 23.1 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 notification of prequalification is communicated to all Applicants.
- 23.2 Any effort by an Applicant to influence the Public Entity in the evaluation of the applications may result in the rejection of its application.
- 23.3 Notwithstanding ITA Sub-Clause 23.2, from the time of application opening to the time of notification of the results of the prequalification, if any Applicant wishes to contact the Public Entity on any matter related to the prequalification process, it should do so in writing.

**24. Clarification of Applications**

- 24.1 To assist in the evaluation, of applications, the Public Entity may, at its sole discretion, ask any Applicant for a clarification of its application. Any clarification submitted by an Applicant that is not in response to a request by the Public Entity shall not be considered. The Public Entity's request for clarification and the response shall be in writing.
- 24.2 If an Applicant does not provide clarifications of its application by the date and time set in the Public Entity's request for clarification, its application may be rejected.

**25. Responsiveness of Applications**

- 25.1 The Public Entity's determination of an application's responsiveness is to be based on the contents of the application itself.
- 25.2 A substantially responsive application is one that conforms to the salient requirements of the Prequalification Document.
- 25.3 If an application is not substantially responsive to the salient requirements of the Prequalification Document, it shall be rejected by the Public Entity.
- 25.4 Decisions to the effect that an application is not substantially responsive must be duly justified in the evaluation minutes.

**26. Margin of Preference**

- 26.1 Preference shall be granted to local construction companies.

- 26.2 The margin of preference to be so granted to local construction companies and applied when comparing prices during evaluation of bids shall be 10.0 %.
- 26.3 Local companies engaged in construction shall provide all evidence necessary to prove that they meet the following conditions to qualify for the preference:
- (a) The company has to be incorporated in Somaliland;
  - (b) More than fifty per cent of the company's capital stock has to be held by Somaliland natural or juridical persons;
  - (c) More than fifty per cent of members of the board of the company have to be Somaliland nationals;
  - (d) At least fifty per cent of the key staff of the company has to be Somaliland Nationals.
- 26.4 When small and micro enterprises participate in international competitive bidding, only the preference granted to local companies as per Sub-Clause 26.2 shall apply.

## **27. Subcontractors**

- 27.1 Applicants planning to subcontract any of the key activities indicated in Section 3, Qualification Criteria, shall specify the activity(ies) or parts of the works to be subcontracted in the Application Submission Form. Applicants shall clearly identify the proposed specialist subcontractors in Applicant's Party Information Form in Section 4. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in Section 3, Qualification Criteria and Requirements.
- 27.2 At this time, the Public Entity does not intend to execute certain specific parts of the Works by subcontractors selected in advance by the Public Entity (Nominated Subcontractors) unless otherwise stated in the PDS.

## **F. Evaluation of Applications and Prequalification of Applicants**

### **28. Evaluation General Rules**

- 28.1 The Public Entity shall use the factors, methods, criteria, and requirements defined in Section 3, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants. The use of other methods, criteria, or requirements shall not be permitted. The Public Entity reserves the right to waive minor deviations in the qualification criteria if they do not materially affect the capability of an Applicant to perform the contract.
- 28.2 Only the qualifications of subcontractors that have been identified in the application may be considered in the evaluation of an Applicant. However, the general experience and financial resources of subcontractors may not be added to those of the Applicant for purposes of prequalification of the Applicant.
- 28.3 In case of multiple contracts, the Public Entity shall prequalify each Applicant for the maximum number and types of contracts for which the Applicant meets the appropriate aggregate requirements of such contracts, as specified in Section 3, Qualification Criteria and Requirements.

### **29. Preliminary Examination of Applications**

- 29.1 The Public Entity shall examine the applications to confirm that all documentary evidence establishing the Applicant's qualification requested in ITA Clause 16 have been provided, and to determine whether Application comply with administrative requirements of the Prequalification Document.
- 29.2 From the time the applications are opened to the time the Applicants are pre-qualified, the Applicants should not contact the Public Entity on any matter related to its application. Any effort

by Applicants to influence the Public Entity in the evaluation of applications may result in the rejection of the Applicants' application.

29.3 The Public Entity may determine application as not responsive when:

- (a) Applicant has failed to submit Written statement by a power of attorney (or notary statement, etc.) proving that the person, who signed the application on behalf of the company/joint venture/consortium, is duly authorized to do so (ITA Sub-clause 17.2);
- (b) Original and all copies of the application are not typed or written in indelible ink and signed by a person duly authorized to sign on behalf of the Applicant (ITA Sub-clause 17.2);
- (c) All pages of the application are not signed or initialed by the person signing the application (ITA Sub-clause 17.3);
- (d) Application is not written in language specified in the PDS Clause 11.1;
- (e) Applicant has failed to submit signed and dated Application Submission Sheet Form;
- (f) Applicant has failed to submit signed and dated Applicant Certification of Compliance Form.

