

Republic of Moldova
Ministry of Transport and Road Infrastructure

State Road Administration

PROCUREMENT DOCUMENTS
Road Sector Program Support Project

Prequalification Document for Procurement of:
Road Rehabilitation Works under the Contract

Contract RSPSP/W3/01:
“Rehabilitation of M2 Chisinau-Soroca km 5+733-26+200“

Issued on: *February 28, 2011*

Invitation for Prequalification No.:
RSPSP/2011/PQ01

ICB No.: RSPSP/2011/ICB01

PREFACE

The Government of Moldova, represented by the Ministry of Transport and Roads Infrastructure (MTRI), is implementing a **Road Sector Program Support Project (the Project)** to be partially financed by the European Investment Bank (EIB) The project is in direct support of the Government's overall Road Sector Program.

The project is being implemented under the general supervision and responsibility of the Ministry of Transport and Road Infrastructure (MTRI). However, actual project implementation is being carried out by the *State Road Administration (SRA)*. SRA's responsibilities include: procurement, financial management, contract management, project and program monitoring and evaluation, and reporting.

This prequalification document and the tender documents which will be issued in due course for the procurement of rehabilitation works under one contract follow the World Bank's Guidelines: Procurement under IBRD Loans and IDA Credits, May 2004 (revised October 2007) including format and text of the Standard Bidding Documents.

The Works include the following contract:

Contract RSPSP/W3/01 "Rehabilitation of M2 Chisinau-Soroca Road 5+733 – km 26+200".

It is the intention of this prequalification to qualify applicants for the award of one contract. Only qualified applicants from this prequalification process will be invited to bid for the Works.

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PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

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Section I. Instructions to Applicants

A. General

- 1. Scope of Application**
 - 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer, as defined in the **PDS**, issues this Prequalification Document (PQD) to applicants interested in bidding for the works described in Section VI, Scope of Works. The number of contracts and the name and identification of each contract, and the International Competitive Bidding (ICB) number corresponding to this prequalification, are provided in the **PDS**.

- 2. Source of Funds**
 - 2.1 The Borrower or Recipient (hereinafter called “Borrower”) indicated in the **PDS** has applied for or received financing (hereinafter called “funds”) from the International Bank for Reconstruction and Development or the International Development Association and from the European Bank for Reconstruction and Development and from the European Investment Bank (hereinafter called individually or collectively “the Bank”) towards the cost of the project named in the **PDS**. The Borrower intends to apply a portion of the funds from each of these agencies to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted.

- 3. Fraud and Corruption**
 - 3.1 It is the Bank’s policy to require that Borrowers (including beneficiaries of Bank loans), as well as bidders, suppliers, and contractors and their subcontractors under Bank-financed contracts, observe the highest standard of ethics during the procurement and execution of such contracts.¹ In pursuance of this policy, the Bank:
 - (a) defines, for the purposes of this provision, the terms set forth below as follows:
 - (i) “corrupt practice”² is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - (ii) “fraudulent practice”³ is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;

¹ In this context, any action taken by a bidder, supplier, contractor, or a sub-contractor to influence the procurement process or contract execution for undue advantage is improper.

² “another party” refers to a public official acting in relation to the procurement process or contract execution]. In this context, “public official” includes World Bank staff and employees of other organizations taking or reviewing procurement decisions.

³ a “party” refers to a public official; the terms “benefit” and “obligation” relate to the procurement process or contract execution; and the “act or omission” is intended to influence the procurement process or contract execution.

- (iii) “collusive practice”⁴ is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
- (iv) “coercive practice”⁵ 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
 - (aa) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a Bank investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - (bb) acts intended to materially impede the exercise of the Bank’s inspection and audit rights provided for under sub-clause 3.1 (e) below.

In addition:

- (vi) “Money laundering”⁶ is
 - (aa) the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity to evade the legal consequences of his action;
 - (bb) the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity or from an act of participation in such activity;
 - (cc) the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from

⁴ “parties” refers to participants in the procurement process (including public officials) attempting to establish bid prices at artificial, non competitive levels.

