

ADDENDUM NO. 3

RDA/CDB/IFB/2020/005/NCB
Bob's Gas Station Road Rehabilitation and Slope Stabilization
23 June 2020

Dear Potential Bidders

Re: Bidding Document for Bob's Gas Station Road Rehabilitation and Slope Stabilization
Project: Addendum No. 3

In accordance with ITB 8.1, Amendment of the Bid Document, we hereby issue Addendum No.3 as a revision to the following:

- a) Section II – Bid Data Sheet (BDS):
ITB 19.1
- b) Section III – Evaluation and Qualification Criteria:
2.3.3 Financial Resources
- c) Form of Bid-Securing Declaration

The existing Section II – Bid Data Sheet (BDS), Section III – Evaluation and Qualification Criteria and Form of Bid-Securing Declaration are superseded with the attached, updated Section II – Bid Data Sheet (BDS), Section III – Evaluation and Qualification Criteria and Form of Bid-Securing Declaration:

ORIGINAL:
Section II - Bid Data Sheet (BDS)

A. Introduction

| | |
|-------------------|--|
| ITB 1.1 | The Employer is: <i>The Virgin Islands Recovery and Development Agency (RDA)</i> |
| ITB 1.1 | The name of the bidding process is: <i>National Competitive Building</i> The identification number of the bidding process is: <i>RDA/CDB/IFB/2020/005/NCB</i> The number and identification of lots comprising this bidding process is: <i>Bob's Gas Station – Slope Stabilization and Road Rehabilitation</i> |
| ITB 2.1 | The Recipient is: <i>Government of the Virgin Islands represented by the Recovery and Development Agency (RDA)</i> |
| ITB 2.1 | The name of the Project is: <i>Rehabilitation and Reconstruction Loan – Hurricane Irma</i> |
| ITB 4.1(a) | The number of members in a JVCA shall be limited. If limited the maximum number shall be <i>two (2)</i> . |
| ITB 4.7 | A list of debarred firms and individuals is available at: <i>Not Applicable</i> |

B. Bidding Documents

| | |
|----------------|---|
| ITB 7.1 | For <u>clarification purposes</u> only, the Employer's address is: Attention: <i>Director of Procurement, RDA</i> Street Address: <i>1st floor, Ritter House, Wickham's Cay II</i> City: <i>Road Town</i> Country: <i>Tortola, VG 1110 British Virgin Islands</i> Telephone: <i>1 (284) 393-8003</i> Electronic mail address: procurement@bvirecovery.vg Requests for clarification should be received by the Employer no later than: <i>14 days prior to the submission deadline.</i> |
|----------------|---|

| | |
|----------------|---|
| ITB 7.4 | <p>A Pre-Bid meeting <i>shall</i> take place. It will be at the following date, time and place:</p> <p>Date: Tuesday 16th June 2020</p> <p>Time: 10:00 AM (local time)</p> <p>Place: RDA Office, Ritter House, Wickham's Cay II, Road Town, Tortola</p> <p>A site visit conducted by the Employer <i>shall be</i> organised immediately following the meeting.</p> |
|----------------|---|

C. Preparation of Bids

| | |
|---------------------|---|
| ITB 10.1 | The language of the bid is: <i>English</i> |
| ITB 11.1 (b) | The following schedules shall be submitted with the bid: <i>All schedules under section IV, Bidding Forms including the Priced Bill of Quantities.</i> |
| ITB 11.1 (i) | <p>The Bidder shall submit with its bid the following additional documents: <i>For companies registered in the British Virgin Islands, notarized copies of the following valid certificates:</i></p> <p><i>Trade License</i> <i>Proof of Company Registration (if applicable)</i> <i>Certificate of Good Standing from the National Health Insurance</i> <i>Certificate of Good Standing from Social Security</i> <i>Certificate of Good Standing from Inland Revenue Department</i></p> <p><i>Companies registered outside of the territory of the British Virgin Islands shall be required to submit equivalent documentation</i></p> |
| ITB 13.1 | Alternative bids <i>shall not be</i> permitted. |
| ITB 13.2 | Alternative times for completion <i>shall not be</i> permitted. |
| ITB 13.4 | Alternative technical solutions shall be permitted for the following parts of the Works: <i>Not Applicable</i> |
| ITB 14.6 | The prices quoted by the Bidder <i>shall not be</i> subject to adjustment during the performance of the Contract. |