### **30. Legal, Professional, Technical, and Financial Admissibility of Applications**

30.1 After confirming the applications comprise all mandatory documentary evidence establishing the Applicant's qualification, the Public Entity will rule on the legal, technical, professional, and financial admissibility of each application, classifying it as compliant or non-compliant with qualification requirements set forth in the Prequalification Document.

#### **30.2 Legal admissibility**

The Public Entity may determine Application as not responsive when:

- (a) Applicant does not have nationality in accordance with ITA Clause 4.2;
- (b) Applicant is found to have a conflict of interest as described in ITA Clause 6;
- (c) Applicant has failed to submit valid business license indicating the stream of business in which the Applicant is engaged, in accordance with ITA Clause 4.5(b)(i);
- (d) Applicant has failed to register itself in the National Tender Board's Contractors list (mandatory for domestic Applicants only), in accordance with ITA Clause 4.6;
- (e) Applicant has been debarred by a decision of the National Tender Board from participating in public procurements for breach of its obligation under previous contracts, in accordance with ITA Clause 4.3;
- (f) Foreign Applicant has failed to submit business organization registration certificate or valid trade license issued by the country of establishment in accordance with ITA Clause 4.5(c);
- (g) Domestic Applicant has failed to submit VAT registration certificate issued by the tax authority (in case of contract value specified in PDS Clause 4.5(b)(ii)), in accordance with ITA Clause 4.5(b)(ii).;
- (h) Domestic Applicant has failed to submit a valid tax clearance certificate issued by the tax authority in accordance with ITA Clause 4.5(b)(iii).
- (i) In the case of an Application submitted by a joint venture (JV), the Applicant has failed to submit the Form Data on Joint Ventures, the Agreement governing the formation of joint venture, or letter of intent to form JV, including a draft agreement, in accordance with ITA Clause 4.1.

#### **30.3 Professional admissibility**

The Public Entity may determine application as not responsive when:

- (a) Applicant has failed to submit relevant professional practice certificates, if required in PDS Clause 4.5(b)(iv);
- (b) Applicant has failed to provide in the Applicant Certification of Compliance Form information related to its professional qualification and capability for the period specified in the PDS Clause 12.1;
- (c) Applicant has failed to demonstrate in the Applicant Certification of Compliance Form that it will have the personnel for the key positions that meet requirements stipulated in Section 3, Evaluation Methodology and Criteria.

#### 30.4 **Technical admissibility**

The Public Entity may determine Application as not responsive when:

- (a) Applicant has failed to provide in the Applicant Certification of Compliance Form information about major relevant contracts successfully completed in the number and period specified in Section 3, Evaluation Methodology and Criteria;
- (b) Applicant has failed to submit Certificates of satisfactory execution of contracts provided by contracting parties to the contracts successfully completed in the period and budget as specified in the PDS Clause 13.3 with a budget of at least that of this contract;
- (c) Applicant has failed to provide in the Applicant Certification of Compliance Form information about contracts similar to the proposed Works in the number, value, and period specified in Section 3, Evaluation Methodology and Criteria;
- (d) Applicant has failed to provide in the Applicant Certification of Compliance Form information about non-performing contracts for the period specified in Section 3, Evaluation Methodology and Criteria;
- (e) Applicant has failed to provide in the Applicant Certification of Compliance Form information about pending litigations as required in Section 3, Evaluation Methodology and Criteria;
- (f) Applicant has failed to demonstrate in the Applicant Certification of Compliance Form that it will have available for the implementation of the Contract equipment listed in Section 3, Evaluation Methodology and Criteria.

#### 30.5 **Financial admissibility**

The Public Entity may reject any Application when:

- (a) Applicant has failed to prove that it has adequate financial resources to manage this Contract by completing relevant table in the Applicants Certification of Compliance form that is furnished in Section 4, Application Forms.
- (b) Applicant has failed to submit financial statements certified by an independent auditor as required in ITA Clause 14.2(a) for the period specified in Section 3, Evaluation Methodology and Criteria;
- (c) Applicant has failed to submit other Document proofing its financial standing, as required in the PDS Clause 14.2(b);
- (d) The average annual turnover of the Applicant for the period specified in Section 3, Evaluation Methodology and Criteria does not exceed the amount of the financial proposal of the Application in value specified in Section 3, Evaluation Methodology and Criteria;
- (e) The Applicant has failed to demonstrate access to, or availability of, financial resources as required in Section 3, Evaluation Methodology and Criteria.

**31. Acceptance or Rejection of Applications**

31.1 The Public Entity reserves the right to accept or reject any application, and to annul the prequalification process and reject all applications at any time prior to contract award, without thereby incurring any liability to Applicants.

**32. Prequalification of Applicants**

32.1 All Applicants whose applications have met or exceeded ("passed") the specified threshold requirements will, to the exclusion of all others, be prequalified by the Public Entity.

