

PRE-QUALIFICATION DOCUMENT

For

SPECIAL MAINTENANCE (SLOPE PROTECTION WORK)
KM 44+400
ON IMDC N-75

Issued to: _____



NATIONAL HIGHWAY AUTHORITY

(Regional Office Muzaffarabad)
House No. D-190 Upper Chatter Muzaffarabad AJK
Phone: 05822-924315-16, Fax:05822-924319
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Prequalification Procedures

Section I. Instructions to Applicants

A. General

1. Scope of Application

1.1 In connection with the Invitation for Pre-qualification indicated in Section II, Pre-qualification Data Sheet (PDS), the Employer, as defined in the **PDS**, issues this Pre-qualification Document (PQD) to applicants interested in bidding for the works described in Section V, Scope of Works. The name of Project, number of contracts and the name and identification of each contract, corresponding to this pre-qualification, are provided in the **PDS**.

2. Source of Funds

2.1 The source of funds shall be Road Maintenance Account.

3. Fraud and Corruption

3.1 The Employer requires that Applicants, Bidders, Suppliers, Contractors, and Consultants under these contracts, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuit of this policy, the Employer:

(a) Defines, for the purposes of this provision, the terms set forth below as follows:

(i) “corrupt practice” means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a public official in the procurement process or in contract execution;

(ii) “fraudulent practice” means a mis-representation or omission of facts in order to influence a procurement process or the execution of a contract;

(iii) “collusive practice” means a scheme or arrangement between two or more bidders, with or without the knowledge of the Employer, designed to establish bid prices at artificial, noncompetitive levels; and

(iv) “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the procurement process or affect the execution of a contract;

(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 or coercive practices in competing for the

Contract in question;

- (c) will sanction a firm or individual, including declaring them ineligible, either indefinitely or for a stated period of time, to be awarded a contract if it at any time determines that they have, directly or through an agent, engaged, in corrupt, fraudulent, collusive or coercive practices in competing for, or in executing, a contract; and
- (d) will have the right to require that a provision be included in Bidding Documents and requiring bidders, suppliers, contractors and consultants to permit the Employer 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 Employer.

4. Eligible Applicants

- 4.1 An Applicant shall be a private, public or government owned legal entity, subject to ITA 4.6, 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 An Applicant and all parties constituting the applicant, shall have been registered with Pakistan Engineering Council (PEC) and shall have a valid registration Certificate in Category as mentioned in **PDS**.
- 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 Applicants shall not be under execution of a Bid-Securing Declaration.
- 4.7 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 including legal and financial autonomy and compliance with Commercial Law in case of Government owned entities of Pakistan.
- 4.8 In case of JVs, one of the partners who is responsible for performing a key function in contract management or is executing a major component of the proposed contract shall be nominated as being in charge during the Pre-qualification and bidding periods and in the event of a successful bid, during contract execution. The partner in charge shall be authorized to incur liabilities and receive instructions for and on behalf of any and all partners of the joint venture; this authorization shall be evidenced by submitting a power of attorney signed by legally authorized signatories of all the partners.

B. Contents of the Prequalification Document

5. Sections of Prequalification Document

- 5.1 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 7.

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

PART 2 Works Requirements

- Section V. Scope of Works

- 5.2 The “Invitation for Prequalification Applications” issued by the Employer is not part of the prequalification document.
- 5.3 The Employer accepts no responsibility for the completeness of the prequalification document and its addenda unless they were obtained directly from the Employer.
- 5.4 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.

6. Clarification of Prequalification Document

- 6.1 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 five (05) days prior to the latest 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 7 and in accordance with the provisions of ITA 16.2.

7. Amendment of Prequalification Document

- 7.1 At any time prior to the deadline for submission of applications, the Employer may amend the Prequalification Document by issuing addenda.
- 7.2 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.

C. Preparation of Applications

8. Cost of Applications

- 8.1 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.

9. Language of

- 9.1 The application as well as all correspondence and

Application

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 shall also in same language.

10. Documents Comprising the Application

10.1 The application shall comprise the following:

- (a) Application Submission Form, in accordance with ITA 11;
- (b) documentary evidence establishing the Applicant's eligibility to pre-qualify, in accordance with ITA 12;
- (c) documentary evidence establishing the Applicant's qualifications, in accordance with ITA 13; and
- (d) any other document required as specified in the **PDS**.

11. Application Submission Form

11.1 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.

12. Documents Establishing the Eligibility of the Applicant

12.1 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.

13. Documents Establishing the Qualifications of the Applicant

13.1 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.

