

Request for Qualification (RFQ) –Pre-qualification of Contractors

1. INVITATION FOR PREQUALIFICATION

This is a Request for Qualifications (RFQ) for Construction companies interested in being evaluated to receive future construction tenders for pricing. The purpose of this public tender is to shortlist contractors for a variety of future works in association with KfW-funded programs.

The Prequalification document will be valid for 12 months from the date of announcing the results of this pre-qualification.

This Request for Qualifications will be issued on an annual basis to provide opportunity for additional contractors to be included in the shortlist.

Only shortlisted contractors will receive future Requests for Bids with relevant tender documents whereby contract will be awarded to the most feasible and responsible bid. This Request for Qualifications is issued on an annual basis to provide opportunity for additional contractors to be included on the shortlist.

Individual contracts awarded as a result of Construction Activities under this prequalification may range in USD value from 1,000.00 – 700,000.00. Contracts may be bundled/package to include more than one project, based on a variety of factors.

Statements of Qualifications (SOQs) shall be developed in strict accordance with this request and are to be evaluated in a transparent manner by a committee of reviewers with reference to the evaluation criteria in section III-B1/B2/B3. The purpose of this public tender is to shortlist contractors for a variety of future works in association with KfW donor-funded projects.

Construction of infrastructure projects are generally related to humanitarian programs and may include, but not limited to, new and/or rehabilitation of infrastructure projects. The projects might also include supply of equipment's such as pumps, pipes and others. Construction companies will be expected to accomplish any or all of the following types of activities, as will be detailed in this document.

- I. Category #1 : Buildings
 - a. Construction of buildings (construction of schools, health centers, multi-purpose halls, Gyms, knowledge centers, disabled centers)
 - b. Pre-fabricated construction
 - c. Rehabilitation and maintenance of buildings
 - d. Interior and decoration works
 - e. Solar photo voltaic systems

- II. Category #2 : Water sanitation and hygiene
(Including all works related to water, wastewater, gray water, hygiene and sanitation)
 - a. Pumping stations
 - b. Water tanks
 - c. Rehabilitation of pumping stations
 - d. Rehabilitation of existing ponds and dams
 - e. Rain Water harvesting
 - f. Water treatment - Grey water reuse system, wastewater treatment.
 - g. Water Wells
 - h. Water and Sewerage pipelines
 - i. Installation of pumps
 - j. Electro-mechanical works



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- III. Category #3 : Recreational Facilities
 - a. Parks, sports field, play grounds and other recreational facilities
 - b. Vertical Construction – Shelters, Stadiums, Pavilions etc. (May include lightening, irrigation and water supplies etc.)

- IV. Category #4 : Road:
 - a. Asphalt Pavement
 - b. Concrete pavement
 - c. Graveling road
 - d. Rehabilitation of existing paved/damaged roads

- V. Category # 5: Bridges
 - a. RCC bridges
 - b. Steel Bridges
 - c. Prefabricated bridges
 - d. Rehabilitation/Protection of Existing bridges
 - e. And construction of Culverts with (1 to 5) Meter Span

Note:

- **Prospective contractors have the option to submit their statement of qualifications for one category, two categories or all categories depending on their competencies and experiences.**
- **The offerer shall confirm they have experience developing and conforming to HSE occupational health and safety requirements as applicable locally and as required by the donor. As the project is developed, both the Mercy Corps project management plan and the Contractor's work plan should include detailed requirements related to HSE.**
- **The evaluation process will be conducted for each category separately.**

Mercy Corps has established the following Infrastructure goals relating to Infrastructure projects:

- Deliver projects that align with established donor requirements and beneficiary needs;
- Deliver sustainable projects whose design is easily maintainable by the Community;
- Complete the projects on time and within the allocated budgets;
- Contain a safe environment for all Project personnel at all times;
- Provide, implement, and ensure excellent quality technical requirements and performance throughout design and construction and in accordance with industry standards;
- Deliver infrastructure projects that are in line with all donors regulations and Mercy Corps policies;
- Remain committed to a “project-first,” partnering approach that fosters collaboration, innovation, and efficiencies.

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2. GENERAL

2.1 Scope of Application

This is a Request for Qualifications (RFQ) for Construction companies interested in being evaluated to receive future construction tenders for pricing.

2.2 Mercy Corps' Anti-Bribery and Anti-Corruption Statement

Mercy Corps strictly prohibits:

- Any form of bribe or kickback in relation to its activities

This prohibition includes any request from any Mercy Corps employee, consultant or agent for anything of value from any company or individual in exchange for the employee, consultant or agents taking or not taking any action related to the award of a contract or the contract once awarded. It also applies to any offer from any company or individual to provide anything of value to any Mercy Corps employee, consultant or agent in exchange for that person taking or not taking any action related to the award of the contract or the contract.

- Conflicts of interests in the awarding or management of contracts

If a company is owned by, whether directly or indirectly, in whole or in part, any Mercy Corps employee or any person who is related to a Mercy Corps employee, the company must ensure that it and the employee disclose the relationship as part of or prior to submitting the offer.

- The sharing or obtaining of confidential information

Mercy Corps prohibits its employees from sharing, and any offerors from obtaining, confidential information related to this solicitation, including information regarding Mercy Corps' price estimates, competing offerors or competing offers, etc. Any information provided to one offeror must be provided to all other offerors.

- Collusion between/among offerors

Mercy Corps requires fair and open competition for this solicitation. No two (or more) companies submitting bids can be owned or controlled by the same individual(s). Companies submitting offers cannot share prices or other offer information or take any other action intended to pre-determine which company will win the solicitation and what price will be paid.

Violations of these prohibitions, along with all evidence of such violations, should be reported to: integrityhotline@mercy Corps.org

Mercy Corps will investigate allegations fully and will take appropriate action. Any company, or individual that participates in any of the above prohibited conduct, will have its actions reported to the appropriate authorities, will be investigated fully, will have its offer rejected and/or contract terminated, and will not be eligible for future contracts with Mercy Corps. Employees participating in such conduct will have his/her employment terminated.

Violations will also be reported to Mercy Corps' donors, who may also choose to investigate and debar or suspend companies and their owners from receiving any contract that is funded in part by the donor, whether the contract is with Mercy Corps or any other entity. Corrupt Practices.