⁵ a “party” refers to a participant in the procurement process or contract execution.

⁶ Other EC legislation relating to aspects of fraud and other illegal acts include, among others:

. EC Directives 2004/17 and 2004/18 on public procurement;

. EC Directive 2003/6 on insider dealing and market manipulation; and

. Reg. n° 881/2002 last amended CE 1685/2006 on black listing with common position of the Council EU 2006/380/PESC of 29 May 2006.

criminal activity or from an act of participation in such activity;

(dd) participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing points.

(vii) Financing of terrorism is the provision or collection of funds, by any means, directly or indirectly, with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out any of the offences within the meaning of Articles 1 to 4 of the Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism.

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

(c) will cancel the portion of the loan allocated to a contract if it determines at any time that representatives of the Borrower or of a beneficiary of the loan engaged in corrupt, fraudulent, collusive, or coercive practices during the procurement or the execution of that contract, without the Borrower having taken timely and appropriate action satisfactory to the Bank to address such practices when they occur;

(d) not used; and

(e) will have the right to require that a provision be included in bidding documents and in contracts financed by a Bank loan, requiring bidders, suppliers, and contractors and their sub-contractors to permit the Bank to inspect their accounts and records and other documents relating to the bid submission and contract performance and to have them audited by auditors appointed by the Bank.

4. Eligible Applicants

4.1 An Applicant shall be a private, public or government owned legal entity, subject to ITA 4.7, or any combination of them in the form of association(s) including Joint Venture (JV) with the formal intent, as evidenced by a letter of intent), to enter into an agreement or under an existing agreement. In the case of a JV, unless otherwise specified in the **PDS**, (i) all parties shall be jointly and severally liable, and (ii) there shall be no limit on the number of partners.

4.2 The eligibility criteria listed in this Clause 4 shall apply to the

Applicant, including the parties constituting the Applicant, i.e., its proposed partners, subcontractors or suppliers for any part of the Contract including related services.

- 4.3 Firms originating from all countries of the world are eligible to tender for works, goods and services contracts, subject to the restrictions pursuant to sub clause 4.10. 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, as evidenced by its Articles of Incorporation or Documents of Constitution, and its Registration Documents.
- 4.4 Applicants and all parties constituting the Applicant shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they participated as a consultant in the preparation of the design or technical specifications of the Works that are the subject of this prequalification. Where a firm, or a firm from the same economic or financial group, in addition to consulting, also has the capability to manufacture or supply goods or to construct works, that firm, or a firm from the same economic or financial group, cannot normally be a supplier of goods or works, if it provided consulting services for the contract corresponding to this prequalification, unless it can be demonstrated that there is not a significant degree of common ownership, influence or control.
- 4.5 An Applicant shall submit only one application in the same Prequalification process, either individually as an Applicant or as a partner of a joint venture. No Applicant can be a subcontractor while submitting an application individually or as a partner of a joint venture in the same Prequalification process. A Subcontractor in any application may participate in more than one application, but only in that capacity. An Applicant who submits, or participates in, more than one application will cause all the applications in which the Applicant has participated to be disqualified.
- 4.6 An Applicant that is under a declaration of ineligibility by the Bank in accordance with ITA 3, at the date of submission of the application or thereafter, shall be disqualified.
- 4.7 Government-owned entities in the Employer's Country shall be eligible only if they can establish that they are legally and financially autonomous, and operate under commercial law, and that they are not dependent agencies of the Employer.
- 4.8 Applicants shall not be under execution of a Bid-Securing Declaration in the Employer's Country.

4.9 Applicants and all parties constituting the Applicant shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.

4.10 Applicants from an eligible country may be excluded if, (a) as a matter of law or official regulations the Borrower's country prohibits commercial relations with that country, provided that the Bank is satisfied that such exclusion does not preclude effective competition for the supply of goods or the contracting of works 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 Borrower's country prohibits any import of goods or contracting of works or services from that country, or any payments to persons or entities in that country.