**33. Notification of Prequalification**

33.1 Once the Public Entity has completed the evaluation of the applications it shall notify all Applicants in writing of the names of those applicants who have been prequalified.

**34. Invitation to Bid**

34.1 Promptly after the notification of the results of the prequalification the Public Entity shall invite bids from all the Applicants that have been prequalified.

34.2 Bidders may be required to provide a Bid Security acceptable to the Public Entity in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security to be specified in the Bidding Documents

**35. Changes in Qualification of Applicants**

35.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 32 and invited to bid shall be subject to a written approval of the Public Entity prior to the deadline for submission of bids. Such approval shall be denied if as a consequence of the change the Applicant no longer substantially meets the qualification criteria set forth in Section 3, Qualification Criteria and Requirements, or if in the opinion of the Public Entity, a substantial reduction in competition may result. Any such changes shall be submitted to the Public Entity not later than 14 days after the date of the Invitation for Bids.

**Section 2. Prequalification Data Sheet****Table of Contents**

<b>A.</b>	<b>General</b>	<b>1</b>
<b>B.</b>	<b>Contents of the Prequalification Document</b>	<b>2</b>
<b>C.</b>	<b>Preparation of Applications</b>	<b>2</b>
<b>D.</b>	<b>Submission and Opening of Applications</b>	<b>3</b>
<b>E.</b>	<b>Procedures for Evaluation and of Applications</b>	<b>3</b>

Instructions to Applicants (ITA) reference	Data relevant to ITA
<b>A. General</b>	
<b>ITA 1.1</b>	The Public Entity is: Registered Address:
<b>ITA 1.1 and 18.2(b)</b>	General description of Works that are subject of the procurement is:
<b>ITA 1.2 and 18.2(b)</b>	The Prequalification Reference Number is:
<b>ITA 1.2</b>	The number and identification of Lots in this Prequalification Document is
<b>ITA 4.1(a)</b>	The individuals or firms in a joint venture, consortium or association jointly and severally liable.
<b>ITA 4.1(b)</b>	Maximum number of partners in the joint venture shall be:
<b>ITA 4.5(b)(ii)</b>	Domestic Applicants shall provide VAT registration certificate issued by the tax authority in case of contract value of and above.
<b>ITA 4.5(b)(iv)</b>	Relevant professional practice certificate required.
<b>ITA 4.7</b>	An Applicant shall amend the evidence of its continued eligibility with the following Document:

**B. Contents of the Prequalification Document**

<b>ITA 8.1</b>	<p>For <b>clarification purposes</b> only, the Public Entity's address is:</p> <table border="1" data-bbox="540 310 1401 663"> <tr><td>Public Entity:</td><td></td></tr> <tr><td>Attention:</td><td></td></tr> <tr><td>Floor/Room number:</td><td></td></tr> <tr><td>P.O. Box:</td><td></td></tr> <tr><td>Street Address:</td><td></td></tr> <tr><td>Town/City:</td><td></td></tr> <tr><td>Post Code:</td><td></td></tr> <tr><td>Country:</td><td>Somaliland</td></tr> <tr><td>Telephone:</td><td></td></tr> <tr><td>E-mail address</td><td></td></tr> </table>	Public Entity:		Attention:		Floor/Room number:		P.O. Box:		Street Address:		Town/City:		Post Code:		Country:	Somaliland	Telephone:		E-mail address	
Public Entity:																					
Attention:																					
Floor/Room number:																					
P.O. Box:																					
Street Address:																					
Town/City:																					
Post Code:																					
Country:	Somaliland																				
Telephone:																					
E-mail address																					
<b>ITA 8.1</b>	<p><b>The deadline for submission requests for clarifications is:</b></p> <p><b>Date:</b></p> <p><b>Time:</b></p>																				
<b>C. Preparation of Applications</b>																					
<b>ITC 11.1</b>	Language of the Bid shall be .																				
<b>ITA 12.1</b>	Applicant must provide in the Applicant Certification of Compliance Form information related to its professional qualification and capability for the current and the previous years in order to proof its professional capacity.																				
<b>ITA 13.3</b>	Applicant shall provide at least Certificates of satisfactory execution of contracts provided by contracting parties to the contracts successfully completed in the course of the past years with a budget of at least .																				
<b>ITA 13.7</b>	The Public Entity undertake physical checking of current Applicant's technical qualifications and competence.																				
<b>ITA 14.2(b)</b>	<p>As a proof of the Applicant's financial standing the following documents need to be furnished:</p> <ul style="list-style-type: none"> <li>• Current bank statement</li> <li>• Balance sheet</li> <li>• Tax clearance certificate</li> </ul>																				
<b>ITA 17.1</b>	In addition to the original of the application, the number of copies required is: .																				