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2.3 Fair and Transparent Bidding Process, Core Labour Standards

All parties must comply with applicable labour laws and the Core Labour Standards of the International Labour Organization (ILO) as well as with national and international standards of environmental protection and health and safety standards. The bidder has to inform his staff about their respective obligations and about their obligation to fulfil this declaration of undertaking and to obey the laws of the country of the Islamic Republic of Afghanistan. This must be documented by a corresponding Declaration of Undertaking (DoU; Annex I) and duly authorized representatives of the Applicant must sign the DoU in a legally binding manner. Failure to submit this declaration and non-compliance with the requirements will lead to exclusion from the tender.

2.4 Eligible Applicants

Suppliers may not apply, and will be rejected as ineligible, if they:

- Are not registered companies
- Are bankrupt or in the process of going bankrupt
- Have been convicted of illegal/corrupt activities, and/or unprofessional conduct at any level (domestic, with INGOs, UN agencies, etc)
- Have been guilty of grave professional misconduct
- Have not fulfilled obligations related to payment of social security and taxes
- Are guilty of serious misinterpretation in supplying information
- Are in violation of the policies outlined in Mercy Corps Anti Bribery or Anti Corruption Statement
- Supplier are on any list of sanctioned parties issued by; or are presently excluded or disqualified from participation in this transaction by: the United States Government or United Nations by the United States Government, the United Kingdom, the European Union, the United Nations, German Government, or public international organizations.
- Additional eligibility criteria, if applicable, are stated in this tender package
- A firm shall submit only one application in the same prequalification process

2.5 Certification Regarding Terrorism

It is Mercy Corps' policy to comply with humanitarian principles and the laws and regulations of the United States, the European Union, the United Nations, the United Kingdom, host nations, and other applicable donors concerning transactions with or support to individuals or entities that have engaged in fraud, waste, abuse, human trafficking, corruption, or terrorist activity. These laws and regulations prohibit Mercy Corps from transacting with or providing support to any individuals or entities that are the subject of government sanctions, donor rules, or laws prohibiting transactions or support to such parties.

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2.6 Clarification of Prequalification Document

Questions and Answers (Q&A)
If any, Submit Questions in writing to Af-tender-questions@mercycorps.org or tenders@mercycorps.org
Attention: Pre-Qualification of Construction Contractors - SUN
Last Day for Questions: 26 May 2020
Questions will be answered in writing through email . All received questions along with answers will be shared with all prospective bidders.

3. PREPARATION OF THE APPLICATIONS

3.1 Cost of Application

The Applicant shall bear all costs associated with the preparation and submission of its application. Mercy Corps will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

3.2 Language of Application

The language of the application as well as have all correspondence is: English

4. SUBMISSION OF APPLICATIONS

4.1 Delivery of Applications

The Applicants shall deliver the completed prequalification documents comprising the application to the addresses in Application Data Sheet

Mercy Corps will accept no responsibility for not processing any application that was not delivered or not identified as required.

4.2 Deadline for Submission of Applications

Applications shall be received by Mercy Corps at the locations specified Application Data Sheet no later than the deadline indicated in the Application Data Sheet .A receipt will be given for all applications submitted.

Mercy Corps may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification.

4.3 Late Applications

Any application received by Mercy Corps after the deadline for submission at any location prescribed in this document will be returned unopened to the bidder.

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5. PROCEDURES FOR EVALUATION OF APPLICATIONS

5.1 Confidentiality

The prequalification procedure is confidential. Confidentiality enables the contracting agency and KfW to prevent inadmissible interference. The contracting agency and KfW as well as the persons in charge of the evaluation and preparation of the recommendation for the award of contract therefore will give no information on the evaluation of applications nor make any award recommendation to the applicants or to other persons who are not officially involved in the prequalification procedure. In the case of breach of confidentiality KfW may demand cancellation of the prequalification procedure.

5.2 Clarification of Applications

To assist in the evaluation of applications, Mercy Corps may, at its discretion, ask any bidder 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.

If a bidder does not provide clarifications of the information requested by the date and time set in Mercy Corps's request for clarification, its application may be rejected.

5.3 Responsiveness of Applications

Mercy Corps shall reject any application which is not substantially responsive to the requirements of the prequalification document.

6. EVALUATION OF APPLICATIONS AND PREQUALIFICATION OF APPLICANTS

6.1 Evaluation of Applications

Mercy Corps shall use all the factors, methods and criteria defined in this document, Qualification Criteria to evaluate the qualifications of the Applicants. The use of other factors, methods or criteria shall not be permitted. Mercy Corps reserves the right to waive minor deviations in the qualification criteria if they do not materially affect the capability of a bidder to perform the contract.

Mercy Corps will re-check the data and the reference projects listed in the prequalification documents also during the further bidding process. Mercy Corps reserves the right to disqualify any bidder whose entries in the prequalification documents cannot be verified at any stage of the tender process.

6.2 Mercy Corp's Right to Accept or Reject Applications

Mercy Corps 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 bidders.

6.3 Prequalification of Applicants

Mercy Corps will to the exclusion of all others, prequalify all bidders whose applications have met or exceeded the specified threshold criteria.

6.4 Notification of Prequalification

Once Mercy Corps has completed the evaluation of the applications he shall notify all bidders in writing of the names of those bidders who have been prequalified.

6.5 Invitation to Bid

The results of the prequalification will be a short -list of experienced companies which will be eligible for being invited to submit bids for specific works in tenders under SUN projects.

If invited, Bidders will be required to provide bid security acceptable to Mercy Corps in the form and an amount as to be specified in the bidding document, and the successful bidder will be required to provide a performance security as to be specified in the bidding document.

PART II: APPLICATION DATA SHEET

<p>Deadline for Offer Submission:</p> <p><u>TBD 1 June 2020</u></p>	<p>Pre- Qualification Package available:</p> <p><u>The Package can be found on Mercy Corps website at:</u></p> <p>www.mercycorps.org/tenders</p> <hr/> <p><u>Soft copy submission must be only to the following Email address :</u></p> <p>tenders@mercycorps.org</p>
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II-A. Preparation of Applications

The language of the application as well as have all correspondence is: English.