| | |
|-----------------|---|
| ITB 15.1 | The currency(ies) of the bid and the payment currency(ies) shall be as described below: The currency of the bid and payment shall be: <i>United States Dollars (US\$)</i> |
| ITB 18.1 | The bid validity period shall be: <i>One hundred and twenty (120) days after the date of opening of the bids.</i> |
| ITB 19.1 | A Bid Security <i>shall be</i> required. If a Bid Security shall be required, the amount and currency of the bid security shall be: <i>3% of the Bid price in United States Dollars (US\$)</i> |
| ITB 20.1 | In addition to the original of the bid, the number of copies is: <i>two (2) plus one (1) soft copy (flash drive)</i> |
| ITB 20.2 | The written confirmation of authorisation to sign on behalf of the Bidder shall indicate: <i>(a)The name and description of the documentation required to demonstrate the authority of the signatory to sign the Bid such as a Power of Attorney or Notice of Directors or Articles of Incorporation; and</i> <i>(b)In the case of Bids submitted by an existing or intended JVCA an undertaking signed by all parties (i) stating that all parties shall be jointly and severally liable, if so required in accordance with ITB 4.1(a), and (ii) nominating a Representative who shall have the authority to conduct all business for and on behalf of any and all the parties of the JVCA during the bidding process and, in the event the JV is awarded the Contract, during contract execution.</i> |

D. Submission and Opening of Bids

| | |
|---------------------|---|
| ITB 21.1(a) | Bidders <i>shall not</i> have the option of submitting their bids electronically. One (1) original and two (2) copies plus one (1) soft copy (flash drive) of bids must be submitted in a sealed envelope, with the name and address of the bidder, and be clearly marked “ Bid for Bob’s Gas Station – Slope Stabilization and Road Rehabilitation ” |
| ITB 21.1 (b) | The electronic bidding submission procedures shall be: <i>Not Applicable.</i> |
| ITB 22.1 | For bid submission purposes only, the Employer’s address is: Attention: <i>Director of Procurement, RDA</i> Street Address: <i>Ritter House, Wickham’s Cay II</i> Floor/Room number: <i>1st floor</i> |

| | |
|-----------------|---|
| | <p>City: Road Town</p> <p>ZIP Code: VG1110</p> <p>Country: Tortola, British Virgin Islands</p> <p>The deadline for bid submission is:</p> <p>Date: Tuesday 14th July 2020</p> <p>Time: 10:00 AM (local time)</p> |
| ITB 25.1 | <p>The bid opening shall take place at:</p> <p>Street Address: Ritter House, Wickham's Cay II</p> <p>Floor/Room number: 1st floor</p> <p>City: Road Town</p> <p>Country: Tortola, British Virgin Islands</p> <p>Date: Tuesday 14th July 2020</p> <p>Time: 10:00 AM (local time)</p> |
| ITB 25.1 | <p>If electronic bid submission is permitted in accordance with ITB 21.1, the specific bid opening procedures shall be: Not Applicable</p> |