5. Eligible Goods and Related Services

5.1 All goods and related services to be supplied under the Contract to be financed by the Bank shall have as their origin in any country in accordance with Section V, Eligible Countries.

B. Contents of the Prequalification Document

6. Sections of Prequalification Document

6.1 The document for the prequalification of Applicants (hereinafter - "prequalification document") consists of parts 1 and 2 which comprise all the sections indicated below, and should be read in conjunction with any Addendum issued in accordance with ITA 8.

PART 1 Prequalification Procedures

- Section I. Instructions to Applicants (ITA)
- Section II. Prequalification Data Sheet (PDS)
- Section III. Qualification Criteria and Requirements
- Section IV. Application Forms
- Section V. Eligible Countries

PART 2 Works Requirements

- Section VI. Scope of Works

6.2 The "Invitation for Prequalification Applications" issued by the Employer is not part of the prequalification document. A sample form is provided as an attachment to this Prequalification Document for information only.

6.3 The Employer accepts no responsibility for the completeness of the prequalification document and its addenda unless they were obtained directly from the Employer.

6.4 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish all information or

documentation required by the Prequalification Document.

- 7. Clarification of Prequalification Document**
- 7.1 A prospective Applicant requiring any clarification of the Prequalification Document shall contact the Employer in writing at the Employer's address indicated in the **PDS**. The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of applications. The Employer shall forward copies of its response to all applicants who have acquired the prequalification document directly from the Employer including a description of the inquiry but without identifying its source. Should the Employer deem it necessary to amend the prequalification document as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.
- 8. Amendment of Prequalification Document**
- 8.1 At any time prior to the deadline for submission of applications, the Employer may amend the Prequalification Document by issuing addenda.
- 8.2 Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all who have obtained the prequalification document from the Employer.
- 8.3 To give prospective Applicants reasonable time to take an addendum into account in preparing their applications, the Employer may, at its discretion, extend the deadline for the submission of applications.

C. Preparation of Applications

- 9. Cost of Applications**
- 9.1 The Applicant shall bear all costs associated with the preparation and submission of its application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.
- 10. Language of Application**
- 10.1 The application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in the language specified in the **PDS**. Supporting documents and printed literature that are part of the application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified in the **PDS**, in which case, for purposes of interpretation of the application, the translation shall govern.
- 11. Documents Comprising the**
- 11.1 The application shall comprise the following:

- Application**
- (a) Application Submission Form, in accordance with ITA 12;
 - (b) documentary evidence establishing the Applicant's eligibility to prequalify, in accordance with ITA 13;
 - (c) documentary evidence establishing the Applicant's qualifications, in accordance with ITA 14; and
 - (d) any other document required as specified in the **PDS**.
- 12. Application Submission Form**
- 12.1 The Applicant shall prepare an Application Submission Sheet using the form furnished in Section IV, Application Forms. This Form must be completed without any alteration to its format.
- 13. Documents Establishing the Eligibility of the Applicant**
- 13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Form and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV, Application Forms.
- 14. Documents Establishing the Qualifications of the Applicant**
- 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.
- 15. Signing of the Application and Number of Copies**
- 15.1 The Applicant shall prepare one original of the documents comprising the application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant.
- 15.2 The Applicant shall submit copies of the signed original application, in the number specified in the **PDS**, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail

D. Submission of Applications

- 16. Sealing and Identification of Applications**
- 16.1 The Applicant shall enclose the original and the copies of the application in a sealed envelope that shall:
- (a) bear the name and address of the Applicant;
 - (b) be addressed to the Employer, in accordance with ITA 17.1; and
 - (c) bear the specific identification of this prequalification process

indicated in the PDS 1.1.

16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required.