The Applicant shall submit with its application, the following additional documents:

II-B. Preparation of Applications

- Softcopy SOQs must be submitted via email to **tenders@mercycorps.org** and no other Emails, any offer sent to another Email address will not be considered for evaluation.
- A table of content must be the first page in the category’s submittals file.
- Prospective contractors have the option to submit their statement of qualification for 1 category, 2 categories or all categories depending on their competencies and experiences.
- Eligibility documentations must be in one separate Envelope/Folder.
- Each category submittals must be in a separate Envelope/Folder.
- (E.g. Envelope/Folder 1 for eligibility document, Envelope/Folder 2 for Category# 1 submittals, Envelope/Folder3 for category #2 submittals and Envelope/Folder 4 for category #3 submittals).
- In a situation where a prospective contactor wishes to submit statement of qualifications for 2 or 3 categories, it is recommended NOT to duplicate the submittals (in case of similarity), the contractor can only refer in the table of content in which category file the similar documents are available.
- (e.g. Risk management plan need to be submitted in category “X” file , the contactor need only to refer to category “x” file in category X & Y table of contents.
- The original Statements of Qualifications (SOQs) shall be signed by the offeror or a person or persons duly authorized to bind the SOQs to the any future commitment.

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SECTION III: QUALIFICATION CRITERIA AND REQUIREMENTS

III-A BANKRUPTCY, NON-FULFILLMENT OF OBLIGATIONS AND PROFESSIONAL MISCONDUCT

A bidder may be excluded from participation in this procedure where the bidder:

- (a) Is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
- (b) Is the subject of proceedings for a declaration of bankruptcy, for an order of compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- (c) Has been convicted by a judgement, which has the force of *res judicata* in accordance with the legal provisions of the country of any offence concerning his personal conduct;
- (d) Has been determined guilty of grave professional misconduct (inter alia, bribery, the drawing up of false documents, misrepresentation, the endangering of employees and the finding of a cartel infringement);
- (e) Has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the Contracting Authority;
- (f) Has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the Contracting Authority;
- (g) Is guilty of serious misrepresentation in supplying the information required under this procedure or has not supplied such information;

Bidders shall provide Mercy Corps with evidence that none of the above situations apply.

With regard to (e) and (f) above, the Applicant shall produce a certificate issued by the competent authority.

Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified above, they may be replaced by a declaration on oath or, where there is no provision for declarations on oath, by a solemn declaration made by the bidder before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country from where the bidder comes.

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III-B - QUALIFICATION CRITERIA

Based on the tender submittals, Mercy Corps Tender Committee will conduct a RFQ evaluation process. Mercy Corps reserves the right to accept or reject any or all SOQs, and to accept SOQs deemed to be in the best interest of Mercy Corps. MC will not be responsible for or pay for any expenses or losses which may be incurred by any Offeror in the preparation of their tender.

Technical Evaluations will be conducted as described in the following subsections:

III-B1 - First Stage- Eligibility of the contractor

Based on specific Eligibility requirements, all submitted eligibility documents will be evaluated on **PASS/FAIL** basis, any prospective contractor fail to pass the minimum requirements stated above will be disqualified and no SOQ will be opened for technical evaluation.

PHASE I - INITIAL QUALIFICATION – FOR ALL CATEGORIES		
Note!!!:		
<ul style="list-style-type: none"> • <u>The below documents must be submitted with Envelope/Folder – 1 as per described in RFQ</u> • <i>The below Requirements are mandatory, and in case the company fails to provide the required documents this will result an immediate disqualification for the contractor, the Statement of Qualification will remain sealed and no technical review will be conducted.</i> 		
Description	Required Document	Evaluation
Legal Registration/ Licenses	Proof of local business registration in the Ministry of Commerce and Industries	Pass/Fail
Tax Registration Certificate	Tax Registration Certificate	Pass/Fail
Having an Office/Facility in Kabul	The bidder must have a presence/office/facility based in Kabul.	Pass/Fail
Declaration of Eligibility	Annex A “Mercy Corps Declaration of Eligibility & Supplier Information Form “ (To be filled, signed and stamped by the prospective contractor)	Pass / Fail
	Annex I – Declaration of Undertaking (To be signed and stamped by the prospective contractor)	
Financial Position	Submission of the Company’s financial statement for the last three fiscal years. Bidders shall submit audited balance sheets for the last three years	Pass / Fail
	Annex J - Submission of Contractor's Commitment Letter to Mercy Corps Bonding Policy	
Construction Experience	Proof of Minimum Five (5) years general construction experience in the local market. Bidders must demonstrate that their average annual turnover (defined as the total of certified payment certificates for works in progress or completed) for construction works for over the last five years has exceeded USD 400,000 (Four hundred thousand United States Dollar) or equivalent.	Pass / Fail



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III-B2 - Technical Evaluation (Trade-off method)

Mercy Corps Tender Committee will conduct a technical evaluation for the contractors who will pass the eligibility requirements which will grade technical criteria on a weighted basis (each criteria is given a score points, all together equaling 100 points for each technical evaluation)

Offerors SOQs should consist of all required technical submittals so a Mercy Corps committee can thoroughly evaluate the technical criteria listed herein and assign points based on the strength of a technical submission.

Each individual criteria has been assigned a weighting prior to the release of this tender based on its importance to Mercy Corps in this process. Offeror(s) with passing scores will be included in the approval contractors list.

When performing the Scoring Evaluation, the Mercy Corps Selection Committee will assign points for each criteria based on the following scale:

Point	Rationale
0	Not acceptable; has not met any part of the specified criteria
1-4	Has met only some minimum requirements and may not be acceptable
5	Acceptable
6-9	Acceptable; has met all requirements and exceeds some
10	Acceptable; has exceeded all requirements

Applicants shall demonstrate that they have specific experience of the key aspects of the construction measures anticipated. To this end, they shall demonstrate that they have achieved the following average annual production rates in works of a comparable nature to the proposed contract:

CATEGORY #1 TECHNICAL PROPOSAL EVALUATION for Buildings Category				
Note!!!:				
The below documents must be submitted with Envelope/Folder – 2 as per described in RFQ				
Mercy Corps Tender Committee will conduct a technical evaluation for the contractors who will pass the eligibility requirements which will grade technical criteria on a weighted basis (each criterion is given a score point, all together equaling 100 points). The Minimum Passing Score is 70 points .				
Technical Criteria	Requirement	Weighting Score	Score (1-10)	Weighted Score
Experience in performing relevant projects in Building Categories (e.g. Knowledge centers, Schools, health centers, multipurpose halls Gyms,etc.)	List of relevant completed projects, including Client, USD Value, Duration, Description of Work. Required Criteria as follows:	%45	10	45
	1)Construction of at least 2 - 2 story building in the Kabul vicinity within the past 5 years each with a contract value of at least USD 350,000 ³			
Organizational Capacity	Narrative - organizational structure showing names and positions of existing employees			