14. Signing of the Application and Number of Copies

14.1 The Applicant shall prepare one original of the documents comprising the application as described in ITA 10 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.

14.2 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

15. Sealing and

15.1 The Applicant shall enclose the original and the copies of the

Identification of Applications

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 16.1; and
- (c) bear the specific identification of this pre-qualification process indicated in the **PDS 1.1**.

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

16. Deadline for Submission of Applications

16.1 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. Applicants may always submit their applications by mail or by hand. When so specified in the **PDS**. Applicants shall also submit an electronic copy of their applications as specified in **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.

16.2 The Employer may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification Document in accordance with ITA 7, 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.

17. Late Applications

17.1 The Employer may at its discretion, accept the application after the deadline for submission of applications prescribed in ITA 16.

18. Opening of Applications

18.1 Employer shall open the applications as per its standard procedures and 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 may be distributed to all Applicants.

E. Procedures for Evaluation of Applications

19. Confidentiality

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

19.2 From the deadline for submission of applications to the time of notification of the results of the prequalification in accordance with ITA 26, any Applicant that wishes to

contact the Employer on any matter related to the prequalification process, may do so but only in writing.

20. Clarification of Applications

20.1 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.

20.2 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.

21. Responsiveness of Applications

21.1 The Employer may reject any application which is not responsive to the requirements of the prequalification document.

22. Subcontractors

22.1 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 in Section IV. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in Section III, Qualification Criteria and Requirements.

22.2 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

23. Evaluation of Applications

23.1 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.

23.2 The Employer shall also evaluate the performance of the applicant against its completed and ongoing project with the recommendations of construction wing NHA. NHA may disqualify the Applicants to whom a slow progress notice

has been issued.

23.3 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.

23.4 In case of multiple contracts, the Employer shall pre-qualify 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.

24. Employer's Right to Accept or Reject Applications

24.1 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.

25. Prequalification of Applicants

25.1 All Applicants whose applications have met or exceeded ("passed") the specified threshold requirements will, to the exclusion of all others, be pre-qualified by the Employer.

26. Notification of Prequalification

26.1 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 pre-qualified.

27. Invitation to Bid

27.1 Promptly after the notification of the results of the prequalification the Employer shall invite bids from all the Applicants that have been pre-qualified.

27.2 Bidders may be required to provide a Bid Security 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.

28. Changes in Qualifications of Applicants

28.1 Any change in the structure or formation of an Applicant after being pre-qualified in accordance with ITA 25 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 seven (07) days after the date of the Invitation for Bids.

Section II. Prequalification Data Sheet

A. General

ITA 1.1	<p>The Employer</p> <p>General Manager (S-2/S-3 & IMDC) National Highway Authority House No. D-190 Upper Chatter Muzaffarabad AJK Phone: 05822-924315-16, Fax:05822-924319 Email: dirnhmzd@gmail.com</p>						
ITA 1.1	<p>Name of the Project</p> <p>SPECIAL MAINTENANCE (SLOPE PROTECTION WORK) KM-44+400 ON IMDC N-75</p>						
ITA 1.1	<p>Identification of the Contract</p> <p>Contract No. SM-AJK-23-75-08</p>						
ITA 4.1	<p>A. Eligible Applicants (Qualification Criteria)</p> <p>a. Must be registered with Income Tax and Sales Tax Departments and who are on Active Taxpayers List of the Federal Board of Revenue;</p> <p>b. Each individual applicant and all members of JV must have valid Pakistan Engineering Council Registration License for the Year 2022 or above in the following categories:</p> <p style="margin-left: 20px;">(i) Individual/ Lead Firm in JV: PEC Category C-5 with Specialization in CE-01 & CE-10</p> <p style="margin-left: 20px;">(ii) Member Firm in JV: PEC Category as per share in JV with Specialization in CE-01 & CE-10</p> <p>c. Foreign Firms will not be eligible to participate in the prequalification individually. Foreign Firms shall enter into Joint Venture (JV) with Pakistani Firm(s) of appropriate category.</p> <p>d. An individual applicant or JV meeting the above said conditions (a, b & c) will be considered for further evaluation and will be qualified if it meets the following Criteria:</p> <p>B. Works Experience Requirements</p> <p>i) <u>General Work Experience (Form EXP – 4.1):</u></p> <p>Each individual applicant and all members of JV must have experience General Building Maintenance Works as detailed below:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 50%;">Requirement</th> <th style="width: 25%;">Applicant to Provide Details</th> <th style="width: 25%;">Role</th> </tr> </thead> <tbody> <tr> <td>Experience of General Building Maintenance contracts in the role of Contractor, Subcontractor, or</td> <td>Certificate of registration of Firm/ PEC</td> <td>Contractor, Subcontractor or</td> </tr> </tbody> </table>	Requirement	Applicant to Provide Details	Role	Experience of General Building Maintenance contracts in the role of Contractor, Subcontractor, or	Certificate of registration of Firm/ PEC	Contractor, Subcontractor or
Requirement	Applicant to Provide Details	Role					
Experience of General Building Maintenance contracts in the role of Contractor, Subcontractor, or	Certificate of registration of Firm/ PEC	Contractor, Subcontractor or					