17. Deadline for Submission of Applications

17.1 Applicants may always submit their applications by mail or by hand. When so specified in the **PDS**, applicants shall have the option of submitting their applications electronically, in accordance with electronic application submission procedures specified in the **PDS**. Applications shall be received by the Employer at the address and no later than the deadline indicated in the **PDS**. A receipt will be given for all applications submitted.

17.2 The Employer may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

18. Late Applications

18.1 Any application received by the Employer after the deadline for submission of applications prescribed in accordance with ITA 17 will be treated as indicated in the PDS.

19. Opening of Applications

19.1 Any specific electronic application opening procedures required if electronic submission of applications is permitted pursuant to Sub Clause 17.1 shall be as specified in the **PDS**. Employer shall prepare a record of the opening of applications that shall include, as a minimum, the name of the Applicant. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications

20. Confidentiality

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

20.2 From the deadline for submission of applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process, may do so but only in writing.

21. Clarification of Applications

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

- 21.2 If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer's request for clarification, its application may be rejected.
- 22. Responsive-ness of Applications** 22.1 The Employer may reject any application which is not responsive to the requirements of the prequalification document.
- 23. Domestic Bidder Price Preference** 23.1 Unless otherwise specified in the **PDS**, a margin of preference for domestic bidders shall not apply in the bidding process resulting from this prequalification.
- 24. Subcontractors** 24.1 Applicants planning to subcontract any of the key activities indicated in Section III, 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 Forms ELI-1.2 and EXP (experience)-4.2(b) in Section IV. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in Section III, Qualification Criteria and Requirements.
- 24.2 At this time, the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance by the Employer (Nominated Subcontractors) unless otherwise stated in the **PDS**.

F. Evaluation of Applications and Prequalification of Applicants

- 25. Evaluation of Applications** 25.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants. The use of other methods, criteria, or requirements shall not be permitted. The Employer 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.
- 25.2 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.
- 25.3 In case of multiple contracts, the Employer 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 III, Qualification Criteria and Requirements.

- 26. Employer’s Right to Accept or Reject Applications** 26.1 The Employer reserves the right to accept or reject any application, and to annul the prequalification process and reject all applications at any time, without thereby incurring any liability to Applicants.
- 27. Prequalification of Applicants** 27.1 All Applicants whose applications have met or exceeded (“passed”) the specified threshold requirements will, to the exclusion of all others, be prequalified by the Employer.
- 28. Notification of Prequalification** 28.1 Once the Employer has completed the evaluation of the applications it shall notify all Applicants in writing of the names of those applicants who have been prequalified.
- 29. Invitation to Bid** 29.1 Promptly after the notification of the results of the prequalification the Employer shall invite bids from all the Applicants that have been prequalified.
- 29.2 Bidders may be required to provide a Bid Security or a Bid Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security to be specified in the Bidding Documents.
- 30. Changes in Qualifications of Applicants** 30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid shall be subject to a written approval of the Employer 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 III, Qualification Criteria and Requirements, or if in the opinion of the Employer, a substantial reduction in competition may result. Any such changes shall be submitted to the Employer not later than 14 days after the date of the Invitation for Bids.

Section II. Prequalification Data Sheet

A. General

ITA 1.1	The Employer is: State Road Administration Bucurei str., 12 A MD 2004 Chisinau Republic of Moldova
ITA 1.1	The contract is: Contract RSPSP/W3/01: "Rehabilitation of M2 Chisinau-Soroca Road km 5+733 - 26+200".
ITA 1.1	ICB name and number are: ICB RSPSP/2011/ICB01 Road Rehabilitation Works under one contract.
ITA 2.1	The name of the Borrower is: The Republic of Moldova
ITA 2.1	The name of the Project is: Road Sector Program Support Project
ITA 4.1	(i) The parties in a JV shall be jointly and severally liable. (ii) Maximum number of partners in the JV shall be not limited.