E. Evaluation and Comparison of Bids

| | |
|-----------------|--|
| ITB 30.1 | Not applicable. |
| ITB 33.1 | <i>A regional margin of preference shall not apply.</i> |
| ITB 34.1 | At this time the Employer does not intend to execute certain specific parts of the Works by sub-contractors selected in advance. |
| ITB 34.3 | <p>29.1.1 Contractor's proposed subcontracting: Maximum percentage of subcontracting permitted is: 30% of the total contract amount</p> <p>29.1.2 Bidders planning to subcontract more than 10% of total volume of work shall specify, in the Letter of Bid, the activity(ies) or parts of the works to be subcontracted along with complete details of the sub-contractors and their qualification and experience. The qualification and experience of the sub-contractors must meet the minimum criteria for the relevant work to be sub-contracted failing which such sub-contractors will not be permitted to participate.</p> <p>29.1.3 Sub-contractors' qualification and experience will not be considered for evaluation of the Bidder. The Bidder on its own (without taking into</p> |

| | |
|--|---|
| | account the qualification and experience of the sub-contractor) should meet the qualification criteria. |
|--|---|

F. Award of Contract

| | |
|-----------------|---|
| ITB 43.1 | <p>The Adjudicator proposed by the Employer shall be appointed in accordance with the provisions of the Arbitration Act, 2013 of the Laws of the Virgin Islands. The hourly fee for this proposed Adjudicator shall be Two Hundred and Fifty United States Dollars (250.00 US\$). The biographical data of the proposed Adjudicator is as follows:</p> <hr/> <p><i>[provide relevant information, such as education, experience, age, nationality, and present position; attach additional pages as necessary]</i></p> |
|-----------------|---|

2. Qualification

| Factor | 2.1 Eligibility | | | | | |
|--|---|-----------------------|---|-----------------------|-----|---|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| All partners combined | Each partner | | At least one partner | | | |
| 2.1.1 Nationality | Nationality in accordance with ITB 4.2. | Must meet requirement | Existing or intended JVCA must meet requirement | Must meet requirement | N/A | Form ELI –1.1 and 1.2, with attachments |
| 2.1.2 Conflict of Interest | No conflicts of interests as described in ITB 4.3. | Must meet requirement | Existing or intended JVCA must meet requirement | Must meet requirement | N/A | Letter of Bid |
| 2.1.3 Bank Ineligibility | Not having been declared ineligible by the Bank as described in ITB 4.7. | Must meet requirement | Existing JVCA must meet requirement | Must meet requirement | N/A | Letter of Bid |
| 2.1.4 Government Owned Entity | Compliance with conditions of ITB 4.4 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form ELI –1.1 and 1.2, with attachments |
| 2.1.5 Ineligibility based on a United Nations resolution or Recipient’s country law. | Not having been excluded as a result of the Recipient’s country laws or official regulations, or by an act of compliance with UN Security Council resolution, in accordance with ITB 4.6. | Must meet requirement | Existing JVCA must meet requirement | Must meet requirement | N/A | Letter of Bid |

| Factor | 2.2 Historical Contract Non-Performance | | | | | |
|---|--|--|--|--|-----|------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| All partners combined | Each partner | | At least one partner | | | |
| 2.2.1 History of non-performing contracts | Non-performance of a contract did not occur within the last <i>five (5)</i> 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 bidder have been exhausted. | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Form CON - 2 |
| 2.2.3 Pending Litigation | All pending litigation shall in total not represent more than <i>twenty percent (20%)</i> of the Bidder's net worth and shall be treated as resolved against the Bidder. | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Form CON - 2 |

| Factor | 2.2 Historical Contract Non-Performance (cont'd) | | | | | |
|--|--|--|--|--|---|---------------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | All partners combined | Each partner | At least one partner | | | |
| 2.2.4 Litigation History | No consistent history of court/arbitral award decisions against the Bidder since 1st January 2014. | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Form CON - 2 |
| 2.3 Financial Situation | | | | | | |
| 2.3.1 Historical Financial Performance | Submission of audited balance sheets or if not required by the law of the bidder's country, other financial statements acceptable to the Employer, for the last <i>three [3]</i> years to demonstrate the current soundness of the bidders financial position and its prospective long term profitability. | Must meet requirement | N/A | Must meet requirement | N/A | Form FIN – 3.1 with attachments |
| 2.3.2. Average Annual Turnover | Minimum average annual turnover of <i>US\$ 430,000.00</i> , calculated as total certified payments received for contracts in progress or completed, within the last <i>three (3 years)</i> . | Must meet requirement | Must meet requirement | Must meet twenty five percent (25%) of the requirement | Must meet seventy – five percent (75%) of the requirement | Form FIN –3.2 |

