



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
Project Management Office – Major Flood Control Projects

**PASIG-MARIKINA RIVER CHANNEL
IMPROVEMENT PROJECT (PHASE III)**
(JICA LOAN No. PH-P252)

CONTRACT PACKAGE NO. 1
**PASIG RIVER (REMAINING WORKS DELPAN BRIDGE TO
NAPINDAN CHANNEL)**

PREQUALIFICATION DOCUMENT
(DRAFT)

FEBURUARY 2013



CTI Engineering International Co., Ltd.

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PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

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A. General

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| 1. Scope of Application | 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer, as defined in the PDS , issues these Sample Prequalification Documents (SPD) to Applicants interested in bidding for the Works described in Section VI, Scope of Works. The reference identification number of the contract, if any, is provided in the PDS . |
| 2. Source of Funds | <p>2.1 The Borrower indicated in the PDS has applied for or received a Japanese ODA Loan from Japan International Cooperation Agency (hereinafter referred to as “JICA”), with the number, in the amount, and on the signed date of the Loan Agreement indicated in the PDS, towards the cost of the project named in the PDS. The Borrower intends to apply a portion of the proceeds of the loan to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted.</p> <p>2.2 Disbursement of a Japanese ODA Loan by JICA will be subject, in all respects, to the terms and conditions of the Loan Agreement, including the disbursement procedures and “Guidelines for Procurement under Japanese ODA Loans”. No party other than the Borrower shall derive any rights from the Loan Agreement or have any claim to loan proceeds.</p> <p>2.3 The above Loan Agreement will cover only part of the project cost. As for the remaining portion, the Borrower will take appropriate measures for finance.</p> |
| 3. Fraud and Corruption | <p>3.1 It is JICA’s policy to require that Bidders and Contractors, as well as Borrowers under contracts funded with Japanese ODA Loans and other Japanese ODA, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, JICA:</p> <ul style="list-style-type: none">(a) will reject a proposal for award if it determines that the Bidder recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question;(b) will recognize a Bidder or Contractor as ineligible, for a period determined by JICA, to be awarded a contract funded with Japanese ODA Loans if it at any time determines that the Bidder or the Contractor has engaged in corrupt or fraudulent practices in competing for, or in executing another contract funded with Japanese ODA Loans or other Japanese ODA. |

4. Eligible Applicants

- 4.1 An Applicant may be a single entity or any combination of entities in the form of joint venture or association (JVA) 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 JVA,
- (a) **unless otherwise specified in the PDS**, all partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms, and
 - (b) the JVA shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the JVA during the prequalification process and, in the event the JVA is prequalified, during the bidding process, and in the event the JVA is awarded the Contract, during contract execution.
- 4.2 An Applicant and all partners constituting the Applicant shall be from an eligible source country as listed in Section V, List of Eligible Countries of Japanese ODA Loans.
- 4.3 An Applicant shall not have a conflict of interest. All Applicants found to have a conflict of interest shall be disqualified from participating in this prequalification process. An Applicant may be considered to have a conflict of interest with one or more parties in this prequalification process if:
- (a) an Applicant has been engaged by the Employer to provide consulting services for the preparation related to procurement for or implementation of the project;
 - (b) an Applicant is any of its associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - (c) an Applicant lends, or temporarily seconds its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project.
- 4.4 An Applicant shall submit only one application in the same Prequalification process, either individually as an Applicant or as a partner of a JVA. 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. No Applicant can be a subcontractor while submitting an application individually or as a partner of a JVA in the same Prequalification process. A subcontractor in any application may participate in more than one application, but only in that capacity.
- 4.5 An Applicant, that has been determined to be ineligible by JICA in accordance with ITA 3, shall not be eligible to be awarded a contract.
- 4.6 Applicants shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.