Management Contractor for at least the last 10 years prior to the application/ proposal submission deadline.	registration along with experience record	Management Contractor
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Letter of Acceptance and Completion Certificate of completed projects in this regard may be accompanied.

ii) Similar Work Experience (Form EXP – 4.2):

An individual applicant must have completed at least **Two (02) Contract** (limit is of one single contract, not summed up value of different packages / contracts) of similar size, nature and complexity as a Contractor or Management Contractor but not as Sub-Contractor with a value of minimum Pak. **Rs. 30.08** during last **Five (05) years**; in case of a joint venture, if one (Lead Firm) of the partners in a JV alone fulfills the threshold, others need not be assessed to fulfill it, otherwise each partner shall be assessed independently to fulfill the part of threshold which will be determined as per its share in the JV. The requirements are tabulated below:

Requirement	Applicant to provide specific details	Role
Applicant must have similar experience as mentioned above.	<ul style="list-style-type: none"> - Letter of Acceptance - Completion Certificate - BOQs (Original as per latest VO) - Abstract of Latest/ Final Interim Payment Certificate 	Contractor or Management Contractor

***Note:** In case Taking Over Certificate (TOC) is not issued because of some administrative issue, then the following document shall be required for substantiation of completed works:

- Engineer's Confirmation regarding completion of works as per contract agreement.
- Employer's representative confirmation and forwarding of request for inspection of completed works.

C. Financial Soundness

i) Average Annual Construction Turnover

Has an Average Annual Construction Turnover of minimum **Rs. 56.4**; in case of JV each partner must fulfill the Criteria with respect to its share in the JV Agreement.

ii) Cash Flow

Has a minimum Cash Flow of **Rs. 16.92**; in case of JV each partner must fulfill the Criteria with respect to its share in the JV Agreement. Following formula will be used:

Cash Flow = Latest year's Working Capital - One month's average invoicing of Current Commitments + Credit limit
(Project Specific Credit Line Facility, if any, shall only be considered if submitted as per **Form CL - 1** and issued by Bank, for this Contract, within last six months).

iii) Working Capital:

Has a minimum Working Capital of **Rs. 13.53 Million** for the latest year; in case of JV each partner must fulfill the Criteria with respect to its share in the JV Agreement.

The above parameters of Financial Soundness will be worked out from the following:

a) Certified Audit Reports (Form FIN - 3.1 & 3.2)

Individual Applicant/ Lead Partner of JV and JV members of JV has to submit along with his application/ proposal Audit Reports for the **last three years** of the applicants which close their accounts on June 30th every year **OR last three** Calendar Year of the applicants which close their accounts on 31st December every year, prepared by registered Chartered Accountant appearing on list of firms on ICAP directory as per International Standard on Auditing (ISA's), as under:

Sr. No.	Type of Organization	Minimum requirement of Auditors	Basis of preparation of Audit Reports	Basis of preparation of Financial Statements
1.	Corporate entities (duly registered with Securities and Exchange Commission of Pakistan)	Licensed Chartered Accountant Firms (Minimum Partnership Firm with international affiliation) enlisted and appearing on the list of firms in ICAP directory as at the finalization of procurement.	International auditing standards as applicable in Pakistan.	i. Companies Ordinance 1984 or Companies Act 2017 (whichever is applicable). ii. International accounting and financial reporting standards as applicable in Pakistan at the time of issuance of the reports.
2.	Partnership Firm/ AOPs/Joint Ventures	Licensed Chartered Accountant Firms (Minimum Partnership Firm) enlisted and appearing on the list of firms in ICAP directory as at the finalization of procurement.		i. International accounting and financial reporting standards as applicable in Pakistan at the time of issuance of the reports.
3.	Individuals/ Sole Proprietorship	Licensed Cost & Management Accountant Firms enlisted and		Consistent and acceptable Accounting policies.