B. Contents of the Prequalification Document

ITA 7.1	For clarification purposes , the Employer's address is: The same as 1.1 above Project Officer: Gheorghe Curmei, Telephone : +373 22 221114 Facsimile number: +373 22 741219 Electronic mail address: gheorghe.curmei@asd.md
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C. Preparation of Applications

ITA 10.1	The language of the application as well as of all correspondence is English.
ITA 11.1 (d)	The Applicant shall submit with its application, the following additional documents: Audited Accounts for the years 2005, 2006, 2007, 2008 and 2009.

ITA 15.2	<p>In addition to the original, the number of copies to be submitted with the application is:</p> <p>3 copies</p>
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D. Submission of Applications

ITA 17.1	<p>Applicants shall not have the option of submitting their applications electronically.</p> <p>For application submission purposes only, the Employer's address is:</p> <p>Attention: Mr.Vitalie Panurco Address: State Road Administration Bucurei str., 12 A MD 2004 Chisinau, Republic of Moldova</p> <p>Telephone : (+373 22) 221114 Facsimile number: (+373 22) 741219 Electronic mail address: gheorghe.curmei@asd.md</p> <p>The deadline for application submission is:</p> <p><u>Date: 21 April 2011</u></p> <p><u>Time: 10:00 AM (local time).</u></p>
ITA 18.1	<p>Late applications will be returned unopened to the Applicants.</p>

E. Procedures for Evaluation of Applications

ITA 23.1	<p>A margin of preference shall not apply for eligible domestic bidders.</p>
ITA 24.2	<p>At this time the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance (Nominated Subcontractors).</p>

Section III. Qualification Criteria and Requirements

This Section contains all the methods, criteria, and requirements that the Employer shall use to evaluate applications. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the respective Application Forms.

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Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Subject	Requirement	Single Entity	Joint Venture			Submission Requirements
				All Parties Combined	Each Partner	One Partner	
1. Eligibility							
1.1	Nationality	Nationality in accordance with ITA Sub-Clause 4.3	Must meet requirement	Existing or intended JV must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in ITA Sub-Clause 4.4	Must meet requirement	Existing or intended JV must meet requirement	Must meet requirement	N/A	Application Submission Form
1.3	Bank Ineligibility	Not having been declared ineligible by the Bank, as described in ITA Sub-Clause 4.6	Must meet requirement	Existing JV must meet requirement	Must meet requirement	N/A	Application Submission Form
1.4	Government Owned Entity	Applicant required to meet conditions of ITA Sub-Clause 4.7	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.5	United Nations resolution or Borrower's country law	Not having been excluded as a result of the Borrower's country laws or official regulations, or by an act of compliance with UN Security Council resolution, in accordance with ITA 4.10	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture			Submission Requirements
				All Parties Combined	Each Partner	One Partner	
2. Historical Contract Non-Performance							
2.1	History of Non-Performing Contracts	Non-performance of a contract did not occur within the last 5 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 Mechanism 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	Form CON-2
2.2	Failure to Sign Contract	Not being under execution of a Bid Securing Declaration pursuant to Sub-Clause 4.8 for 5 years	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
2.3	Pending Litigation	All pending litigation shall in total not represent more than 10% (Ten percent) of the Applicant's net worth and shall be treated as resolved against the Applicant	Must meet requirement by itself or as a partner to past or existing JV	N/A	Must meet requirement by itself or as a partner to past or existing JV	N/A	Form CON – 2