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| 5. Eligible Goods and Related Services | 5.1 All Goods and related services to be supplied under the Contract to be financed by JICA shall have their origin in any country in accordance with Section V, List of Eligible Countries of Japanese ODA Loans. |
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B. Contents of the Prequalification Documents

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| 6. Sections of Prequalification Documents | 6.1 The documents for the prequalification of Applicants (hereinafter referred to as “Prequalification Documents”) consist of Parts 1 and 2 which comprise all the sections indicated below, and should be read in conjunction with any Addendum issued in accordance with ITA 8. |
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PART 1 Prequalification Procedures

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

PART 2 Works Requirements

- Section VI. Scope of Works
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| 6.2 | The “Invitation for Prequalification” issued by the Employer is not part of the Prequalification Documents. |
| 6.3 | The Employer accepts no responsibility for the completeness of the Prequalification Documents and its addenda unless they were obtained directly from the Employer. |
| 6.4 | The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Documents and to furnish all information or documentation required by the Prequalification Documents. |
| 6.5 | General information on the climate, hydrology, topography, access to site, transportation and communications facilities, medical facilities, project layout, expected construction period, and other services and facilities to be provided by the Employer is furnished in Section VI, Scope of Works. |

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

C. Preparation of Applications

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| 9. Cost of Applications | <p>9.1 The Applicant shall bear all costs associated with the preparation and submission of its application. The Employer shall in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.</p> |
| 10. Language of Application | <p>10.1 The application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in the language specified in the PDS. Supporting documents and printed literature that are part of the application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified in the PDS, in which case, for purposes of interpretation of the application, the translation shall govern.</p> |
| 11. Documents Comprising the Application | <p>11.1 The application shall comprise the following:</p> <ul style="list-style-type: none"> (a) Application Submission Form, in accordance with ITA 12; (b) documentary evidence establishing the Applicant's eligibility to prequalify, in accordance with ITA 13; (c) documentary evidence establishing the Applicant's qualifications, in accordance with ITA 14; and (d) any other document required as specified in the PDS. |

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

D. Submission of Applications

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| 16. Sealing and Identification of Applications | <p>16.1 The Applicant shall enclose the original and the copies of the application in a sealed envelope that shall:</p> <ul style="list-style-type: none"> (a) bear the name and address of the Applicant; (b) be addressed to the Employer, in accordance with ITA 17.1; and (c) bear the specific reference identification number of this prequalification process, if any, indicated in PDS 1.1. <p>16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required.</p> |
| 17. Deadline for Submission of Applications | <p>17.1 Applicants may always submit their applications by mail or by hand. 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.</p> <p>17.2 The Employer may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification Documents in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.</p> |
| 18. Late Applications | 18.1 The Employer reserves the right to accept or reject late applications. |

19. Opening of Applications

- 19.1 The Employer shall prepare a record of the opening of applications that shall include, as a minimum, the name of the Applicant. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications**20. Confidentiality**

- 20.1 Information relating to the evaluation of applications, and recommendation for prequalification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of prequalification is made to all Applicants.
- 20.2 From the deadline for submission of applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process, may do so but only in writing.

21. Clarification of Applications

- 21.1 To assist in the evaluation of applications, the Employer may, at its discretion, ask any Applicant for a clarification of its application which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing.
- 21.2 If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer's request for clarification, its application may be rejected.

22. Responsiveness of Applications

- 22.1 The Employer may reject any application which is not responsive to the requirements of the Prequalification Documents.

23. Subcontractors

- 23.1 Applicants planning to subcontract any of the key activities indicated in Section III, Qualification Criteria and Requirements, 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 subcontractor(s) in Forms ELI-1.2 and EXP (experience)-4.2(b) in Section IV, Application Forms. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in Section III, Qualification Criteria and Requirements.
- 23.2 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**24. Evaluation of Applications**

- 24.1 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.