		<p>appearing on the list of firms in ICMAP directory as at the finalization of procurement for organizations of net worth up to 10 million only. In all other cases Licensed Chartered Accountant Firms enlisted and appearing on the list of firms in ICAP directory as at the finalization of procurement.</p>		
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b) Current Commitments / Projects in Hand Experience

The Applicant shall enclose details of Projects in hand whether of similar nature or otherwise. The details must be submitted in line with the format of **Form Exp-4.3** to Document.

c) Credit Line Facility

The Applicant must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credits, and other financial means, other than any contractual advance payments, to meet the financial requirements of the contract in the amount to satisfy the Cash Flow requirement. Project Specific Credit Line Facility, if any, shall only be considered if submitted as per **Form CL - 1**.

d) Income Tax Returns

The Applicant shall enclose details of income tax returns for last three latest years.

D. Performance

Past or present performance of the applicant as contractor (individual or all partners of a JV) is satisfactory with NHA or any other executing agency and the contractor has not been blacklisted by any government agency/ authority/ organization. Applicant shall provide an undertaking on the Applicant's letter head that the company is not blacklisted by any government agency/ authority/ organization. Detail of litigation pending (if any) be also provided (Form CON-2).

E. Joint Venture (JV)

a. Maximum **Two (02)** number firms are allowed to form Joint Venture (JV). Lead Partner must have more than 50% share in the Joint Venture

	<p>Agreement.</p> <p>b. Attached to Application/ Proposal shall be a Power of Attorney from each of the Joint Venture partners, appointing and authorizing the named person to act as their representative.\</p> <p>c. Project Specific Power of Attorney on Judicial Stamp Paper for forming JV including the statement “All partners of our JV shall at all times and under all circumstances be liable jointly and severally for the execution of the Contract in accordance with the Contract terms” duly signed by all partners.</p> <p>d. This part is applicable only to Applicant that are in Joint Venture. In the case of Single Applicant, no submission is required by the Applicant.</p> <p><u>F.Articles of Incorporation or Constitution of the Applicant as a legal entity</u></p> <p>a) A copy of Articles of Incorporation or Constitution of the Applicant as a legal entity shall be submitted which shall be consisted of form C/D/H (in case of Sole Proprietor), updated partnership deed (in case of Partnership Firm) and updated Form A & Form 29 (in case of Private Ltd. Company). The document shall indicate the Applicant’s name, address and its representative Personnel.</p> <p>b) In case of Joint Venture, the copies of such document of all the partners firms shall be submitted.</p> <p>c) If the certificate in English is not available, the Applicant shall attach a copy of the accurate translation in English (as per ITA 9.1).</p>
<p>ITA 4.3</p>	<p>Each individual applicant and all members of JV must have valid Pakistan Engineering Council Registration License for the Year 2022 in the following categories:</p> <p>(i) Individual/ Lead Firm in JV: PEC Category C-5 or above with Specialization in CE-01 & CE-10</p> <p>(ii) Member Firm in JV: PEC Category as per share in JV with Specialization in CE-01 & CE-10</p>
<p>ITA 4.5</p>	<p>The firm(s) participated as JV in prequalification shall not be allowed to change/ remove/ add any of their JV partners at any later stage.</p>

B. Contents of the Prequalification Document

ITA 6.1 Date, Time and Venue for Pre-Proposal Conference:

Nil

Address for seeking Clarification:

General Manager (S-2/S-3 & IMDC)
National Highway Authority
House No. D-190 Upper Chatter Muzaffarabad AJK
Phone: 05822-924315-16, Fax:05822-924319
Email: dirnhmzd@gmail.com, www.nha.gov.pk

C. Preparation of Applications

ITA 9.1

Language of Application

The same language in which the Documents are written i.e English, should be used for preparation of Application/ Proposal, however if a applicant provides any supporting documents in language(s) other than English, in such case the accurate and authenticated translation of the documents in English language shall be submitted in the following manner:

- a. Notary certificates (original) as per the law of their country have been provided for each such translated documents and
- b. The translated documents have been duly verified [signed and stamped (in original) and with the written statement of the attester (the authorized officer of the Embassy) that this is a true copy of the documents translated in English duly notarized and is authentic] from the embassy of the Applicant's country of constitution in Pakistan – or – the translated and duly notarized document shall be attested by the Ministry of Foreign Affairs of the country of the Applicant duly endorsed by Counsellor of the Embassy of Pakistan in that country.
- c. Even English language documents of foreign firms have been attested by Embassy/ Foreign office as per procedure given in para-b above.

