

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(a) Eligibility</b>							
3.2(a) (i)	Nationality	Nationality in accordance with ITB 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI – 1 and ELI-2
3.2(a) (ii)	Conflict of Interest	No conflicts of interest as described in ITB 4.2	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid
3.2(a) (iii)	JICA Ineligibility	Not having been declared ineligible by JICA, as described in ITB 4.4	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid Form ACK.

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<b>3.2(b) Contract Non-Performance and Litigation</b>							
<b>Contract Non-Performance</b>							
3.2(b) (i)	History of Non-Performing Contracts	Non-performance of a contract <sup>(i)</sup> did not occur as a result of contractor's default since 1st January 2019 up to 28 days prior to the Bid submission deadline.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
<b>Litigation</b>							
3.2(b) (ii)	Pending Litigation	All pending <b>litigation against the Bidder</b> , as on 28 days prior to the Bid submission deadline, shall in total not represent more than one hundred percent (100 %) of the Bidder's net worth and shall be treated as resolved against the Bidder.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
3.2(b) (iii)	Litigation History	No consistent history of court/arbitral award decisions <b>against the Bidder</b> <sup>(iii)</sup> since 1 <sup>st</sup> January 2017 upto 28 days prior to the Bid Submission deadline.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON

**Notes for the Bidder**

(i) Non-performance, which is basically termination of the Contract as decided by the Employer, shall include all Contracts:

- (a) where non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract or by written representation/appeal to the Employer, and
- (b) that were so challenged but fully settled against the contractor.

Non-performance shall not include contracts where the Employer's decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

(ii) This requirement also applies to contracts executed by the Bidder as a JV/Consortium member.

(iii) The Bidder shall provide accurate information on the related Bidding Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution since 1<sup>st</sup> January 2017 upto 28 days prior to the Bid Submission deadline. A consistent history of awards against the Bidder or any member of a Joint Venture may result in rejection of the Bid.

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<b>3.2(c) Financial Situation</b>							
3.2(c) (i)	<b>Financial Performance</b>	<p>Details in Form FIN-1 shall be provided in reference to the audited balance sheets or, if not required by the laws of the Bidder's country, other financial statements for the last three (3) years and must demonstrate the current soundness of the Bidder's financial position and indicate its prospective long-term profitability.</p> <p>As the minimum requirement, a Bidder's net worth calculated as the difference between total assets and total liabilities should be positive in the last year and for at least 2 (two) years during the last three</p>	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN –1

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		(3) years.					
3.2(c) (ii)	<b>Average Annual Construction Turnover</b>	Minimum average annual construction turnover of INR 100 crore calculated as total certified payments received for contracts in progress and/ or completed within the last 3 (three) years and divided by 3 (three).	Must meet requirement	Must meet requirement	Must meet twenty five percent (25%) of the requirement	Must meet fifty percent (50%) of the requirement	Form FIN – 2
3.2(c) (iii)	<b>Bankruptcy/ Insolvency and Debt Restructuring</b>	The Bidder shall not have suffered bankruptcy/insolvency during the last three (3) years from the date of deadline of submission of this Bid, and  1. The Bidder shall have neither obtained debt restructuring in the immediately preceding three (3) years from the date of deadline of submission of this bid nor have	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN –3



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		<p>applied for it (as on the date of deadline of submission of this Bid) and shall not be currently in the process of corporate debt restructuring,</p> <p>Or if</p> <p>2. The Bidder has obtained debt restructuring in the immediately preceding three (3) years from the date of deadline of submission of this Bid or has applied for it or are currently in the process of corporate debt restructuring (as on the date of deadline of submission of this bid), the successful Bidder shall open a dedicated "Trust &amp; Retention Account" (T &amp; R Account) in consultation with the Employer. Contractor shall submit a certified list of vendors/suppliers/sub-contractors/ consultants, associated and engaged for the execution of the contract</p>					



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		<p>work. The payments by the Employer shall be made in the designated currency to Trust and Retention Account only.</p> <p>Bank will make payments on instruction of the Contractors to pre-certified vendors/ suppliers/subcontractors/consultants only. The Contractor shall not divert the funds for the purpose(s) other than the intended purpose(s).</p>					

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<b>3.2(d) Experience</b>							
3.2(d) (i)	<b>General Construction Experience</b>	Experience under construction contracts in the role of prime contractor (single entity or JV/Consortium member), or subcontractor, or management contractor <sup>(i)</sup> starting 1 <sup>st</sup> January 2017 up to 28 days prior to Bid Submission deadline	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 1
3.2(d) (ii)	<b>Specific Construction Experience</b>	A minimum similar work <sup>(ii)</sup> that has been satisfactorily and substantially <sup>(iii)</sup> completed as a prime contractor (single entity or JV/Consortium member) <sup>(iv)</sup> between 1 <sup>st</sup> January 2012 and 28 days prior to the Bid submission	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 2 (a)





		deadline.					
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**Notes for the Bidder**

- i. A management contractor is a firm that does not normally perform directly construction work associated with the contract. Rather, it manages the work of other (sub) contractors while bearing full responsibility and risk for price, quality, and timely performance of the work contract.
- ii. Similar Work would mean
  - (a) one contract of INR 80 Crore or more involving completion of “Construction of multi-storeyed building (minimum G+3) including Mechanical-Electrical-Plumbing (MEP) works”
  - OR
  - (b) two contracts each of INR 50 Crore or more involving completion of “Construction of multi-storeyed building (minimum G+3) including Mechanical-Electrical-Plumbing (MEP) works”
- iii. Substantial completion shall be based on 80% or more payment received under the contract.
- iv. For contracts under which the Bidder participated as a JV/Consortium member, only the Bidder’s share, in terms of monetary value, shall be considered to meet this requirement.

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<b>3.2(e) Financial Resources</b>							
3.2(e)	Financial Resources	(i) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as INR 18 Crore for the subject contract(s) net of the Bidder's other commitments, as on 28 days prior to the Bid Submission deadline.	Must meet requirement	Must meet requirement	Must meet requirement	NA	Form FIR – 1
		(ii) The Bidder shall also demonstrate, to the satisfaction of the Employer, that it has adequate	Must meet requirement	Must meet requirement	N/A	N/A	Form FIR – 1, Form FIR-



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		sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments on works currently in progress and for future contract commitments, as on 28days prior to the Bid submission deadline.					2 and Annexure to Form FIR – 2