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- 24.2 Only the qualifications of subcontractors that have been identified in the application may be considered in the evaluation of an Applicant. However, the general experience and financial resources of subcontractors may not be added to those of the Applicant for purposes of prequalification of the Applicant.
- 24.3 **Unless otherwise indicated in the PDS**, this prequalification shall be for a single contract.
- 25. Employer’s Right to Accept or Reject Applications**
- 25.1 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.
- 26. Prequalification of Applicants**
- 26.1 All Applicants, whose applications have been determined to be substantially responsive to the requirements of the Prequalification Documents and who have met or exceeded (“passed”) the specified threshold criteria, shall be prequalified by the Employer.
- 27. Notification of Prequalification**
- 27.1 Once the Employer has completed the evaluation of the applications, it shall notify all Applicants in writing of the names of those Applicants who have been prequalified.
- 28. Invitation for Bids**
- 28.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified.
- 28.2 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.
- 29. Changes in Qualifications of Applicants**
- 29.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 26 and invited to bid shall be subject to a written approval of the Employer prior to the deadline for submission of bids. Any such changes shall be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids. Such approval shall be denied if as a consequence of the change:
- (a) the prequalified Applicant, after the change, no longer substantially meets the qualification criteria set forth in Section III, Qualification Criteria and Requirements; or
 - (b) in the opinion of the Employer, a substantial reduction in competition may result.

Section II. Prequalification Data Sheet

A. General	
ITA 1.1	The reference identification number of this Invitation for Prequalification is: Contract Package No. 1.
ITA 1.1	The name of the Employer is the Government of the Republic of the Philippines represented by the Secretary of Public Works and Highways.
ITA 2.1	The name of the Borrower is the Government of the Republic of the Philippines.
ITA 2.1	<p>The number of the Loan Agreement is: PH-P252</p> <p>The amount of a Japanese ODA Loan is: ¥11,836,000,000</p> <p>The signed date of the Loan Agreement is: 30 March 2012</p>
ITA 2.1	The name of the Project is: Pasig-Marikina River Channel Improvement Project (Phase III)
B. Contents of the Prequalification Documents	
ITA 7.1	<p>For <u>clarification purposes</u> only, the Employer's address is:</p> <p>The Chairman BAC for Civil Works Department of Public Works and Highways 2nd Floor, DPWH Building Bonifacio Drive, Port Area Manila, Philippines</p> <p>Attention: The Project Director Project Management Office - Major Flood Control Projects, Cluster I</p>
C. Preparation of Applications	
ITA 10.1	The language of the application as well as of all correspondence is English.
ITA 11.1 (d)	<p>The Applicant shall submit with its application, the following additional documents:</p> <p>Nil</p>
ITA 15.2	In addition to the original, the number of copies to be submitted with the application is two (2).

D. Submission of Applications	
ITA 17.1	<p>For <u>application submission purposes</u> only, the Employer's address is:</p> <p>The Chairman BAC for Civil Works Department of Public Works and Highways</p> <p>Attn.: The Head Central Procurement Office (CPO) Department of Public Works and Highways 5th Floor, DPWH Building Bonifacio Drive, Port Area, Manila, Philippines</p> <p>The deadline for application submission is:</p> <p>Date: <i>[insert date]</i></p> <p>Time: <i>[insert time, and identify if a.m. or p.m. i.e. 10:30 a.m.]</i></p>
E. Procedures for Evaluation of Applications	
ITA 23.2	At this time the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance (Nominated Subcontractors).
F. Evaluation of Applications and Prequalification of Applicants	
ITA 24.3	As stipulated in ITA 1.1, this prequalification exercise shall be for a single contract.

Section III. Qualification Criteria and Requirements

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1. Eligibility
2. Historical Contract Non-Performance
3. Financial Situation
4. Experience

1. Eligibility

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Subject	Requirement	Single Entity	Joint Venture or Association			Submission Requirements
				All Partners Combined	Each Partner	At Least One Partner	
1.1	Nationality	Nationality in accordance with ITA Sub-Clause 4.2	Must meet requirement	Existing or intended JVA must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in ITA Sub-Clause 4.3	Must meet requirement	Existing or intended JVA must meet requirement	Must meet requirement	N/A	Application Submission Form
1.3	JICA Ineligibility	Not having been declared ineligible by JICA, as described in ITA Sub-Clause 4.5	Must meet requirement	Existing JVA must meet requirement	Must meet requirement	N/A	Application Submission Form