| Factor | 2.3 Financial Situation (cont'd) | | | | | |
|----------------------------|---|-----------------------|--|--|---|------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | All partners combined | Each partner | At least one partner | | | |
| 2.3.3. Financial Resources | The Bidder 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: (i) the following cash-flow requirement: US\$ 215,000.00 and (ii) the overall cash flow requirements for this contract and its concurrent commitments. | Must meet requirement | Must meet requirement | Must meet Twenty – five percent (25%) of the requirement | Must meet Seventy – five percent (75%) of the requirement | Form FIN –3.3 |
| | 2.4 Experience | | | | | |
| 2.4.1. General Experience | Experience under construction contracts in the role of contractor, JV member, subcontractor, or management contractor for at least the last five [5] years prior to the applications submission deadline, and with activity in at least nine (9) months in each year. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |

| Factor | 2.4 Experience (cont'd) | | | | | |
|-------------------------------|---|-----------------------|--|--------------|--|------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All partners Combined | Each Partner | At least one partner | |
| 2.4.2 Specific Experience (a) | <p>(a) A minimum number of two (2) similar contracts specified below that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or sub-contractor between 1st January 2014 and bid submission deadline.</p> <p>The similarity of the contracts shall be based on the following: Based on Section VII, Employer's Requirements, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by specialised subcontractors, if permitted in accordance with ITB 34.2.</p> | Must meet requirement | Must meet requirement | N/A | Must meet the requirements for one key activity listed | Form EXP-2.4.2(a) |

| Factor | 2.4 Experience (cont'd) | | | | | Sub-Factor | Documentation Required | |
|-------------------------------|--|------------------------|------------------------|-----|--|-------------------|------------------------|--|
| | Criteria | | | | | | | |
| | | | Bidder | | | | | |
| | | | | | | | | Joint Venture, Consortium or Association |
| | | Single Entity | | | All partners combined | Each partner | At least one partner | |
| 2.4.2 Specific Experience (b) | For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January 2014 and Application submission deadline, a minimum construction experience in the following key activities successfully completed: <ul style="list-style-type: none"> (a) asphalt and reinforced concrete pavement (b) Reinforced concrete retaining wall (c) Reinforced concrete drain construction (d) Pipe culvert works | Must meet requirements | Must meet requirements | N/A | Must meet the requirements for key activities listed below | Form EXP-2.4.2(b) | | |

Form of Bid-Securing Declaration

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

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

Alternative No.: *[insert identification No if this is a Bid for an alternative]*

To: *[insert complete name of Employer]*

We, the undersigned, declare that:

We understand that, according to your conditions, bids must be supported by a Bid-Securing Declaration.

We accept that we will automatically be suspended from being eligible for bidding in any contract with the Recipient for the period of time of *[insert number of months or years]* starting on *[insert date]*, if we are in breach of our obligation(s) under the bid conditions, because we:

- (a) have withdrawn our Bid during the period of bid validity specified in the Letter of Bid; or
- (b) having been notified of the acceptance of our Bid by the Employer during the period of bid validity, (i) fail or refuse to execute the Contract, if required, or (ii) fail or refuse to furnish the Performance Security, in accordance with the ITB.

We understand this Bid-Securing Declaration shall expire if we are not the successful Bidder, upon the earlier of (i) our receipt of your notification to us of the name of the successful Bidder; or (ii) twenty-eight days after the expiration of our Bid.