**D. Submission and Opening of Applications****ITA 19.1**For **application submission purposes** only, the Public Entity's address is:

Public Entity:	
Attention:	
Floor/Room number:	
P.O. Box:	
Street Address:	
Town/City:	
Post Code:	
Country:	Somaliland

**The deadline for application submission is:****Date:****Time:****ITA 22.1**The **application opening** shall take place at:

Public Entity:	
Floor/Room number:	
Street Address:	
Town/City:	
Post Code:	
Country:	Somaliland
Date:	
Time:	

**E. Procedures for Evaluation and of Applications****ITA 27.2**

At this time the Public Entity to execute certain specific parts of the Works by subcontractors selected in advance (Nominated Subcontractors).

# **Section 3. Qualification Criteria and Requirements**

## **Table of Contents**

<b>A.</b>	<b>Legal, Professional, Technical, and Financial Qualification Criteria</b>	<b>1</b>
1.	Legal Qualification of the Applicant	1
2.	Professional Qualifications and Capability of the Applicant	2
3.	Technical Qualifications, Competence, and Experience of the Applicant	3
4.	Financial Standing of the Applicant	4

This section, read in conjunction with Section 1, Instructions to Applicants and Section 2, Application Data Sheet, contains all the factors, methods and criteria that the Public Entity shall use to evaluate an application and determine whether the Applicant has the required qualifications. No other factors, methods or criteria shall be used. The Applicant shall provide all the information requested in the forms included in Section 4, Application Forms.

The applications shall be examined to confirm that all documentary evidence establishing the Applicants' qualifications requested in ITA Clause 16 have been provided;

After confirming applications comprise all mandatory documentary evidence establishing the Applicant's qualification the Public Entity will rule on the legal, technical, professional, and financial admissibility of each application, classifying it as compliant or non-compliant with qualification requirements set forth in the Prequalification Document.

All Applicants whose applications have met or exceeded ("passed") the specified threshold requirements will, to the exclusion of all others, be prequalified by the Public Entity.

**A. Legal, Professional, Technical, and Financial Qualification Criteria**

The following qualification criteria will be applied to Applicants:

Subject	Qualification Requirement	Compliance Requirement				Documentation
		Single Entity	Applicant			Submission Requirements
			Joint Venture, Consortium or Association	Each Partner	At Least One Partner	
		All Partners Combined				
<b>1. Legal Qualification of the Applicant</b>						
1.1. Nationality	Nationality in accordance with ITA Clause 4.2.	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Application Submission Sheet
1.2. Conflict of Interest	No conflict of interest as described in ITA Clause 6.	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Application Submission Sheet
1.3. Registration in the Board's Contractors List	Having been registered in the National Tender Board's Contractors List in accordance with ITA Clause 4.6.	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Application Submission Sheet
1.4. Debarred by decision of the Board	Not having been debarred by decision of the Board from participating in public	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Application Submission Sheet

Subject	Qualification Requirement	Compliance Requirement				Documentation
		Single Entity	Applicant			Submission Requirements
			Joint Venture, Consortium or Association	Each Partner	At Least One Partner	
		All Partners Combined				
	procurements for breach of its obligation under previous contracts in accordance with ITA Clause 4.3.					
1.5. Government Owned Entity	Compliance with conditions of ITA Clause 4.4.	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Applicant Certification of Compliance with attachments
1.6. Valid business license indicating the stream of business	Having been submitted valid business license indicating the stream of business, in accordance with ITA Sub-Clause 4.5(b)(i).	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Application Submission Sheet with attachments
1.7. VAT registration certificate	Having been submitted VAT registration certificate issued by the tax authority (in case of contract value specified in PDS) in accordance with ITA Sub-Clause 4.5(b)(ii).	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Application Submission Sheet with attachments
1.8. Valid tax clearance certificate	Having been submitted valid tax clearance certificate issued by the tax authority (domestic Applicants only) in accordance with ITA Clause 4.5(b)(iii).	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Application Submission Sheet with attachments
1.9. Business organization registration certificate	Having been submitted valid business organization registration certificate issued by the country of establishment (foreign Applicants only) in accordance with ITA Clause 4.5(c).	Must meet requirement	Must meet requirement	Must meet requirement	n/a	Applicant Certification of Compliance with attachments
<b>2. Professional Qualifications and Capability of the Applicant</b>						
2.1. Number of staff	At least staff currently work for the Applicant.	Must meet requirement	Must meet requirement	n/a	n/a	Applicant Certification of Compliance
2.2. Personnel for the key positions	Among the staff mentioned in Sub-Clause 2.1 Applicant must demonstrate that it will have	Must meet requirement	Must meet requirement	n/a	n/a	