2. Historical Contract Non-Performance

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Subject	Requirement	Single Entity	Joint Venture or Association			Submission Requirements
				All Partners Combined	Each Partner	At Least One Partner	
2.1	History of Non-Performing Contracts	Non-performance of a contract did not occur within the last two (2) years prior to the deadline for application submission based on all information on fully settled disputes or litigation. A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal instances available to the Applicant have been exhausted.	Must meet requirement by itself or as partner to past or existing JVA	N/A	Must meet requirement by itself or as partner to past or existing JVA	N/A	Form CON-2
2.2	Pending Litigation	All pending litigation shall in total not represent more than 50% of the Applicant's net worth and shall be treated as resolved against the Applicant.	Must meet requirement by itself or as partner to past or existing JVA	N/A	Must meet requirement by itself or as a partner to past or existing JVA	N/A	Form CON – 2

3. Financial Situation

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture or Association			Submission Requirements
				All Partners Combined	Each Partner	At Least One Partner	
3.1	Financial Performance	Submission of audited balance sheets or, if not required by the law of the Applicant’s country, other financial statements acceptable to the Employer, for the last five (5) years to demonstrate the current soundness of the Applicant’s financial position and its prospective long term profitability. As the minimum requirement, an Applicant’s net worth, calculated as the difference between total assets and total liabilities, should be positive.	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN – 3.1 with attachments
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of 50,000,000 (fifty million) US\$ equivalent, calculated as total certified payments received for contracts in progress or completed, within the last five (5) years.	Must meet requirement	Must meet requirement	Must meet 25% of the requirement	Must meet 40% of the requirement	Form FIN – 3.2

4. Experience

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Subject	Requirement	Single Entity	Joint Venture or Association			Submission Requirements
				All Partners Combined	Each Partner	At Least One Partner	
4.1	General Construction Experience	Experience under construction contracts in the role of contractor, management contractor, or subcontractor, for at least the last five (5) years prior to the application submission deadline, and with activity in at least nine (9) months in each year.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction Experience	Experience exclusively in the role of prime contractor, in at least three (3) contracts within the last ten (10) years, that have been successfully and substantially completed and that are similar to the proposed Works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Scope of Works.	Must meet requirement	Must meet requirement	N/A	N/A	Form EXP – 4.2 (a)
4.2 (b)		For the above or other contracts executed during the period stipulated in 4.2 (a) above, a minimum construction experience, as prime contractor, management contractor, or subcontractor, in river improvement works involving sheet piling and concrete works.	Must meet requirements	Must meet requirements (can be a specialist subcontractor)	N/A	N/A	Form EXP – 4.2 (b)

Section IV. Application Forms

Table of Forms

Application Submission Form

Form ELI-1.1:	Applicant Information Form
Form ELI-1.2:	Applicant's Partner Information Form
Form CON-2:	Historical Contract Non-Performance
Form FIN-3.1:	Financial Situation
Form FIN-3.2:	Average Annual Construction Turnover
Form EXP-4.1:	General Construction Experience
Form EXP-4.2(a):	Specific Construction Experience
Form EXP-4.2(b):	Specific Construction Experience in Key Activities

Application Submission Form

Date: _____

Reference ID No.: _____

To: *[insert full name of Employer]*

We, the undersigned, apply to be prequalified for the contract of referenced number and declare that:

- (a) We have examined and have no reservations to the Prequalification Documents, including Addendum(s) No(s)._____, issued in accordance with Instructions to Applicants (ITA) Clause 8: *[insert the number and issuing date of each addendum]*.
- (b) We, including any subcontractors or suppliers for any part of the contract resulting from this prequalification process, have nationalities from eligible countries of Japanese ODA Loans, in accordance with ITA Sub-Clause 4.2: *[insert the nationality of the Applicant, including that of all partners in case of a Joint Venture, and the nationality of each already identified subcontractor and supplier of related services, if applicable]*;
- (c) We, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, do not have any conflict of interest, in accordance with ITA Sub-Clause 4.3;
- (d) We, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, have not been declared ineligible by JICA, in accordance with ITA Sub-Clause 4.5;
- (e) We, in accordance with ITA Sub-Clause 23.1, plan to subcontract the following key activities and/or parts of the Works:

[insert any of the key activities identified in Section III- 4.2 (b) which the Applicant intends to subcontract]
- (f) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any application that you may receive nor to invite the prequalified Applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA Clause 25.