Note: The contents of any supporting Document by foreign firms in non-English language submitted without regard to the procedure as above

ITA 10.1 (d)

Each page of document must be signed and stamped by legally authorized representative of the firm/ JV. For the said purpose, A Power of Attorney to the signatory of the Application/ Proposal on following format must accompany the Application/ Proposal:

- Principal (issuing authority of Power of Attorney) shall provide the legal documents establishing his authority of issuing the Power of Attorney on behalf of Firm / Company / (for all partners of JV);]
- The Power of Attorney shall bear the name of the work (project specific);
- The name, designation / title in the Firm / Company, country

	<p>identification number of the person issuing the Power of Attorney must be mentioned on the Power of Attorney;</p> <ul style="list-style-type: none"> ➤ The Power of Attorney for local Firm/ Company shall be on Judicial Stamp Paper duly attested by 1st Class Magistrate; whereas, for foreign Firms on Firm's/ Company's letterhead; ➤ The Power of Attorney shall be in original with original signatures (scanned and electronic signatures shall not be acceptable); ➤ The Power of Attorney shall bear the name, specimen signature, specimen initial of the signatory of the Application/ Proposal as well as his designation / title in the Firm / Company & country identification number/ CNIC No. ➤ In case of a joint venture the statement "All partners of our JV shall at all times and under all circumstances be liable jointly and severally for the execution of the Contract in accordance with the Contract terms" must be included in the Power of Attorney and signed by all partners.
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ITA 14.2	Applicants shall submit one electronic copy in PDF Format with the Application/ Proposal in CD/ Flash Drive and one sealed hard copy of the same
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D. Submission of Applications

ITA 16.1	The Last date for submission of Application/ Proposal is 3rd October 2022 up to 1130 hours and will be opened on the same day at 1200 hours at the address mentioned at ITA 6.1 above.
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ITA 17.1	<p>ITA Clause 17.1 stands deleted and replaced with the following:</p> <ul style="list-style-type: none"> (a) Any application/ proposal received by the Employer after the deadline for submission of application/ proposal prescribed in ITA Clause 16.1 will be returned unopened to such applicant. (b) Delays in the mail, delays of person in transit, or delivery of an application/ proposal to the wrong office shall not be accepted as an excuse for failure to deliver an application/ proposal at the proper place and time. It shall be the applicant's responsibility to determine the manner in which timely delivery of his application/ proposal will be accomplished either in person, by messenger or by mail.
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F. Evaluation of Applications and Prequalification of Applicants

ITA 26.1	Employer will inform the pre-qualified and disqualified firms separately about their own status after the completion of evaluation process.
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ITA 27.2	The prequalified firms will be asked to submit Bid Security in the shape of Deposit at call or a Bank Guarantee and the lowest evaluated bidder will be asked to furnish Performance Security in the shape of Bank Guarantee only.
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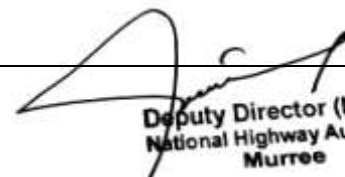
Section III. Qualification Criteria and Requirements

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

Contents

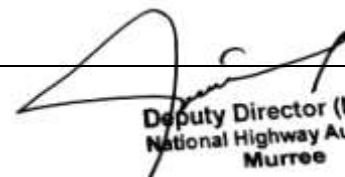
- 1. Eligibility
- 2. Historical Contract Non-Performance
- 3. Financial Situation.....
- 4. Experience
- 5. Equipment Capabilities
- 6. Key Staff

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	All Parties Combined	Joint Venture Each Partner	Lead Partner	Submission Requirements
1. Eligibility							
1.1	Registration with PEC	Registration Certificate in accordance with ITA Sub-Clause 4.3.	Must meet	-	Must meet	-	Forms ELI – 1.1 and 1.2, with attachments.
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA Sub-Clause 4.4.	Must meet	-	Must meet	-	Application Submission Form.
1.3	Ineligibility	Not having been declared ineligible by the Employer, as described in ITA Sub-Clause 4.6	Must meet	-	Must meet	-	Application Submission Form.