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture			Submission Requirements
				All Parties Combined	Each Partner	One Partner	
3. Financial Situation							
3.1	Financial Performance	Submission of audited balance sheets or if not required by the law of the Applicant's country, other financial statements acceptable to the Employer, for the last 5 years to demonstrate: (a) the current soundness of the applicant's financial position and its prospective long term profitability, and (b) capacity to have a cash flow amount of €3 million equivalent	Must meet requirement (a) Must meet requirement (b) Must meet requirement	N/A (a) N/A (b) Must meet requirement	Must meet requirement (a) Must meet requirement (b) N/A	N/A (a) N/A (b) N/A	Form FIN – 3.1 with attachments
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of € 30 million (Thirty Million) calculated as total certified payments received for contracts in progress or completed, within the last 5 (Five) years divided by 5 .	Must meet requirement	Must meet requirement	Must meet 40 % (Forty percent) of the requirement	Must meet 75% (Seventy Five percent) of the requirement	Form FIN – 3.2

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture		Submission Requirements	
				All Parties Combined	Each Partner		One Partner
4. Experience							
4.1	General Construction Experience	Experience under construction contracts in the role of contractor, subcontractor, or management contractor for at least the last 5 years prior to the application submission deadline.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction Experience	Participation as contractor in at least 2 contracts within the last 5 years, such participation to have a value of at least €15 million on each contract, that have been successfully and substantially completed and that are similar to the proposed works will be taken into account. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Scope of Works	Must meet requirement	Must meet requirement	N/A	Must meet requirement for one contract	Form EXP 4.2(a)

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture			Submission Requirements
				All Parties Combined	Each Partner	One Partner	
4.2 (b)	Specific Construction Experience	<p>For the above or other contracts executed during the period stipulated in 4.2 (a) above, a minimum construction experience in the following key activities:</p> <p><i>1.Asphalt works (tons per year out of one single contract executed during the period stipulated in 4.2 (a) above)</i></p> <p><i>100,000 tons/year.</i></p>	Must meet requirements	Must meet requirements	N/A	Must meet 60% of the requirements (can be a specialist subcontractor)	Form EXP – 4.2 (b)

Note:

Section IV. Application Forms

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Application Submission Form

Date: *[insert day, month, year]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

To: The State Road Administration

We, the undersigned, apply to be prequalified for the following contract under the referenced ICB:

Contract RSPSP/W3/01: “Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

We declare that:

- (a) we have examined and have no reservations to the Prequalification Documents, including Addendum(s) No(s)., issued in accordance with Instructions to Applicants (ITA) Clause 8: *[insert the number and issuing date of each addendum]*.
- (b) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification process, have nationalities from eligible countries, in accordance with ITA Sub-Clause 4.3: *[insert the nationality of the Applicant, including that of all partners in case of a Joint Venture, and the nationality of each already identified subcontractor and supplier of related services, if applicable]*;
- (c) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, do not have any conflict of interest, in accordance with ITA Sub-Clause 4.4;
- (d) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, have not been declared ineligible by the Bank, or under the Employer's country laws, official regulations, or under execution of a Bid Securing Declaration in the Employer's Country, or by an act of compliance with a decision of the United Nations Security Council, in accordance with ITA Sub-Clauses 4.8 and 4.10;
- (e) *[insert either "we are not a Government owned entity" or "we are a Government entity, and we meet the requirements of ITA Sub-Clause 4.7]*;
- (f) we, in accordance with ITA Sub-Clause 24.1, plan to subcontract the following key activities and/or parts of the works:

[insert any of the key activities identified in Section III- 4.2 (b) which the Applicant intends to subcontract]
- (g) we declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding bidding process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount in € equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[If none has been paid or is to be paid, indicate “none”.]

- (h) 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 26.

Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

Name *[insert full name of person signing the application]*

In the Capacity of *[insert capacity of person signing the application]*

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

Applicant's Name *[insert full name of Applicant]* Address

[insert street number/town or city/country address]

Dated on *[insert day number]* day of *[insert month]*, *[insert year]*

Form ELI -1.1

Applicant Information Form

Date: *[insert day, month, year]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

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

Applicant's legal name <i>[insert full legal name]</i>
In case of Joint Venture (JV), legal name of each partner: <i>[insert full legal name of each partner in JV]</i>
Applicant's Actual or Intended country of constitution: <i>[indicate country of Constitution]</i>
Applicant's actual or Intended year of constitution: <i>[indicate year of Constitution]</i>
Applicant's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full legal name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation or Documents of Constitution, and documents of registration of the legal entity named above, in accordance with ITA 4.3. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1. <input type="checkbox"/> In case of Government owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA 4.7.