Subject	Qualification Requirement	Compliance Requirement				Documentation
		Single Entity	Applicant			Submission Requirements
			Joint Venture, Consortium or Association			
		All Partners Combined	Each Partner	At Least One Partner		
	the personnel for the key positions that meet the following requirements;					Technical Proposal Form PER 1 with attachments
<b>3. Technical Qualifications, Competence, and Experience of the Applicant</b>						
3.1. General experience	The Applicant has successfully completed at least contracts with a budget of at least in the past years.	Must meet requirement	n/a	Must meet requirement	n/a	Applicant Certification of Compliance with attachments
3.2. Specific experience	The Applicant has successfully participated as contractor or subcontractor, in at least contracts within the last years, each with a value of at least , that have been successfully and substantially completed and that are similar to the proposed Works.	Must meet requirement	Must meet requirement for all characteristics	n/a	Must meet requirement for one characteristic	Applicant Certification of Compliance with attachments
3.3. History of non-performing contracts	Non-performance of a contract did not occur within the last years prior to the deadline for application submission, based on all information on fully settled disputes or litigation. A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Procedure under the respective contract, and where all appeal instances available to the Applicant have been exhausted.	Must meet requirement by itself or as partner to past or existing JV	n/a	Must meet requirement by itself or as partner to past or existing JV	n/a	Applicant Certification of Compliance

Subject	Qualification Requirement	Compliance Requirement				Documentation
		Single Entity	Applicant			Submission Requirements
			Joint Venture, Consortium or Association			
		All Partners Combined	Each Partner	At Least One Partner		
3.4. Pending litigation	All pending litigation shall in total not represent more than % of the Applicant’s net worth and shall be treated as resolved against the Applicant.	Must meet requirement by itself or as partner to past or existing JV	n/a	Must meet requirement by itself or as partner to past or existing JV	n/a	Applicant Certification of Compliance
3.5. Equipment for the implementation of the contract	The Applicant must demonstrate that it will have available for the implementation of the contract the following equipment listed hereafter:	Must meet requirement	Must meet requirement	n/a	n/a	Technical Proposal with attachments
	<b>No. Equipment Type and Characteristics</b>		<b>Minimum Number Required</b>			
<b>4. Financial Standing of the Applicant</b>						
4.1. Historical Financial Performance	Submission of audited balance sheets and other financial statements as required in the PDS Clause 14, for the last years to demonstrate the current soundness of the Applicant's financial position and its prospective long term profitability.	Must meet requirement	n/a	Must meet requirement	n/a	Applicant Certification of Compliance with attachments
4.2. Average Annual Turnover (Works only)	Minimum average annual turnover of [insert amount in currency specified in PDS] calculated as total certified payments received for contracts in progress or completed within the last years, years.	Must meet requirement	Must meet requirement	Must meet % of the requirement	Must meet % of the requirement	Applicant Certification of Compliance with attachments

Subject	Qualification Requirement	Compliance Requirement				Documentation
		Single Entity	Applicant			Submission Requirements
			Joint Venture, Consortium or Association			
		All Partners Combined	Each Partner	At Least One Partner		
4.3. Financial Resources	The Applicant must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet the following cash-flow requirement:	Must meet requirement	Must meet requirement	Must meet % of the requirement	Must meet % of the requirement	Applicant Certification of Compliance with attachments

## Section 4. Application Forms

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**A. Application Submission Sheet**

**Place and Date**

**Prequalification Reference Number:**

**To:**

**Hargeisa  
Somaliland**

**SUBMITTED BY<sup>1</sup>:**

	<b>Complete Legal Name and Address of the Applicant</b>	<b>Nationality<sup>2</sup></b>
<b>Contractor</b>		
<b>Member</b>		
<b>Etc ...</b>		

In response to your Prequalification Document for the above Prequalification Number:, we, the undersigned, hereby declare that:

- (a) We have examined and accept in full the content of the Prequalification Document, including Modification(s) No(s)., issued on accordance with Instructions to Applicants Clause 9: . We hereby accept its provisions in their entirety, without reservation or restriction.
- (b) We hereby declare that all the information and statements made in this application are true and accept that any misinterpretation contained in it may lead to our disqualification.
- (c) We, including any subcontractors for any part of the contract resulting from this procurement process, are eligible to participate in public procurement in accordance with ITA Clause 4 and have not been debarred by a decision of the National Tender Board from participating in public procurements for breach of our obligation under previous contract.
- (d) We, including any subcontractors or suppliers for any part of the Contract, have nationalities from eligible countries; in accordance with ITA Sub-Clause 4.2 ].
- (e) We are not insolvent, in receivership, bankrupt or being wound up, not have had our business activities suspended and not be the subject of legal proceedings for any of the foregoing;
- (f) We have fulfilled our obligations to pay taxes according to Somaliland Tax laws
- (g) We have read and understood the provisions on fraud and corruption in ITA Clause 3 and confirm and assure to the Public Entity that we will not engage ourselves into these evil practices during the procurement process and the execution of any resulting contract.
- (h) We have not committed an act of embezzlement, fraud or connivance with other Applicants.
- (i) We have not given or have been offered to give inducement or bribe to an official or procurement staff of the Public Entity to influence the result of the application in our favor.
- (j) We do not have any conflict of interest in accordance with ITA Clause 6 and have not participated in the preparation of the original Schedule of Requirements for the Public Entity.
- (k) We are not participating, as Applicants, in more than one application in this prequalification process.