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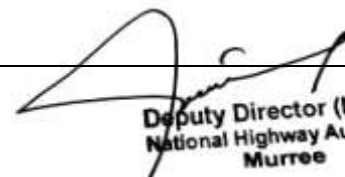
Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	All Parties Combined	Joint Venture Each Partner	Lead Partner	Submission Requirements
2. Historical Contract Non-Performance							
2.1	Performance of the applicant and History of Non-Performing Contracts	Non-performance of a contract did not occur within the last 10 years prior to the deadline for application/ proposal submission based on all information.	Must meet	-	Must meet	-	Form CON-2
2.2	Failure to Sign Contract	Not being under execution of a Bid Securing Declaration pursuant to Sub-Clause 4.6 for 10 years	Must meet	-	Must meet	-	Application Submission Form
2.3	Resolved/ Pending 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	-	Must meet	-	Form CON – 2



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Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	All Parties Combined	Joint Venture Each Partner	Lead Partner	Submission Requirements
3. Financial Situation							
3.1	Financial Performance	Submission of audited balance sheets, for the last Three (03) years to demonstrate: The current soundness of the applicant's financial position and its prospective long term profitability, to evaluate;					
		(a) Capacity to have cash flow reasonably enough to meet the cash flow requirements of the said works is: Rs. 16.92 Million	Must meet	-	Must meet as per their JV share	Must meet as per their JV share	Form FIN – 3.1 with attachments
		Following formula will be used for evaluation: Min Cash Flow = Latest year's Working Capital - One month's average invoicing of Current Commitments + Credit limit. (Project Specific Credit Line Facility, if any, shall only be considered if submitted as per Form CL – 1 and issued by Bank, for this Contract, within last six months)					
		(b) Working Capital for latest year: Rs. 13.53 Million	Must meet	-	Must meet as per their JV share	Must meet as per their JV share	Form FIN – 3.1 with attachments
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover as mentioned below, calculated as total certified payments received for contracts in progress or completed, within the last three (03) years:	Must meet	-	Must meet as per their JV share	Must meet as per their JV share	Form FIN – 3.2 with attachments

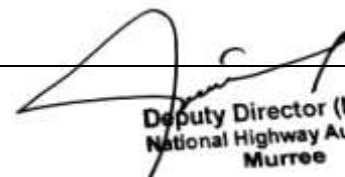
Eligibility and Qualification Criteria		Compliance Requirements			Documentation		
No.	Subject	Requirement	Single Entity	Joint Venture All Parties Combined	Each Partner	Lead Partner	Submission Requirements
		Rs. 56.4 Million					



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Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	All Parties Combined	Joint Venture Each Partner	Lead Partner	Submission Requirements
4. Experience							
4.1	General Construction Experience	General Construction Experience: Experience under Building contracts in the role of Contractor, Subcontractor or Management Contractor for at least the last ten (10) years prior to the application/ proposal submission deadline. Note: Letter of Award / Acceptance and Completion Certificate must be provided with the Documents.	Must meet	-	Must meet	-	Form EXP – 4.1
4.2	Specific Construction Experience	An individual applicant must have completed at least Two (02) Contract (limit is of one single contract, not summed up value of different packages / contracts) of similar size, nature and complexity as a Contractor or Management Contractor with a value of minimum Pak. Rs. 30.08 Million during last Five (05) years ; in case of a joint venture, if one (Lead Firm) of the partners in a JV alone fulfills the threshold, others need not be assessed to fulfill it, otherwise each partner shall be assessed independently to fulfill the part of threshold which will be determined as per its share in the JV. Note: Letter of Award / Acceptance and Completion Certificate along-with BOQ must be provided with the Documents.	Must meet	In case of a joint venture, if one (Lead Firm) of the partners in a JV alone fulfills the threshold, others need not be assessed to fulfill it, otherwise each partner shall be assessed independently to fulfill the part of threshold which will be determined as per its share in the JV.			Form EXP 4.2
4.3	Current Commitment	Applicants and each partner to an application/ proposal should provide information on their current commitments on	Must Provide	-	Must Provide	-	Form EXP 4.3

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	All Parties Combined	Joint Venture Each Partner	Lead Partner	Submission Requirements
		<p>all contracts that have been awarded or for which a letter of intent or acceptance has been received, or for Contracts approaching completion, but for which substantial Completion Certificate has yet to be issued.</p> <p>Note: Letter of Award / Acceptance must be provided with the Documents.</p>					



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Section IV. Application Forms

Table of Forms

Application Submission Form
Applicant Information Form
Applicant's Party Information Form
Performance of Applicant
Financial Situation.....
Average Annual Construction Turnover
General Construction Experience
Similar Construction Experience
Current Commitments
Equipment Capabilities
Credit Line Facility.....