Signed: *[Insert signature of person whose name and capacity are shown]* In the capacity of *[Insert legal capacity of person signing the Bid-Securing Declaration]*

Name: *[insert complete name of person signing the Bid-Securing Declaration]*

Duly authorised to sign the bid for and on behalf of: *[insert complete name of Bidder]*

Dated on _____ day of _____, _____ *[insert date of signing]*

Corporate Seal (where appropriate)

[Note: In case of a Joint Venture, the Bid-Securing Declaration must be in the name of all partners to the Joint Venture that submits the bid.]

Note: All italicised text is for use in preparing this form and shall be deleted from the final product.

AMENDED:
Section II - Bid Data Sheet (BDS)

A. Introduction

| | |
|-------------------|--|
| ITB 1.1 | The Employer is: <i>The Virgin Islands Recovery and Development Agency (RDA)</i> |
| ITB 1.1 | The name of the bidding process is: <i>National Competitive Building</i> The identification number of the bidding process is: <i>RDA/CDB/IFB/2020/005/NCB</i> The number and identification of lots comprising this bidding process is: <i>Bob's Gas Station – Slope Stabilization and Road Rehabilitation</i> |
| ITB 2.1 | The Recipient is: <i>Government of the Virgin Islands represented by the Recovery and Development Agency (RDA)</i> |
| ITB 2.1 | The name of the Project is: <i>Rehabilitation and Reconstruction Loan – Hurricane Irma</i> |
| ITB 4.1(a) | The number of members in a JVCA shall be limited. If limited the maximum number shall be <i>two (2)</i> . |
| ITB 4.7 | A list of debarred firms and individuals is available at: <i>Not Applicable</i> |

B. Bidding Documents

| | |
|----------------|---|
| ITB 7.1 | For <u>clarification purposes</u> only, the Employer's address is: Attention: <i>Director of Procurement, RDA</i> Street Address: <i>1st floor, Ritter House, Wickham's Cay II</i> City: <i>Road Town</i> Country: <i>Tortola, VG 1110 British Virgin Islands</i> Telephone: <i>1 (284) 393-8003</i> Electronic mail address: procurement@bvirecovery.vg Requests for clarification should be received by the Employer no later than: <i>14 days prior to the submission deadline.</i> |
| ITB 7.4 | A Pre-Bid meeting <i>shall</i> take place. It will be at the following date, time and place: |

| | |
|--|---|
| | <p>Date: Tuesday 16th June 2020</p> <p>Time: 10:00 AM (local time)</p> <p>Place: RDA Office, Ritter House, Wickham's Cay II, Road Town, Tortola</p> <p>A site visit conducted by the Employer shall be organised immediately following the meeting.</p> |
|--|---|

C. Preparation of Bids

| | |
|---------------------|---|
| ITB 10.1 | The language of the bid is: English |
| ITB 11.1 (b) | The following schedules shall be submitted with the bid: All schedules under section IV, Bidding Forms including the Priced Bill of Quantities. |
| ITB 11.1 (i) | <p>The Bidder shall submit with its bid the following additional documents: For companies registered in the British Virgin Islands, notarized copies of the following valid certificates:</p> <p><i>Trade License</i> <i>Proof of Company Registration (if applicable)</i> <i>Certificate of Good Standing from the National Health Insurance</i> <i>Certificate of Good Standing from Social Security</i> <i>Certificate of Good Standing from Inland Revenue Department</i></p> <p>Companies registered outside of the territory of the British Virgin Islands shall be required to submit equivalent documentation</p> |
| ITB 13.1 | Alternative bids shall not be permitted. |
| ITB 13.2 | Alternative times for completion shall not be permitted. |
| ITB 13.4 | Alternative technical solutions shall be permitted for the following parts of the Works: Not Applicable |
| ITB 14.6 | The prices quoted by the Bidder shall not be subject to adjustment during the performance of the Contract. |
| ITB 15.1 | <p>The currency(ies) of the bid and the payment currency(ies) shall be as described below:</p> <p>The currency of the bid and payment shall be: United States Dollars (US\$)</p> |