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(Workforce, Equipment and Key resources)	<p>Resumes -Key Engineers required criteria as follows: Construction Manager - 7 Years of Experience Design Engineer for Earth Works and Foundations QA/QC Engineer 5 years experience. Safety Officer – 5 years experience Electrical Engineer- 3 years experience Surveyor - 7 Years of Experience Site Engineer - 5 Years of Experience Site Inspector or Foreman (QA) - 5 Years of Experience</p> <p>List of Company's Owned Equipment and Key Resources. Required quantity/criteria as follows: Plotter/Printer (A3 and A4 Size) - 1 pcs Computer with AutoCAD and Design Programs- 1 pcs Water pump – 4 pcs Concrete mixer – 2 pcs Vibrator – 4 pcs Generator - 2 pcs hydraulic excavator , min 1 cubic meter bucket – 1 pcs Lorries – 3 pcs Safety equipmental tools Water tanker 5 m3 Dump truck- 2 vehicales Casting materials and equipment for concrete</p>	%40	10	40
Risk Management Systems	Sample Risk Assessment Matrix	%5	10	5
Risk Insurance	Provision of valid Insurance Policy Coverage of Insurance Policy (Accident, Death, Natural Disaster, etc.)	%10	10	10
	Total Possible Points	%100	10	100
CATEGORY #2 TECHNICAL PROPOSAL EVALUATION for Water Sanitation Category				
<p>Note!!!: The below documents must be submitted with Envelope/Folder – 2 as per described in RFQ Mercy Corps Tender Committee will conduct a technical evaluation for the contractors who will pass the eligibility requirements which will grade technical criteria on a weighted basis (each criterion is given a score point, all together equaling 100 points). The Minimum Passing Score is 70 points.</p>				
Technical Criteria	Requirement	Weighting Score	Score (1-10)	Weighted Score
Experience in performing relevant projects in Water Sanitaton Categories	List of relevant completed projects, including Client, USD Value, Duration, Description of Work. Required Criteria as follows:	%45	10	45

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	<p>1) For sanitation - 5 projects including sanitation components with a value of at least USD 150,000 in the past 5 years.</p> <p>For water supply - 5 projects with a contract value of at least USD 200,000 including at least 2 kilometer of \geq DN 150 piping in the past 5 years</p> <p>For water treatment - 5 projects in the past 5 years with a contract value of at least USD 200,000 including filtration and disinfection with a minimum flow rate of 5.0 m3 per hour.</p>			
Organizational Capacity (Workforce, Equipment and Key resources)	Narrative - organizational structure showing names and positions of existing employees			
	<p>Resumes -Key Engineers required criteria as follows: Construction Manager - 7 Years of Experience Design Engineer for Earth Works and Foundations Safety Officer – 5 years experience QA/QC Engineer – 5 years engineer Surveyor - 7 Years of Experience Site Engineer - 5 Years of Experience Site Inspector or Foreman (QA) - 5 Years of Experience</p>	%40	10	40
	<p>List of Company's Owned Equipment and Key Resources. Required quantity/criteria as follows:</p> <p>Plotter/Printer (A3 and A4 Size) - 1pcs Computer with AutoCAD and Design Programs- 1 pcs Water pump – 4 pcs Concrete mixer – 2 pcs Vibrator – 4 pcs Generator - 2 pcs Lorries – 3 pcs Hydraulic excavator, min 1 cubic meter bucket – 1 pcs Trench vibratory compactor - 2 pieces Water tanker 5 m3 Septic tanker 5 m3 Safety equipment Construction tools (shovel, wheel borrow, pikaxle...) Backhole, wheel loader dump truck Total station or any elevation device such as Nevo</p>			
Risk Management Systems	Sample Risk Assessment Matrix	%5	10	5
Risk Insurance	Provision of valid Insurance Policy			
	Coverage of Insurance Policy (Accident, Death, Natural Disaster, etc.)	%10	10	10
	Total Possible Points	%100	10	100

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CATEGORY#3 TECHNICAL PROPOSAL EVALUATION for Recreational Facilities Category				
Note!!!:				
The below documents must be submitted with Envelope/Folder – 2 as per described in RFQ				
Mercy Corps Tender Committee will conduct a technical evaluation for the contractors who will pass the eligibility requirements which will grade technical criteria on a weighted basis (each criterion is given a score point, all together equaling 100 points). The Minimum Passing Score is 70 points .				
Technical Criteria	Requirement	Weighting Score	Score (1-10)	Weighted Score
Experience in performing relevant projects in Recreational Categories	List of relevant completed projects, including Client, USD Value, Duration, Description of Work.	%45	10	45
	Required Criteria as follows:			
	1) Sport fields - 3 projects including facilities with sports fields, spectator seating and public washrooms with a value in excess of USD 250,000 in the past 5 years.			
Organizational Capacity (Workforce, Equipment and Key resources)	Narrative - organizational structure showing names and positions of existing employees	%40	10	40
	Resumes -Key Engineers required criteria as follows: Construction Manager - 7 Years of Experience Design Engineer for Earth Works and Foundations Safety Officer – 5 years experience QA/QC Engineer – 5 year experience Surveyor - 7 Years of Experience Site Engineer - 5 Years of Experience Site Inspector or Foreman (QA) - 5 Years of Experience			
	List of Company's Owned Equipment and Key Resources. Required quantity/criteria as follows: Plotter/Printer (A3 and A4 Size) - 1pcs Computer with AutoCAD and Design Programs- 1 pcs Water pump – 4 pcs Concrete mixer – 2 pcs Vibrator – 4 pcs Generator - 2 pcs Lorries – 3 pcs Crane -20 tone Safety equipment Construction tools (shovel, wheel borrow, pikaxe...)			
Risk Management Systems	Sample Risk Assessment Matrix	%5	10	5
Risk Insurance	Provision of valid Insurance Policy	%10	10	10
	Coverage of Insurance Policy (Accident, Death, Natural Disaster, etc.)			
	Total Possible Points	%100	10	10
CATEGORY #4 TECHNICAL PROPOSAL EVALUATION for Roads Category				