Application Submission Form

Date: _____

Contract:

General Manager (S-2/S-3 & IMDC)
acting as legal successor/authorized rep of Chairman NHA (The Employer)
National Highway Authority
House No. D-190 Upper Chatter, Muzaffarabad (AJK)

We, the undersigned, apply to be pre-qualified for the referenced work and declare that:

- (a) we have examined and have no reservations to the Pre-Qualification Documents, including Addendum(s) No(s), issued in accordance with Instructions to Applicants (ITA) Clause 7;
- (b) we do not have any conflict of interest, in accordance with ITA Sub-Clause 4.4;
- (c) we have not been declared ineligible by the Employer, or under the Government of Pakistan’s laws, official regulations, or under execution of a Bid Securing Declaration in Pakistan;
- (d) we, in accordance with ITA Sub-Clause 22.1 plan not to subcontract the works /or parts of the works;
- (e) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any application/ proposal that you may receive nor to invite the pre-qualified applicants to bid for the contract subject of this pre-qualification, without incurring any liability to the Applicants, in accordance with ITA Clause 24.

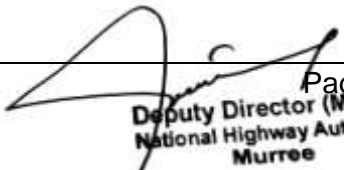
Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

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

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

_____ Duly authorized to sign the application/ proposal 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]*_____


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Form ELI -1.1

Applicant Information Form

Date: _____

Contract:

Page ____ of ____

Applicant's legal name:	
In case of Joint Venture (JV), legal name of each partner:	
Applicant's Actual or Intended country of constitution:	
Applicant's actual or Intended year of constitution:	
Applicant's legal address in country of constitution:	
PEC Registration Category _____ Validity _____	
Detail of Owners of Applicants Name: Address: Telephone/Fax numbers: E-mail address:	Authorized representative information Name: Address: Telephone/Fax numbers: E-mail address:
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 4.1.	
<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"/> Valid Registration Certificate from PEC.	

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]

Date: _____

Contract:

Page ____ of ____

JV applicant legal name:
Applicant's Party legal name:
Applicant's Party country of registration:
Applicant Party's year of constitution:
Applicant Party's legal address in country of constitution:
Applicant Party's owner or authorized representative information: Name: Address: Telephone/Fax numbers: E-mail address:
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 4.1. <input type="checkbox"/> Valid Registration Certificate from PEC.

Form CON – 2

Performance of Applicant

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

Date: _____

Applicant’s Legal Name: _____

Joint Venture Party Legal Name: _____

Contract:

Page ____ of ____

Non-Performing Contracts in accordance with Section III, Qualification Criteria and Requirements			
<p>Contract non-performance did not occur during the 10 (Ten) years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.</p> <p>Contract(s) not performed during the 10 (Ten) years specified in Section III, Qualification Criteria and Requirements, requirement 2.1 are indicated below:</p>			
Year	Non performed portion of contract	Contract Identification	Total Contract Amount current value Rs.
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	<p>Contract Identification:</p> <p>Name of Employer: _____</p> <p>Address of Employer:</p> <p>Reason(s) for non performance:</p>	

Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements

No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3.

Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 is indicated below.

Year	Outcome as Percentage of Total Assets	Contract Identification	Total Contract Amount (current value, Rs.)
[insert year]	[insert percentage]	Contract Identification: Name of Employer: Address of Employer: Matter in dispute:	

Form FIN – 3.1

Financial Situation

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

Date: _____

Applicant’s Legal Name: _____

Joint Venture Party Legal Name: _____

Contract:

Page _____ of _____

1. Financial data

Financial information	Historic information for previous years (Rupees in million)		
	Year-1	Year-2	Year-3
Information from Balance Sheet			
Total Assets (TA)			
Total Liabilities (TL)			
Net Worth (NW)			
Current Assets (CA)			
Current Liabilities (CL)			
Net working Capital.			
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 03 (Three) years pursuant to 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).
 - (e) Income Tax Returns for the last three (03) years must be submitted along-with the financial documents.
- (Attached are copies of financial statements (balance sheets, including all related notes, and income statements) for the 03 (Three) 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]

Date: _____

Applicant's Legal Name: _____

Joint Venture Party Legal Name: _____

Contract:

Page ____ of ____

Annual turnover data (construction only)

Year	Amount and Currency	Rupees in million
Year-1		
Year-2		
Year-3		
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.

Specific proposed sources of financing to meet the cash flow of the Project.

Source of Financing	Amount (Pak Rs or equivalent)
1.	
2.	
3.	