<sup>1</sup> One signed original Application Submission Form must be supplied together with the number of copies specified in the Instruction to Applicants.

<sup>2</sup> Country in which the legal entity is registered.

- (l) .We, in accordance with ITA Sub-Clause 27.1, plan to subcontract the following key activities and/or parts of the works: .
- (m) We will inform the Public Entity immediately if there is any change in the above circumstances at any stage during the prequalification process. We also fully recognize and accept that any inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this prequalification process and other contracts funded by the Government of the Republic of Somaliland.
- (n) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any application that you may receive nor to invite the prequalified applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA Clause 31.

Name

In the capacity of .

Signed

Duly authorized to sign the application for and on behalf of .

Dated on [insert day] date of ], All **Attachments:**

1. Valid trade license indicating the stream of business in which the is engaged;
2. VAT registration certificate issued by the tax authority ;
3. A valid tax clearance certificate issued by the tax authority ;
4. Business organization registration certificate or trade license issued by the country of establishment ;
5. Relevant professional practice certificates ;
6. Other Document requested by the Public Entity

**B. Applicant Certification of Compliance<sup>3</sup>**

**Place and Date**

**Prequalification Reference Number:**

**To:**

**Hargeisa  
Somaliland**

**1. General Information About the Applicant**

Applicant's Legal Name:	
In case of Joint Venture, legal name of each party:	
Place of Registration:	
Legal Address in Country of Registration:	
Authorized Representative Information	Name: Position: Address: Telephone/Fax: E-mail address:
Attached copies of original Document of:	<input type="checkbox"/> In case of JV, letter of intent to form JV including a draft agreement, or agreement governing formation of JV, in accordance with ITA Sub-Clause 4.1
	<input type="checkbox"/> Form Data on Joint Ventures
	<input type="checkbox"/> In case of government owned entity from the Public Entity's country, Document establishing legal and financial autonomy and compliance with the principles of commercial law, in accordance with ITA Sub-Clause 4.4.

We have attached an official written statement by a power of attorney (or notary statement, etc.) proving that the above person, who signed the application on behalf of the company/joint venture/consortium, is duly authorized to do so.

**2. Financial Standing**

has adequate financial resources to manage this Contract as established by our audited financial statements, audited by an independent auditor, submitted in this application. The following table contains our financial data. These data are based on our annual audited accounts. Figures in all

<sup>3</sup> One signed original Applicant Certification of Compliance Form must be supplied together with the number of copies specified in the Instruction to Applicants. If this application is being submitted by a joint venture/consortium, the data in the tables below must be the sum of the data provided by the joint venture/consortium members.

columns have been provided on the same basis to allow a direct, year-on-year comparison to be made.

FINANCIAL DATA	Historic Information for Previous Years in				
	Year 2	Year 1	Last Year	Current Year	Average
<b>A. Information from Balance Sheet</b>					
1. Total Assets					
2. Total Liabilities					
I. Net Value (1-2)					
3. Current Assets					
4. Short-term debts					
II. Working Capital (3-4)					
<b>B. Information from Income Statement</b>					
1. Total Revenue					
2. Pre-tax Profits					
3. Losses					

Along with financial data we provided above we have attached the following Document as proof of our financial standing, as required in the PDS:

- (a)
- (b)

Attached Documents comply with the following conditions:

- Document reflect the financial situation of the Applicant or partner to a Joint Venture, and not sister or parent companies;
- Historic financial statements are audited by a certified accountant;
- Historic financial statements are complete, including all notes to the financial statements;
- Historic financial statements correspond to accounting periods already completed and audited.

Annual Turnover Data (Works Only)	
Year	Amount and Currency
Average Annual Works Turnover*	

\*Average annual turnover calculated as total certified payments received for work in progress or completed over the number of years specified in Section 3, Evaluation and Qualification Criteria, Sub-Factor 4.2, divided by that same number of years.

Financial Resources		
No.	Source of Financing	Amount

**3. Applicant's Organization**

**4. Technical Qualifications, Competence, and Experience in the Procurement Object**

As proof of the technical and professional ability in executing Works of a similar nature and volume to the ones listed in Section 6, the table below summarizes the major relevant contracts successfully completed in the course of the past years with a budget of at least .