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Technical Criteria	Requirement	Weighting Score	Score (1-10)	Weighted Score
Experience in performing relevant projects in Roads Categories	List of relevant completed projects, including Client, USD Value, Duration, Description of Work. Required Criteria as follows:	%45	10	45
	1) Three projects each with a contract value over USD 200,000 with more than 2.0 kilometers of two lane asphalt pavement in the past 5 years			
Organizational Capacity (Workforce, Equipment and Key resources)	Narrative - organizational structure showing names and positions of existing employees	%40	10	40
	Resumes -Key Engineers required criteria as follows: Construction Manager - 7 Years of Experience Design Engineer for Earth Works and Foundations Road Engineer – 6 years QA/QC Engineer – 5 years Surveyor - 7 Years of Experience Site Engineer - 5 Years of Experience Site Inspector or Foreman (QA) - 5 Years of Experience			
	List of Company's Owned Equipment and Key Resources. Required quantity/criteria as follows: Plotter/Printer (A3 and A4 Size) - 1pcs Computer with AutoCAD and Design Programs- 1 pcs Water pump – 4 pcs Concrete mixer – 2 pcs Vibrator – 4 pcs Generator - 2 pcs Lorries – 3 pcs Hydraulic excavator. min 1 cubic meter bucket - 1 pcs Grader – 1 pcs, Grader Roller – with vibrator Dump truck Water tanker Small compaction machine Paver Total station Level Loader Safety equipment Construction tools (shovel, wheel borrow, pikaxe...)			

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	Wheel Loader Backhole Rubber roller Asphalt mechanical cutter Asphalt scratcher (used especially to remove the old asphalt layer) Sprinkle and boilers for MC0 Water sprinkle			
Risk Management Systems	Sample Risk Assessment Matrix	%5	10	5
Risk Insurance	Provision of valid Insurance Policy	%10	10	10
	Coverage of Insurance Policy (Accident, Death, Natural Disaster, etc.)			
	Total Possible Points	%100	10	10

CATEGORY # 5 -TECHNICAL PROPOSAL EVALUATION for Bridges Category

Note!!!:

The below documents must be submitted with **Envelope/Folder – 2** as per described in RFQ
 Mercy Corps Tender Committee will conduct a technical evaluation for the contractors who will pass the eligibility requirements which will grade technical criteria on a weighted basis (each criterion is given a score point, all together equaling **100 points**). The Minimum Passing Score is **70 points**.

Technical Criteria	Requirement	Weighting Score	Score (1-10)	Weighted Score
Experience in performing relevant projects in Bridges Categories	List of relevant completed projects, including Client, USD Value, Duration, Description of Work. Required Criteria as follows:	%45	10	45
	2) Three projects with RCC bridges with a span of more than 10 meters Each with a value of at least USD 250,000 in the past 5 years			
Organizational Capacity (Workforce, Equipment and Key resources)	Narrative - organizational structure showing names and positions of existing employees Resumes -Key Engineers required criteria as follows: Construction Manager - 7 Years of Experience Design Engineer for Earth Works and Foundations Surveyor - 7 Years of Experience Site Engineer - 5 Years of Experience Site Inspector or Foreman (QA) - 5 Years of Experience	%40	10	40
	List of Company's Owned Equipment and Key Resources. Required quantity/criteria as follows: Plotter/Printer (A3 and A4 Size) - 1pcs Computer with AutoCAD and Design Programs- 1 pcs Water pump – 4 pcs			

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	Concrete mixer – 2 pcs Vibrator – 4 pcs Generator - 2 pcs Lorries – 3 pcs Hydraulic excavator min 1 cubic meter bucket – 1 pcs Grader Roller – with vibrator Dump truck Water tanker Small compaction machine Paver Total station Level Loader Safety equipment Construction tools (shovel, wheel borrow, pikaxe...) Wheel loader Backhole Scaffolding equipment Concrete casting equipment			
Risk Management Systems	Sample Risk Assessment Matrix	%5	10	5
Risk Insurance	Provision of valid Insurance Policy	%10	10	10
	Coverage of Insurance Policy (Accident, Death, Natural Disaster, etc.)			
	Total Possible Points	%100	10	100

III-B3 - Additional Due Diligence

Upon completion of technical evaluation, Mercy Corps may choose to engage in additional due diligence processes with a particular supplier or supplier(s). The purpose of these processes is to ensure that Mercy Corps engages with reputable, ethical, responsible Suppliers with solid financials and the ability to fulfill the contract. Additional due diligence may take the form of the following processes (though it is not limited to):

- Reference Checks
- Interviews
- Determination of relations and affiliations between offerors
- Checking the contractor financial stability
- Site visit (to the contractor place and workshops by Mercy Corps technical team)
- Other appropriate documented method giving Mercy Corps increased confidence in the supplier's ability to perform

Qualification will be based on meeting all the minimum criteria regarding the Applicant's general and particular construction experience, financial position, and other relevant information as demonstrated in the Applicant's responses to the information forms attached to the Letter of Application given in Section IV. An Applicant's failure to provide all the information required assessing his general and particular experience; his financial position and other relevant information will result in the Applicant failing to qualify.

Mercy Corps reserves the right to waive minor nonconformities if they do not materially affect the capability of an Applicant to perform the contract.

Should the value of pending litigation amount to more than 10% of the Applicant's net worth, the application may be rejected.

Request for Qualification (RFQ) –Pre-qualification of Contractors

The Contractor shall not have an unreasonable number or amount of non-performed contracts. Evaluation will be made by investigating the reasons for non-performance and crosschecking with Mercy Corps.