Form ELI -1.2

Applicant's Party Information Form

[The following form shall be filled in for the Applicant's parties including partner(s) of a joint venture, subcontractors, suppliers and other parties]

Date: *[insert day, month, year]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

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JV applicant legal name: <i>[insert full legal name]</i>
Applicant's Party legal name: <i>[insert full legal name of Applicant's Party]</i>
Applicant's Party country of registration: <i>[indicate country of registration]</i>
Applicant Party's year of constitution: <i>[indicate year of constitution]</i>
Applicant Party's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant Party's authorized representative information Name: <i>[insert full legal name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation or Documents of Constitution, and Registration Documents of the legal entity named above, in accordance with ITA 4.3. <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 4.7.

Form CON – 2

Historical Contract Non-Performance

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Party Legal Name: *[insert full name]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

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Non-Performing Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur during the 5 years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed during the 5 years specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non performed portion of contract	Contract Identification	Total Contract Amount (current value, US\$ equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for non performance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2..			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 as indicated below.			

Year	Outcome as Percentage of Total Assets	Contract Identification	Total Contract Amount (current value, €equivalent)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i>	<i>[insert amount]</i>

Form FIN – 3.1 Financial Situation

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's Party Legal Name: *[insert full name]*

ICB No. and title: **RSPSP/2011/ICB01:**

"Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200"

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1. Financial data

Financial information in (€equivalent in 000s)	Historic information for previous 5 years, (Five years) (€equivalent in 000s)				
	Year 1	Year 2	Year 3	Year 4	Year 5
Information from Balance Sheet					
Total Assets (TA)					
Total Liabilities (TL)					
Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					

2. Financial documents

The Applicant and its parties shall provide copies of the balance sheets and/or financial statements for [number] years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- (a) reflect the financial situation of the Applicant or partner to a JV, and not sister or parent companies.
 - (b) be audited by a certified accountant.
 - (c) be complete, including all notes to the financial statements.
 - (d) correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).
- Attached are copies of financial statements (balance sheets, including all related notes, and income statements) for the 5 years required above; and complying with the requirements.

Form FIN - 3.2

Average Annual Construction Turnover

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's Party Legal Name: *[insert full name]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

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Annual turnover data (construction only)		
Year	Amount and Currency	€equivalent
<i>[indicate year]</i>	<i>[insert amount and indicate currency]</i>	<i>[insert amount in € equiv.]</i>
Average Annual Construction Turnover *		

* Average annual construction turnover calculated as total certified payments received for work in progress or completed, divided by the number of years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 3.2.

Form EXP - 4.1 General Construction Experience

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant JV Party Legal Name: *[insert full name]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

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

Starting Month / Year	Ending Month / Year	Contract Identification	Role of Applicant
<i>[indicate month/ year]</i>	<i>[indicate month/ year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in US\$ equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>(insert "Contractor" or "Subcontractor" or "Contract Manager")</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in US\$ equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>(insert "Contractor" or "Subcontractor" or "Contract Manager")</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in US\$ equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>(insert "Contractor" or "Subcontractor" or "Contract Manager")</i>

Form EXP - 4.2(a) Similar Construction Experience

[The following table shall be filled in for contracts performed by the Applicant, each partner of a Joint Venture, and specialist sub contractors]

Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

JV Party Name: *[insert full name]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Sorooca Road km 5+733-26+200”

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Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year, i. e., 15 June, 2015]</i>		
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>		
Role in Contract <i>[check the appropriate box]</i>	Contractor <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Subcontractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		€ <i>[insert total contract amount in € equivalent]</i>
If partner in a JV, or subcontractor, specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in € equivalent]</i>
Employer's Name:	<i>[insert full name]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert e-mail address, if available]</i>		

Form EXP - 4.2(a) (cont.)
Similar Construction Experience (cont.)