**General Experience**

Name of project/kind of works	Value of Works	Period of Contract	Percentage of Works Completed	Client and Place	Prime Contractor (P) or Subcontractor (S)	Final acceptance issued?
<b>A. In Home Country</b>						
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
<b>B. Abroad</b>						
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>

**Specific Experience**

Name of project/kind of works	Value of Works	Period of Contract	Percentage of Works Completed	Client and Place	Prime Contractor (P) or Subcontractor (S)	Final acceptance issued?
<b>A. In Home Country</b>						
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
<b>B. Abroad</b>						
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>
						Yes: <input type="checkbox"/> Not Yet <input type="checkbox"/> No: <input type="checkbox"/>

The Clients' Certificates concerning the satisfactory execution of contract are attached to this document

**5. Historical Contract Non-Performance**

<b>Non-Performing Contracts in accordance with Section 3, Evaluation and Qualification Criteria</b>			
<input type="checkbox"/>	Contract non-performance did not occur during the stipulated period, in accordance with Sub-Factor 3.3 of Section 3, Evaluation and Qualification Criteria.		
<input type="checkbox"/>	Contract non-performance during the stipulated period, in accordance with Sub-Factor 3.3 of Section 3, Evaluation and Qualification Criteria.		
<b>Year</b>	<b>Outcome as Percent of Total Assets</b>	<b>Contract Identification</b>	<b>Total Contract Amount (current value)</b>
		Contract Identification: Name of Client: Address of Client: Matter in dispute:	
<b>Pending Litigation, in accordance with Section 3, Evaluation and Qualification Criteria</b>			
<input type="checkbox"/>	No pending litigation in accordance with Sub-Factor 3.4 of Section 3, Evaluation and Qualification Criteria		
<input type="checkbox"/>	Pending litigation in accordance with Sub-Factor 3.4 of Section 3, Evaluation and Qualification Criteria, as indicated below		
<b>Year</b>	<b>Outcome as Percent of Total Assets</b>	<b>Contract Identification</b>	<b>Total Contract Amount (current value)</b>
		Contract Identification: Name of Client: Address of Client: Matter in dispute:	
		Contract Identification: Name of Client: Address of Client: Matter in dispute:	

**6. Current Contract Commitments / Works in Progress**

<b>No.</b>	<b>Name of Contract</b>	<b>Client's Contact Details</b>	<b>Value of outstanding work</b>	<b>Estimated Completion Date</b>	<b>Average Monthly Invoicing over Last Six Months</b>

**7. Equipment**

<b>No.</b>	<b>DESCRIPTION (type/make/model)</b>	<b>Power/capacity</b>	<b>No of units</b>	<b>Age (years)</b>	<b>Source of equipment</b>	<b>Current Location</b>
<b>A.</b>	<b>Construction Plant</b>				<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	
					<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	

No.	DESCRIPTION (type/make/model)	Power/ capacity	No of units	Age (years)	Source of equipment	Current Location
					<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	
<b>B. Vehicles and Trucks</b>						
					<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	
					<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	
					<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	
<b>C. Other Plant</b>						
					<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	
					<input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased	

**8. Professional Qualifications and Capabilities**

In order to proof our professional qualifications and capability the following table contains personnel statistics for the current and the two previous years.

Average manpower	Year before last		Last year		This year	
	Overall	Specialists in Technical Area	Overall	Specialists in Technical Area	Overall	Specialists in Technical Area
<b>Permanent</b>						
<b>Temporary</b>						
<b>TOTAL</b>						

The following Team Skill Matrix identifies the personnel to be employed on the contract and their skills that are relevant to the role in the contract team and are required for successful execution of the contract:

**FORM PER 1: Proposed Personnel**

<b>Expert Name</b>			
<b>Title of Position:</b>			
<b>Nationality:</b>			
Qualification	Knowledge Level	Resume Page Reference	Comments
Years of experience (with the company/in works)	Knowledge Level	Resume Page Reference	Comments
Additional Knowledge and Experience	Knowledge Level	Resume Page Reference	Comments

Experience indicated in the matrix is backed up in the individual’s resume.

We have used the following ratings in order to accurately reflect the skill ratings of our team:

U	Understanding	Has exposure to education in the subject area but has not used this skill set in practice.
W	Working	Has limited working experience using this skill set.
P	Proficient	Has hands-on experience using this skill set to implement between 2 to 5 projects of various scope/complexity.

X	Expert	Has hands-on experience using this skill set in a key role to implement more than 5 projects of various scope/complexity.
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- 9. Comments and Suggestions on the Schedule of Requirements**
- 10. Quality Assurance / Managerial and Control Procedures**
- 11. Further Information**
- 12. Applicant's Audit Agency**

Name

In the capacity of .

Signed

Duly authorized to sign the application for and on behalf of .