Signed: *[insert signature(s) of an authorized representative(s) of the Applicant]*Name *[insert full name of person signing the application]*In the capacity of *[insert capacity of person signing the application]*

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

Applicant's name *[insert full name of Applicant]*Address *[insert street number/town or city/country address]*Dated on *[insert day number]* day of *[insert month]*, *[insert year]*

Form ELI -1.1

Applicant Information Form

Date: _____

Reference ID No.: _____

Page _____ of _____

Applicant's legal name <i>[insert full legal name]</i>
In case of Joint Venture (JV), legal name of each partner: <i>[insert full legal name of each partner in JV]</i>
Applicant's actual or intended country of constitution: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of constitution: <i>[indicate year of Constitution]</i>
Applicant's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full legal name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate E-mail address]</i>
Attached are copies of original documents of <input type="checkbox"/> Articles of incorporation or documents of constitution, and documents of registration of the legal entity named above, in accordance with ITA 4.1 and 4.2. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1.

Form ELI -1.2

Applicant Partner Information Form

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

Date: _____

Reference ID No.: _____

Page _____ of _____

JV Applicant legal name:

[insert full legal name]

Applicant Partner's legal name:

[insert full legal name of Applicant partners]

Applicant Partner's country of registration:

[indicate country of registration]

Applicant Partner's year of constitution:

[indicate year of constitution]

Applicant Partner's legal address in country of constitution:

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

Applicant Partner's authorized representative information

Name: *[insert full legal name]*Address: *[insert street/ number/ town or city/ country]*Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*E-mail address: *[indicate E-mail address]*

Attached are copies of original documents of

- ☐ Articles of incorporation or documents of constitution, and registration documents of the legal entity named above, in accordance with ITA 4.1 and 4.2.

Form CON – 2

Historical Contract Non-Performance

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

Date: _____
 Reference ID No.: _____
 Applicant's Legal Name: _____
 Applicant's Party Legal Name: _____
 Page _____ of _____

1. History of Non-Performing Contracts

Non-Performing Contracts			
<input type="checkbox"/> Contract non-performance did not occur during the two (2) years specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed during the two (2) years specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non performed portion of contract	Contract Identification	Total Contract Amount (current value, US\$ equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for non-performance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

Form CON – 2 (cont)

Historical Contract Non-Performance (cont)

2. Pending Litigation

Pending Litigation			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 as indicated below.			
Year	Outcome as Percentage of Net Worth	Contract Identification	Total Contract Amount (current value, US\$ equivalent)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i>	<i>[insert amount]</i>

Form FIN – 3.1
Financial Situation

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

Date: _____
Reference ID No.: _____
Applicant's Legal Name: _____
Applicant's Party Legal Name: _____
Page _____ of _____

1. Financial data**Historic Information for Previous 5 Years [US\$ Equivalent]**

Year 1	Year 2	Year 3	Year 4	Year 5
_____	_____	_____	_____	_____

Information from Balance Sheet

Total Assets					
Total Liabilities					
Net Worth					
Current Assets					
Current Liabilities					

Information from Income Statement

Total Revenues					
Profits Before Taxes					
Profits After Taxes					

2. Financial documents

The Applicant and its partners shall provide copies of the balance sheets and/or financial statements for 5 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).
- ☐ Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the 5 years, as indicated 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: _____

Reference ID No.: _____

Applicant's Legal Name: _____

Applicant's Party Legal Name: _____

Page _____ of _____

Annual Turnover Data for the Last 5 Years (Construction only)			
Year	Amount Currency	Exchange Rate	US\$ Equivalent
Average Annual Construction Turnover			

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

Form EXP - 4.1

General Construction Experience

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

Date: _____
 Reference ID No.: _____
 Applicant's Legal Name: _____
 Applicant's Party Legal Name: _____
 Page _____ of _____

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

General Construction Experience			
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> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Contractor" or "Subcontractor" or "Management Contractor"]</i>

Form EXP - 4.2(a)

Specific Construction Experience

[The following table shall be filled in for contracts performed by the Applicant, each partner of a Joint Venture. Fill in one (1) form per contract.]