| | |
|-----------------|---|
| ITB 18.1 | The bid validity period shall be: <i>One hundred and twenty (120) days after the date of opening of the bids.</i> |
| ITB 19.1 | A Bid Security <i>or Bid-Securing Declaration shall be</i> required. If a Bid Security is used, the amount and currency of the bid security shall be: <i>3% of the Bid price in United States Dollars (US\$)</i> If a Bid-Securing Declaration is used, the format of the Bid-Securing Declaration is given below. |
| ITB 20.1 | In addition to the original of the bid, the number of copies is: <i>two (2) plus one (1) soft copy (flash drive)</i> |
| ITB 20.2 | The written confirmation of authorisation to sign on behalf of the Bidder shall indicate: <i>(a)The name and description of the documentation required to demonstrate the authority of the signatory to sign the Bid such as a Power of Attorney or Notice of Directors or Articles of Incorporation; and</i> <i>(b)In the case of Bids submitted by an existing or intended JVCA an undertaking signed by all parties (i) stating that all parties shall be jointly and severally liable, if so required in accordance with ITB 4.1(a), and (ii) nominating a Representative who shall have the authority to conduct all business for and on behalf of any and all the parties of the JVCA during the bidding process and, in the event the JV is awarded the Contract, during contract execution.</i> |

D. Submission and Opening of Bids

| | |
|---------------------|---|
| ITB 21.1(a) | Bidders <i>shall not</i> have the option of submitting their bids electronically. One (1) original and two (2) copies plus one (1) soft copy (flash drive) of bids must be submitted in a sealed envelope, with the name and address of the bidder, and be clearly marked “ Bid for Bob’s Gas Station – Slope Stabilization and Road Rehabilitation ” |
| ITB 21.1 (b) | The electronic bidding submission procedures shall be: <i>Not Applicable.</i> |
| ITB 22.1 | For bid submission purposes only, the Employer’s address is: Attention: <i>Director of Procurement, RDA</i> Street Address: <i>Ritter House, Wickham’s Cay II</i> Floor/Room number: <i>1st floor</i> City: <i>Road Town</i> ZIP Code: <i>VG1110</i> |

| | |
|-----------------|---|
| | <p>Country: <i>Tortola, British Virgin Islands</i></p> <p>The deadline for bid submission is:</p> <p>Date: <i>Tuesday 14th July 2020</i></p> <p>Time: <i>10:00 AM (local time)</i></p> |
| ITB 25.1 | <p>The bid opening shall take place at:</p> <p>Street Address: <i>Ritter House, Wickham's Cay II</i></p> <p>Floor/Room number: <i>1st floor</i></p> <p>City: <i>Road Town</i></p> <p>Country: <i>Tortola, British Virgin Islands</i></p> <p>Date: <i>Tuesday 14th July 2020</i></p> <p>Time: <i>10:00 AM (local time)</i></p> |
| ITB 25.1 | <p>If electronic bid submission is permitted in accordance with ITB 21.1, the specific bid opening procedures shall be: <i>Not Applicable</i></p> |

E. Evaluation and Comparison of Bids

| | |
|-----------------|--|
| ITB 30.1 | <i>Not applicable.</i> |
| ITB 33.1 | <i>A regional margin of preference shall not apply.</i> |
| ITB 34.1 | At this time the Employer <i>does not intend</i> to execute certain specific parts of the Works by sub-contractors selected in advance. |
| ITB 34.3 | <p>29.1.4 Contractor's proposed subcontracting: Maximum percentage of subcontracting permitted is: 30% of the total contract amount</p> <p>29.1.5 Bidders planning to subcontract more than 10% of total volume of work shall specify, in the Letter of Bid, the activity(ies) or parts of the works to be subcontracted along with complete details of the sub-contractors and their qualification and experience. The qualification and experience of the sub-contractors must meet the minimum criteria for the relevant work to be sub-contracted failing which such sub-contractors will not be permitted to participate.</p> <p>29.1.6 Sub-contractors' qualification and experience will not be considered for evaluation of the Bidder. The Bidder on its own (without taking into account the qualification and experience of the sub-contractor) should meet the qualification criteria.</p> |