A summary of the documents that must be attached with the Pre-qualification proposal is provided below;

Srl.	Description of the documents
1	Valid Ministry of Commerce and Industries registration certificate and Valid Tax Registration Certificate – Envelope/Folder 1
3	Sample Risk Assesment Matrix – Envelope/Folder 2
4	A copy of Valid Insurance Policy – Coverage of Insurance – Envelope/Folder 2
5	Letter of Application - Section IV (duly signed and stamped) – Envelope/Folder 2
	Annex A of Section IV – Mercy Corps Declaration of Eligibility and Supplier Information Form Envelope/Folder 1
7	Annex B of Section IV-General Experience- Duly filled and stamped – Envelope/Folder 2
8	Annex C of Section IV-Experience in Works of Comparable Nature - Duly filled and stamped – Envelope/Folder 2
9	Annex D of Section IV-Specific Construction Experience -Duly filled and stamped - Envelope/Folder 2
10	Annex E of Section IV-Financial Information -Duly filled and stamped. Please also attach the financials (audited Balance Sheet, Profit and Loss accounts) for the last three years – Envelope/Folder 1
11	Annex F of Section IV- Personnel Resources -Duly filled and stamped. Please also attached the CVs of the listed staff members - Envelope/Folder 2
12	Annex G of Section IV- Applicant’s Equipment -Duly filled and stamped – Envelope/Folder 2
13	Annex H of Section IV- Information Regarding Litigation - Envelope/Folder 2
14	Annex I of Section IV- Declaration of Undertaking (duly signed and stamped) Envelope/Folder 2
15	Annex J of Section IV- Commitment to Mercy Corps Afghanistan Bonding Policy Envelope/Folder 1

Please note that in the absence of any of the above-listed documents that must be submitted within Envelope/Folder 1, your application will be rejected. All documents must be stamped and signed by the applications.



Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV: APPLICATION FORMS

LETTER OF APPLICATION

Date:

To:

Mercy Corps Afghanistan
House # 1010, Street # 5, Qala-e-Fathullah Kabul Afghanistan
Dear Madam/Sir,

1. We,, being duly authorized to represent and act on behalf of
(Hereinafter referred to as the "Applicant"), hereby apply to be qualified as a potential future bidder for the works contracts "General Works on Rehabilitation of Irrigation System".
2. We have examined and fully understood all the qualification information provided, and have no reservations to the PQD, including Addendum(s).
3. We declare that we and any suppliers for any part of the contract resulting from this prequalification, are eligible in terms of Section 2.4 of this document.
4. We declare that neither we, nor any subcontractors or suppliers for any part of the contract resulting from this prequalification, are ineligible in terms of Section III-A of the PQD.
5. Attached to this letter are Annexes A to J duly completed together with certified copies of original documents as required by the Instructions for Preparation of the Prequalification Document.
6. Mercy Corps and its authorised representatives are hereby authorized to conduct any enquiries or investigations to verify the statements, documents and information submitted in connection with this application and to seek clarification from our bankers and clients regarding the financial and technical aspects of our application. This Letter of Application also serves as authorisation to any individual or authorised representative of any institution referred to in the supporting documentation to this application to provide any information requested by Employer or ourselves to verify the statements and information provided in this application.
7. Mercy Corps and its authorized representatives may contact the following persons for further information or clarification.

<i>General and Managerial Inquiries</i>	
Contact 1: Name	Contact 1: Contact Details
Contact 2: Name	Contact 2: Contact Details

This application is made in the full understanding that:

- (a) Mercy Corps reserves the right to:
 - (i) amend the scope and value of any contracts that may be bid under this project;
 - (ii) Reject or accept any application, cancel the qualification process and reject all applications
- (c) Mercy Corps is under no obligation to inform any affected Bidder or Bidders of the grounds for any action taken in regard to points (b)(i) and (b)(ii) above.

Request for Qualification (RFQ) –Pre-qualification of Contractors

-
8. The undersigned, who is/are properly authorised to do so, declare that all the information provided and the statements made in this duly completed application are complete, true and correct in every detail.
-

Signed
Date
Name and Position
For and on behalf of (name of Applicant or lead partner of a joint venture)

Signed
Date
Name and Position
For and on behalf of (name of partner in a joint venture)
Signed
Date
Name and Position
For and on behalf of (name of partner in a joint venture)

Please us additional sheets if necessary.



Request for Qualification (RFQ) –Pre-qualification of Contractors

Annex A to Letter of Application – Mercy Corps Declaration of Eligibility and Supplier Information Form

The information provided will be used to evaluate the Company before contracting with the Mercy Corps.

Please complete all fields.

Supplier Information

Company Name	
Any other names company is operating under (Acronyms, Abbreviations, Aliases)	
Previous names of the company	
Address	
Website	
Phone/Fax Numbers	Phone: _____ Fax: _____
Primary Contact	Name: Phone Number: Email Address:
# of Staff	
# of Locations	
Avg. Value of Stock on Hand (USD)	
Government - owned (yes/no)	
Name(s) of Board of Directors	
Name(s) of Company Owner(s)	
Parent companies, if any	
Subsidiary or affiliate companies, if any	

Request for Qualification (RFQ) –Pre-qualification of Contractors

Financial Information

Bank Name and Address	
Name under which company is registered at bank	

Product/Service Information

Please list all categories applied for:

List Range of Categories /Services Offered	
--	--

Supplier Self-Certification of Eligibility

Company certifies that:

1. It, its affiliates and subsidiaries, owners, officers, directors and key employees (to the best of its knowledge) are not the subject of any government’s sanctions, designations, donor rules or prohibitions, or laws prohibiting transactions with it/them. It is not the subject of any donor government investigation into its misconduct with any other recipient of that donors funding.
2. It, its affiliates and subsidiaries, owners, officers, directors and key employees have not and do not engage in any form of terrorism or attacks on civilians and do not provide any form of material support or financial resources for individuals or organizations that do engage in any form of terrorism or deliberate attacks on civilians.
3. It, its affiliates and subsidiaries, owners, officers, directors and key employees have not and do not engage in weapons or drugs manufacture, transport, sale or distribution.
4. It is not in default on any material credit agreement, bankrupt or being wound up, are having its affairs administered by the courts, have entered into arrangements with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations.
5. It is has not been determined to be in breach of a material contract by any legal body anytime within the past 2 years.
6. It pays taxes as and when due and is not currently the subject of any investigation or proceeding related to back-owed taxes.
7. It provides workers compensation insurance to its workers in accordance with the laws of the countries where it operates.
8. It pays social security obligations as required in the countries where it operates.
9. It, its owners, officers and directors have not been convicted of an offense concerning its professional conduct and has not engaged in grave professional misconduct.
10. It, its affiliates and subsidiaries, owners, officers, directors and key employees have not been the subject of criminal investigation or judgement for fraud, corruption, human trafficking, spying, weapons transport or smuggling, sexual exploitation or abuse, involvement in a criminal organization or any other criminal activity.
11. It treats its employees with dignity and respect and maintains social operating standards, including:: working conditions and social rights: avoidance of child labor, bondage, forced labor, human trafficking or exploitation; assurance of safe and reasonable working conditions; freedom of association; freedom from exploitation, abuse, and discrimination; protection of basic social rights of its employees and Mercy Corps beneficiaries.