(Attach audited financial statements for the last three years (for individual

applicant or each partner of joint venture)

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]

Date: _____

Applicant's Legal Name: _____

Joint Venture Party Legal Name: _____

Contract:

Page ____ of ____

[Identify contracts that demonstrate continuous construction work over the past ten [10] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

Date of award	Date of completion	Contract Identification	Role of Applicant
		Contract name: _____ Brief Description of the Works performed by the Applicant: _____ Amount of contract: _____ Name of Employer: _____ Address: _____	<i>(insert "Contractor")</i>
		Contract name: _____ Brief Description of the Works performed by the Applicant: _____ Amount of contract: _____ Name of Employer: _____ Address: _____	

Form EXP - 4.2

Similar Construction Experience

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

Date: _____

Applicant's Legal Name: _____

Joint Venture Party Legal Name: _____

Contract:

Page ____ of ____

[Identify similar contracts over the past Five (05) years pursuant to Section-III, Qualification Criterial and Requirements, Sub-Factor 4.2. List contracts chronologically, according to their commencement (starting) dates]

Similar Contract No.	Information	
Contract Identification		
Total Contract Amount		
Award date (Letter of Award)		
Completion date (completion Certificate)		
Role in Contract	Contractor	
	%age Amount (specify participation)	Total Amount
If partner in a JV		
Employer's Name:		
Address:		
Telephone/fax number:		
E-mail:		
Description of the		
1. Physical size		
2. Complexity		
3. Method / Technology		

Form EXP - 4.3 Current Commitments (Projects/Works in Hands/ Progress)

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

Date: _____

Applicant's Legal Name: _____

Joint Venture Party Legal Name: _____

Contract:

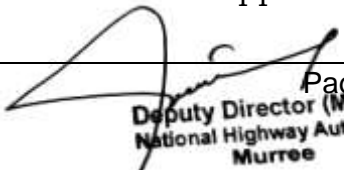
Page _____ of _____

[Identify contracts that demonstrate continuous construction work pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.3. List contracts chronologically, according to their commencement (starting) dates.]

Sr. No	Contract Identification	Name of Employer	Total Value of Work (Rs. in Million)	%age JV Share (in case of JV)	Total Value of work (as per JV share) (Rs. in Million)	Date of Start	*Date of Completion	Total value of Project Completed (as per IPC w.r.t. JV share) (Rs. in Million)	Average monthly invoicing over last six months (Rs. in Million)	Balance Work (as per JV share) (Rs. in Million)	Leftover time in months	Average monthly invoicing of current commitment (to complete the balance work in time (Rs. in Million)
A	B	C	D	E	F = (DxE)	G	H	I	J	K = F-I	L= (H-Base Date)/30	M = K/L

Note: * Latest completion date to be mentioned

- Base date will be the date 28 days prior to the latest date for submission of application/ proposal.
- Letter of Acceptance/ Award has to be provided with the application/


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proposal.

[In accordance with Section-III, Qualification Criteria and requirements – Sub-factor 3.1 and Sub-factor 4.3 to substantiate the adequacy of the sources of finance to meet the applicant’s cash flow requirements on the said contracts].

CL-1

**CREDIT LINE FACILITY
(Bank’s Undertaking)**

To,

General Manager (S-2/S-3 & IMDC)
National Highway Authority
House No. D-190 Upper Chatter,
Muzaffarabad (AJK)

This is to certify that M/s _____ (Name & address of the Applicant) is maintaining their Account No. _____ since _____ with our Bank / Branch.

We also certify that our Bank (Bank name & address) has committed a credit line facility upto Pak. Rs. _____ to M/s (Name of the Applicant) for the project (Project Name) from * _____ to _____ on the basis of their financial strength, market reputation and securities with us.

1. Name _____

2. Designation _____

3. Official Seal _____

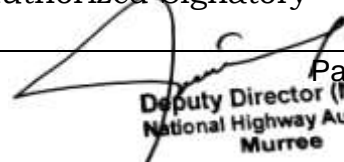
of Authorized Signatory

1. Name _____

2. Designation _____

3. Official Seal _____

of Authorized Signatory


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Note: *Credit Line Letter should be for the complete duration of the project.

PART - 2

Works Requirements

Section V. Scope of Works

Contents

- 1. The Project
- 2. Description of the Works.....
- 3. Construction Period

1. The Project

SPECIAL MAINTENANCE (SLOPE PROTECTION WORK)
KM-44+400
ON IMDC N-75

2. Description of the Works

Description of the works is as under:

1. Structure Slope Protection
2. Deep Drains

3. Construction Period

Completion period of the Project is

construction period will be mentioned in the Bidding Documents