F. Award of Contract

ITB 43.1

The Adjudicator proposed by the Employer shall be appointed in accordance with the provisions of the Arbitration Act, 2013 of the Laws of the Virgin Islands. The hourly fee for this proposed Adjudicator shall be **Two Hundred and Fifty United States Dollars (250.00 US\$)**. The biographical data of the proposed Adjudicator is as follows:

[provide relevant information, such as education, experience, age, nationality, and present position; attach additional pages as necessary]

2. Qualification

| Factor | 2.1 Eligibility | | | | | |
|--|---|-----------------------|---|-----------------------|-----|---|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| All partners combined | Each partner | | At least one partner | | | |
| 2.1.1 Nationality | Nationality in accordance with ITB 4.2. | Must meet requirement | Existing or intended JVCA must meet requirement | Must meet requirement | N/A | Form ELI –1.1 and 1.2, with attachments |
| 2.1.2 Conflict of Interest | No conflicts of interests as described in ITB 4.3. | Must meet requirement | Existing or intended JVCA must meet requirement | Must meet requirement | N/A | Letter of Bid |
| 2.1.3 Bank Ineligibility | Not having been declared ineligible by the Bank as described in ITB 4.7. | Must meet requirement | Existing JVCA must meet requirement | Must meet requirement | N/A | Letter of Bid |
| 2.1.4 Government Owned Entity | Compliance with conditions of ITB 4.4 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Form ELI –1.1 and 1.2, with attachments |
| 2.1.5 Ineligibility based on a United Nations resolution or Recipient’s country law. | Not having been excluded as a result of the Recipient’s country laws or official regulations, or by an act of compliance with UN Security Council resolution, in accordance with ITB 4.6. | Must meet requirement | Existing JVCA must meet requirement | Must meet requirement | N/A | Letter of Bid |

| Factor | 2.2 Historical Contract Non-Performance | | | | | |
|---|--|--|--|--|-----|------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| All partners combined | Each partner | | At least one partner | | | |
| 2.2.1 History of non-performing contracts | Non-performance of a contract did not occur within the last <i>five (5)</i> 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 bidder have been exhausted. | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Form CON - 2 |
| 2.2.3 Pending Litigation | All pending litigation shall in total not represent more than <i>twenty percent (20%)</i> of the Bidder's net worth and shall be treated as resolved against the Bidder. | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Form CON - 2 |

| Factor | 2.2 Historical Contract Non-Performance (cont'd) | | | | | |
|--|--|--|--|--|---|---------------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | All partners combined | Each partner | At least one partner | | | |
| 2.2.4 Litigation History | No consistent history of court/arbitral award decisions against the Bidder since 1st January 2014. | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Must meet requirement by itself or as partner to past or existing JVCA | N/A | Form CON - 2 |
| 2.3 Financial Situation | | | | | | |
| 2.3.1 Historical Financial Performance | Submission of audited balance sheets or if not required by the law of the bidder's country, other financial statements acceptable to the Employer, for the last <i>three [3]</i> years to demonstrate the current soundness of the bidders financial position and its prospective long term profitability. | Must meet requirement | N/A | Must meet requirement | N/A | Form FIN – 3.1 with attachments |
| 2.3.2. Average Annual Turnover | Minimum average annual turnover of <i>US\$ 430,000.00</i> , calculated as total certified payments received for contracts in progress or completed, within the last <i>three (3 years)</i> . | Must meet requirement | Must meet requirement | Must meet twenty-five percent (25%) of the requirement | Must meet seventy-five percent (75%) of the requirement | Form FIN –3.2 |