Dated on [insert day] day of ], 20

**Attachments:**

- 1. Statement issued by a power of attorney authorizing the signatory of the application and all related documentation;
- 2. Certificates of satisfactory execution of contracts provided by contracting parties to the contracts successfully completed in the course of the past years, as required in the PDS,
- 3. Audited financial statements;

**Curriculum Vitae for Proposed Personnel**

1. Proposed Position: \_\_\_\_\_

2. Name of Firm: \_\_\_\_\_

3. Name of Staff: \_\_\_\_\_

4. Date of Birth: \_\_\_\_\_ Nationality: \_\_\_\_\_

5. Education: \_\_\_\_\_

6. Membership of Professional Associations: \_\_\_\_\_

7. Other Training: \_\_\_\_\_

8. Countries of Work Experience: \_\_\_\_\_

9. Languages: \_\_\_\_\_

10. Employment Record: \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

Employer: \_\_\_\_\_

Positions held: \_\_\_\_\_

<b>11. Detailed Tasks Assigned:</b>          	<b>12. Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned:</b> Name of assignment or project: _____ Year: _____ Location: _____ Client: _____ Main project features: _____ Positions held: _____ Activities performed: _____
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**13. Certification:**

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

\_\_\_\_\_ Date: \_\_\_\_\_

Full name of authorized representative: \_\_\_\_\_

**D. Form - Data on Joint Venture/Consortium**

Date:

Prequalification Reference Number:

<b>1.</b>	<b>Name of Joint Venture/Consortium</b>	
	<b>Managing Board's Address</b>	
	P.O. Box:	
	Street Address:	
	Town/City:	
<b>2.</b>	Post Code:	
	Country:	
	Telephone:	
	Facsimile:	
	E-mail address	
	<b>Agency in the Republic of Somaliland, if any (in the case of a joint venture/consortium with a foreign lead member)</b>	
	P.O. Box:	
	Street Address:	
<b>3.</b>	Town/City:	
	Post Code:	
	Telephone:	
	Facsimile:	
	E-mail address	
	<b>Names of Members</b>	
<b>4.</b>	Member 1	
	Member 2	
	Etc.	
<b>5.</b>	<b>Name of Lead member</b>	
	<b>Agreement governing the formation of the joint venture/consortium</b>	
<b>6.</b>	Date of signature	
	Place	
<b>7.</b>	Proposed proportion of responsibilities between members (in %) with indication of the type of the works to be performed by each	

Name

In the capacity of .

Signed

Duly authorized to sign the application for and on behalf of .

Dated on [insert day] day of ], 20

**Applicant's Party Information Form**

Date:

Prequalification Reference Number:

<b>1.</b>	<b>JV Applicant Legal Name</b>	
<b>2.</b>	<b>Applicant's Party Legal Name</b>	
<b>3.</b>	<b>Applicant's Party Country of Registration</b>	
<b>4.</b>	<b>Applicant's Party Year of Constitution</b>	
<b>5.</b>	<b>Applicant's Party Legal Address</b>	
	P.O. Box:	
	Street Address:	
	Town/City:	
	Post Code:	
	Country:	
<b>6.</b>	<b>Applicant's Party Authorized Representative Information</b>	
	Name:	
	Street Address:	
	Town/City:	
	Post Code:	
	Country:	
	Telephone:	
	Facsimile:	
	E-mail address	
<b>7.</b>	<b>Attached are copies of original documents of:</b>	
	<input type="checkbox"/>	Valid business license or business organization registration certificate or trade license issued by the country of establishment, in accordance with ITA Clause 4.5.
	<input type="checkbox"/>	In case of a Government owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA Clause 4.4.

## **Section 5. Eligible Countries**

### **A. Eligible Countries**

**Procurement Reference Number:**

**Goods supplied and Works provided under the Contract may originate from any country except if:**

- (a). As a matter of law or official regulation, the Government of the Republic of Somaliland prohibits commercial relations with that country, provided that the Government of the Republic of Somaliland is satisfied that such exclusion does not preclude effective competition for the provision of goods or related services required; or
- (b). By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Government of the Republic of Somaliland prohibits any import of Goods from that country or any payments to persons or entities in that country.

# **Part 2      Schedule of Requirement**

## **Section 6.                      Schedule of Requirements**

### **Table of Contents**

<b>A.</b>	<b>Scope of Works</b>	<b>1</b>
<b>B.</b>	<b>Construction Period(s)</b>	<b>1</b>
<b>C.</b>	<b>Site and other Data</b>	<b>1</b>

**A. Scope of Works****Bill of Quantities or Activity Schedule**

Item No.	Description of Works	Specification Reference	Unit	Quantity
1				
	<b>Sub-Total Item No. 1</b>			
2				
	<b>Sub-Total Item No. 2</b>			
3				
	<b>Sub-Total Item No. 3</b>			
	<b>DAYWORK SCHEDULE</b>			
<b>L</b>	<b>Labor</b>			
L01			day	
L02			day	
L03			day	
	<b>Total Daywork Provisional Sum</b>			

**B. Construction Period(s)****C. Site and other Data**