Request for Qualification (RFQ) –Pre-qualification of Contractors

12. To the best of its knowledge, no Mercy Corps employee, officer, consultant or other party related to Mercy Corps has a financial interest in the Company's business activities, nor is any Mercy Corps employee related to any owner, officer, director or employee of the company, and, if so, it will ensure that the relationship is disclosed to Mercy Corps and will not be used for improper influence. Discovery of an undisclosed Conflict of Interest will result in immediate revocation of the Company's Authorized Supplier status and disqualification of Company from participation in future Mercy Corps procurement.
13. It understands that attempting to or agreeing to provide anything of value to any Mercy Corps employee, agent or representative for the purpose of encouraging that person to award Company a contract or take or not take any action related to any contract will result in immediate termination of any agreement. Company certifies that it does not engage in such conduct..
14. It understands that Mercy Corps seeks fair and open competition and the fairest price available and that any attempt by company to subvert fair and open competition, including working with other bidders to fix prices, working to exclude competition, seeking confidential information from Mercy Corps or other bidders, using multiple related or controlled companies to give the appearance of competition, or any similar activity, will result in termination of any agreement. Company certifies that it does not engage in such conduct.
15. It understands that Mercy Corps prohibits any of its partners or suppliers from bribing public officials and certifies that it does not do so.
16. It is not conducting business under other names or aliases that have not been declared to Mercy Corps.

If the Company cannot certify to any of the above it should explain why not. Mercy Corps may take the individual circumstances into account for some situations. However, any false certification could be grounds for immediate disqualification and termination of any future agreement.

By signing the Supplier Information Form you certify that your Company is eligible to supply goods and services to major donor funded organizations and that all of the above statements are accurate and factual.

Company Name: _____

Name of Representative: _____

Title: _____

Signature: _____

Date: _____

Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV

Annex B to Letter of Application – General Experience (this annex to be completed

by single Applicants

Companies Name:

Starting Month / Year	Ending Month / Year	Contract Identification	Role of Applicant
<i>[Indicate month/ year]</i>	<i>[Indicate month/ year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in USD equivalent]</i> Name of Employer: Address:	<i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in USD equivalent]</i> Name of Employer: Address:	<i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in USD equivalent]</i> Name of Employer: Address:	<i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i>

- Employer's references and/or Taking Over Certificates and/or other references for the above projects
- One to two typical photos of each project

Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV

Annex C to Letter of Application – Experience in Works of Comparable Nature

Companies Name:

Works of comparable nature No. <i>[insert number]</i> of <i>[insert number of works of comparable nature required]</i>	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year, i. e., 15 June, 2011]</i>		
Completion date	<i>[insert day, month, year, i.e., 03 October, 2013]</i>		
Role in Contract <i>[check the appropriate box]</i>	Contractor / Lead Partner in JV <input type="checkbox"/>	JV-Partner <input type="checkbox"/>	Subcontractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		USD <i>[insert total contract amount in USD equivalent]</i>
If partner in a JV, or subcontractor, specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in USD equivalent]</i>
Employer's Name:	<i>[insert full name]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert e-mail address, if available]</i>		

Additional copies to be used for each Category# applied for.

Request for Qualification (RFQ) –Pre-qualification of Contractors

Works of comparable nature Contract No. <i>[insert number]</i> of <i>[insert number of contracts required]</i>	Information
Description	
1. Total Contract Amount	<i>[insert amount in USD in words and in figures]</i>
2. Physical size	<i>[insert physical size of activities]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Other Characteristics	<i>[insert other characteristics as described in Section V, Scope of Works]</i>

Additional copies to be used for each Category# applied for.

Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV

Annex D to Letter of Application – Specific Construction Experience (this annex to be completed)

Companies Name:

CATEGORY#1 Engineering Survey and Construction Work for Buildings (fill in Contract name, USD value, number of 2 story building in Kabul and date of completion)					
	2015	2016	2017	2018	2019
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
Total Number of 2 story building projects Average / Year USD					

CATEGORY#2 Water Sanitation (fill in Contract name, USD vale, size of water treatment systems and piping size/length)					
	2015	2016	2017	2018	2019
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
Average / Year USD					

Request for Qualification (RFQ) –Pre-qualification of Contractors

CATEGORY#3 Recreation Fields (fill in Contract name, USD value)					
	2015	2016	2017	2018	2019
[Contract]					
[Contract]					
[Contract]					
[Contract]					
[Contract]					
[Contract]					
Total / year USD					

CATEGORY#4 Roads (fill in Contract name, USD value and length of 2 lane paving)					
	2015	2016	2017	2018	2019
[Contract]					
[Contract]					
[Contract]					
[Contract]					
[Contract]					
[Contract]					
Total / year USD value					
Average length of 2 lane roads per year					

Request for Qualification (RFQ) –Pre-qualification of Contractors

CATEGORY# 5 Bridges(fill in Contract name, USD value and number of RCC bridges > 5 meters)					
	2015	2016	2017	2018	2019
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
<i>[Contract]</i>					
Total / year USD					
Average per year [Number of RCC Bridges > 5 m)					

Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV

Annex E to Letter of Application – Financial Information (this annex to be completed)

1. Applicant's Legal Name:

2. Financial Data

Financial information in (USD equivalent in 000s)	Historic information for previous five years (USD equivalent in 000s)				
	Completed year (2019)	Completed-1 (2018)	Completed - 2 (2017)	Completed - 3 (2016)	Completed - 4 (2015)
Information from Balance Sheet					
Total Assets (TA)					
Total Liabilities (TL)					
Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Liquidity					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					

Use additional copies of this page as necessary.

Request for Qualification (RFQ) –Pre-qualification of Contractors

3.

Year	Amount and Currency	USD equivalent
2019		
2018		
2017		
2016		
2015		
Average Annual Construction Turnover*		

*Average to be calculated from the total certified payments received for construction work in progress or completed, divided by the number of years.