| Factor | 2.3 Financial Situation (cont'd) | | | | | |
|----------------------------|---|-----------------------|--|--|---|------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | All partners combined | Each partner | At least one partner | | | |
| 2.3.3. Financial Resources | The Bidder 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: (i) the following cash-flow requirement: US\$ 100,000.00 and (ii) the overall cash flow requirements for this contract and its concurrent commitments. | Must meet requirement | Must meet requirement | Must meet twenty-five percent (25%) of the requirement | Must meet seventy-five percent (75%) of the requirement | Form FIN – 3.3 |
| | 2.4 Experience | | | | | |
| 2.4.1. General Experience | Experience under construction contracts in the role of contractor, JV member, subcontractor, or management contractor for at least the last five [5] years prior to the applications submission deadline, and with activity in at least nine (9) months in each year. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP – 4.1 |

| Factor | 2.4 Experience (cont'd) | | | | | |
|-------------------------------|---|-----------------------|--|--------------|--|------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| | | | All partners Combined | Each Partner | At least one partner | |
| 2.4.2 Specific Experience (a) | <p>(a) A minimum number of two (2) similar contracts specified below that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or sub-contractor between 1st January 2014 and bid submission deadline.</p> <p>The similarity of the contracts shall be based on the following: Based on Section VII, Employer's Requirements, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by specialised subcontractors, if permitted in accordance with ITB 34.2.</p> | Must meet requirement | Must meet requirement | N/A | Must meet the requirements for one key activity listed | Form EXP-2.4.2(a) |

| Factor | 2.4 Experience (cont'd) | | | | | |
|-------------------------------|---|------------------------|--|-----|--|------------------------|
| Sub-Factor | Requirement | Criteria | | | | Documentation Required |
| | | Bidder | | | | |
| | | Single Entity | Joint Venture, Consortium or Association | | | |
| All partners combined | Each partner | | At least one partner | | | |
| 2.4.2 Specific Experience (b) | <p>For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January 2014 and Application submission deadline, a minimum construction experience in the following key activities successfully completed:</p> <ul style="list-style-type: none"> (a) asphalt and reinforced concrete pavement (b) Reinforced concrete retaining wall (c) Reinforced concrete drain construction (d) Pipe culvert works | Must meet requirements | Must meet requirements | N/A | Must meet the requirements for key activities listed below | Form EXP-2.4.2(b) |

Form of Bid-Securing Declaration

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

Bid No.: RDA/CDB/IFB/2020/005/NCB

Alternative No.: *[insert identification No if this is a Bid for an alternative]*

To: Virgin Islands Recovery and Development Agency (RDA)

We, the undersigned, declare that:

We understand that, according to your conditions, bids must be supported by a Bid-Securing Declaration.

We accept that we will automatically be suspended from being eligible for bidding in any contract with the Recipient for the period of time of two (2) years starting on 20 July 2020, if we are in breach of our obligation(s) under the bid conditions, because we:

- (a) have withdrawn our Bid during the period of bid validity specified in the Letter of Bid; or
- (b) having been notified of the acceptance of our Bid by the Employer during the period of bid validity, (i) fail or refuse to execute the Contract, if required, or (ii) fail or refuse to furnish the Performance Security, in accordance with the ITB.

We understand this Bid-Securing Declaration shall expire if we are not the successful Bidder, upon the earlier of (i) our receipt of your notification to us of the name of the successful Bidder; or (ii) twenty-eight days after the expiration of our Bid.

Signed: *[Insert signature of person whose name and capacity are shown]* In the capacity of *[Insert legal capacity of person signing the Bid-Securing Declaration]*

Name: *[insert complete name of person signing the Bid-Securing Declaration]*

Duly authorised to sign the bid for and on behalf of: *[insert complete name of Bidder]*

Dated on _____ day of _____, _____ *[insert date of signing]*

Corporate Seal (where appropriate)

[Note: In case of a Joint Venture, the Bid-Securing Declaration must be in the name of all partners to the Joint Venture that submits the bid.]

Note: All italicised text is for use in preparing this form and shall be deleted from the final product.