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in € in words and in Figures]</i>
2. Physical size	<i>[insert physical size of activities]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Other Characteristics	<i>[insert other characteristics as described in Section V, Scope of Works]</i>

Form EXP - 4.2(b) Construction Experience in Key Activities

[The following table shall be filled in for contracts performed by the Applicant, each partner of a Joint Venture, and specialist sub contractors where they wish to demonstrate experience in a key activity]

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's Party Legal Name: *[insert full name]*

Subcontractor's Legal Name (as per ITA 24.1): *[insert full name]*

ICB No. and title: **RSPSP/2011/ICB01:**

“Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200”

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

All Subcontractors for key activities must complete the information in this form as per ITA 24.1 and Section III, Qualification Criteria and Requirements, Sub-Factor 4.2.

1. Key Activity Number One: *[insert brief description of the Activity, emphasizing its specificity]*

	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year, i. e., 15 June, 2015]</i>		
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>		
Role in Contract <i>[check the appropriate box]</i>	Contractor <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Subcontractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		€ <i>[insert Total contract amount in € equivalent]</i>
If party in a JV, specify participation of total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in € equivalent]</i>

Section V. Eligible Countries

Eligibility for the Provision of Goods, Works and Services in Bank-Financed Procurement

1. In the usual case of projects (both inside and outside the Union) financed by the Bank's "own resources" (funds raised mainly through the Bank's borrowings on capital markets), firms originating from all countries of the world are eligible to tender for works, goods and services contracts.

As an exception, firms of a Country or goods manufactured in a Country may be excluded if, by an Act of Compliance with a Decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Borrower's Country prohibits any import of goods from that Country or any payments to persons or entities in that Country.

PART 2 – Works Requirements

Section VI. Scope of Works

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1. Description of the Works

M2 Chisinau-Soroca Road km 5+733-26+200 runs north from Chisinau to Peresecina village commencing at the Chisinau municipal boundary.

The works comprise the resurfacing and strengthening of existing roads in the central area of Moldova.

The works will be performed within the limits of the existing right of way and will comprise:

- a) Localised repairs and/or reconstruction;
- b) Levelling and reinforcement to reinstate the original bearing capacity;
- c) Shoulder consolidation;
- d) Improvement of traffic safety (carriageway separation, guardrails, signing and marking, junction layout improvement, etc.);
- e) Drainage improvement; and
- f) Structures: waterproofing and expansion joints repair/replacement

It is anticipated that the bulk of the works will comprise Asphaltic Concrete overlays laid over existing surfacing which will require reshaping by milling off high spots and laying regulating courses to low areas. Additional preparatory works will be required in some areas to deal with heavy cracking in the existing asphalt pavements. Limited sections of the project roads will require complete reconstruction comprising pavement removal, subbase, base and asphalt construction. In addition to the overlay and pavement reconstruction works there will be a limited amount of minor reparation works to shoulders and side drainage and to structures.

All the existing roads are of flexible pavement construction with asphalt surfacing on crushed stone base.

Aggregates

Applicants should be aware that the supply of suitable aggregates for high quality asphalt surfacing in Moldova is difficult. The country generally is limestone based and there is only one source of hard aggregate, granite, near Soroca to the north. In the past supplies of hard aggregates have also been secured from the Ukraine and imported by rail.

2. Construction Period

The planned Time for Completion the Contract RSPSP/W3/01: “Rehabilitation of M2 Chisinau-Soroca Road km 5+733-26+200” is **18 months**.

The planned Defects Notification Period is **1 year**.

Winter seasons in Moldova are not generally suitable for asphalt concrete production and laying. It is therefore intended that the contract periods will be arranged to allow two full summer working seasons for the implementation of the works.