4. Approximate value of work in hand expressed in United States Dollars. (If original figures are in another currency, please state exchange rate used)

5. Applicants shall provide copies of audited balance sheets and consolidated financial statements for the last three years. These balance sheets and statements must:

- (a) Reflect and relate to the financial status of the actual Applicant or partner in a Joint Venture and not to a sister, parent or subsidiary company
- (b) Be audited by a certified accountant
- (c) Be complete and include all notes to the financial statements
- (d) Correspond to accounting periods already completed and audited

6. Applicants shall provide bank references and/or letters of credit to demonstrate that they have access to lines of credit equal to the amount

Attached are copies of original documents of:

- Financial statements (balance sheets, including all related notes, and income statements) for the three years required above.**
- Bank references and/or letters of credit**
- Statement regarding cash flow**

Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV

Annex F to Letter of Application – Personnel Resources (this annex to be completed)

3.1 Number of Staff:

Companies Name:

	Managerial	Technical	Operatives	Administrative	Other (specify)
Nos.					

3.2 Please list current executive directors:

Name	Position	Date appointed as director	Years of experience with company / in construction

3.3 Please explain the proposed project staff organisation

3.4 Names and Experience of Key Staff

The applicant shall provide suitably qualified personnel to fill as a minimum the following key positions. For each position please supply information and Curricula Vitae of a first choice candidate and an alternate, each of whom should meet the experience requirements.

- a. Construction Manager
- b. Design Engineer
- c. Surveyor
- d. Site Engineer
- e. Site Inspector or Foreman (QA)

Additional copies to be used for each Category# applied for.

Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV

Annex H to Letter of Application – Information Regarding Litigation

Companies Name:

- Litigation did not occur during the previous five years
- Litigation took place in the last five years and is detailed below

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

Use additional copies of this page as necessary.



Request for Qualification (RFQ) –Pre-qualification of Contractors

Pending Litigation

- No pending litigation
- The following litigation is pending

Contract Identification	Total Contract Amount (current value, USD equivalent)
<p>Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i></p> <p>Name of Employer: <i>[insert full name]</i></p> <p>Address of Employer: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Amount in dispute</p> <p>Current status of litigation</p>	<p><i>[insert amount]</i></p>

Use additional copies of this page as necessary.

SECTION IV

Annex I to Letter of Application – Declaration of Undertaking

**DECLARATION OF
UNDERTAKING**

To:

Mercy Corps

1. We recognize and accept that KfW only finances projects of the Project Executing Agency (“PEA”)¹ subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:
 - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganization or being in any analogous situation;
 - 2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organization, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU’s financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
 - 2.4) having been subject within the past five years to a Contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
 - 2.5) not having fulfilled applicable fiscal obligations regarding payments of taxes either in the country where we are constituted or the PEA’s country;
 - 2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debar> or respectively on the relevant list of any other multilateral development bank (*in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*); or
 - 2.7) being guilty of misrepresentation in supplying the information required as a condition of participation in the Tender.
3. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:

¹ The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services.

Request for Qualification (RFQ) –Pre-qualification of Contractors

- 3.1) being an affiliate controlled by the PEA or a shareholder controlling the PEA, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;
- 3.2) having a business or family relationship with a PEA's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;
- 3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the PEA;
- 3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the PEA;
- 3.5) in the case of procurement of Works, Plant or Goods:
 - i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;
 - ii. having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract;
4. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
5. We undertake to bring to the attention of the PEA, which will inform KfW, any change in situation with regard to points 2 to 4 here above.
6. In the context of the Tender Process and performance of the corresponding Contract:
 - 6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;
 - 6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and
 - 6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation² (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender-based violence.
7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA and KfW or an agent appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on-the-spot checks and to ensure access to sites and the respective project.
8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors

² In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

Request for Qualification (RFQ) –Pre-qualification of Contractors

under the Contract undertake to preserve above mentioned records and documents in accordance with applicable law, but in any case, for at least six years from the date of fulfillment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with applicable law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the applicable law by the PEA and KfW.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of³: _____

Signature:

Dated:

³ In the case of a JV, insert the name of the JV. The person who will sign the application, bid or proposal on behalf of the Applicant/Bidder shall attach a power of attorney from the Applicant/Bidder.



Request for Qualification (RFQ) –Pre-qualification of Contractors

SECTION IV

Annex J - Commitment to Mercy Corps Afghanistan Bonding Policy

Purpose / Background:

Bonding is the usage of a written instrument that gives a financial guarantee from the supplier and a second party (usually a bank or bonding company) to Mercy Corps in order to ensure fulfillment of certain contractual or other requirements. A bond assures payment of a stipulated amount in case of non-performance on the part of the supplier.

This SOP is to provide procedures for bonding requirements for SUN program-related construction/work tender process.

Scope:

This SOP applies to all SUN construction projects exceeding 20,000 USD. This SOP will be an integral part of the "Request for Qualification Package (Pre-Qualification of Construction Companies)" and "Construction Tender Packages." A commitment letter to MCA Bonding Requirements shall be eligibility criteria for bidders.

Policy:**Tender/Bid Bond:**

The tender bond amount should at least 5% of the total offer amount. Bidders shall submit a bid bond with their tender submittals. The validity date of Tender/Bid Bond must be for two months after the bid/proposal submission date.

Advance Payment Bond:

The Advance Payment Bond is required for all up-front advance payments. The payment bond shall not be less than the amount paid to the contractor as an advance. Both Mercy Corps and contract must agree on the percentage of advance payment in the mandatory written clause in the contract. An advance payment shall only be made upon receiving of Advance Payment Bond. Advance Payment Bond must be returned to the contractor upon completion of the contract, along with the performance bond. An advance payment shall not exceed 20% of the total contract value.

Performance Bond:

A performance bond is required after signing a contract and before contract execution starts and should be equal (20%) to the total contract value. The performance bond must be valid for the contract period and a minimum of three months after the expiry of the contract. The release of a performance bond (and advance payment bond) is subject to receiving the final completion/satisfaction report from the SUN program department.

Warranty/ Maintenance Bond:

The contractor must submit a warranty bond before the final payment is made. The warranty bond should be 10% of the contract value. The validity of the warranty bond must one year after work completion, depending on the complexity and the amount of the contract.

We hereby accept and commit that above Mercy Corps Bonding Policy in the case of being awarded a Contract as a result of this pre-qualification process.

Company Name: _____ **In the capacity of:** _____

Duly empowered to sign in the name and on behalf of :

Signature: _____ **Dated:** _____