Date: _____
 Reference ID No.: _____
 Applicant's Legal Name: _____
 Applicant's Party Legal Name: _____
 Page _____ of _____

Contract of Similar Size and Nature		
Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information	
Contract Identification	<i>[insert contract name and Reference ID number, if applicable]</i>	
Award Date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>	
Completion Date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>	
Role in Contract	Prime Contractor Only	
Total Contract Amount	<i>[insert total contract amount in US\$]</i>	
If partner in a JV, specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in US\$]</i>
Employer's Name:	<i>[insert full name]</i>	
Address:	<i>[indicate street / number / town or city / country]</i>	
Telephone/Fax Number:	<i>[insert telephone/fax numbers, including country and city area codes]</i>	
E-mail:	<i>[insert E-mail address, if available]</i>	

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

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in US\$]</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 VI, Scope of Works]</i>

Form EXP - 4.2(b)

Specific Construction Experience in Key Activities

Date: _____

Reference ID No.: _____

Applicant's Legal Name: _____

Applicant's Party Legal Name: _____

Page _____ of _____

Fill in one (1) form per contract.

1. Key Activity No. (1) ____: [insert brief description of the Activity, emphasizing its specificity]

Contract with Similar Key Activities			
Item	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award Date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>		
Completion Date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>		
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Subcontractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in US\$]</i>		
If partner in a JV or subcontractor, specify participation of total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in US\$]</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>		

2. Activity No. (2) ____

3. Activity No. (3) ____

Section V. List of Eligible Countries of Japanese ODA Loans

The prime contractor must be of Japanese nationality.

Where the contractor is a joint venture:

- lead partner must be of Japanese nationality;
- other partners may be either of Japanese or Republic of the Philippines nationality;
- the total share of the work of Japanese partners must be more than 50% of the contract amount.

Approved subcontractors may be from all countries and areas.

The total cost of goods and services procured from Japan must be not less than 30% of the total contract amount. In this regard, goods procured from eligible local manufacturing company(ies) invested in by Japanese companies will qualify as Japanese origin if the company(ies) satisfy(ies) the following conditions:

- (a) they are incorporated and registered in the Republic of the Philippines and actually conduct their business there;
- (b) not less than 10% of their shares are held by a single Japanese company; and
- (c) the proportion of shares held by the Japanese company mentioned in (b) above (or the company having the largest share among Japanese companies if more than one Japanese company meet the condition stated in (b) above) is the same as or greater than that of the shares held by any company of a third country.

Further, goods procured from eligible development partners' manufacturing company(ies) invested in by Japanese companies will qualify as Japanese origin if the company(ies) satisfy(ies) the following conditions:

- (d) they are incorporated and registered in a country or area on DAC List of ODA Recipients effective at the time of conclusion of the Loan Agreement and which have their appropriate facilities for producing or providing the goods and services in the country or area and actually conduct their business there;
- (e) not less than one-third of their shares are held by a single Japanese company; and
- (f) the proportion of shares held by the Japanese company mentioned in (e) above (or the company having the largest share among Japanese companies if more than one Japanese company meet the condition stated in (e) above) is the same as or greater than that of the shares held by any company of a third country.

Part 2 – Works Requirements

Section VI. Scope of Works

Contents

1. Description of the Works
2. Construction Period
3. Site and Other Data

1. DESCRIPTION OF THE WORKS

The work involved in Contract Package No. 1 essentially comprises completion of the remaining rehabilitation works and repair of damage caused by Typhoon “Ondoy” along the Pasig River from Delpan Bridge to the Napindan Channel (a distance of 16.4 km).

The main construction works consist of new revetments and parapet walls, improvement and raising of existing revetments, and drainage works.

The approximate quantities of the major items are:

- Steel sheet piling 18, 000 m.
- Concrete 12,000 m³.
- Rip rap / rock fill 60,000 m³.

Due to limited amounts of working space and potential traffic problems, it will be necessary that the major parts of the work be carried out from river-based equipment.

2. CONSTRUCTION PERIOD

The contract construction period will be 3 years.

3. SITE AND OTHER DATA

Project Location

The Project is located in Metro Manila in the southern part of Luzon Island, Republic of the Philippines.

Metro Manila, which encompasses 16 cities and 1 municipality having a total population of around 10 million, is the economic, political and cultural center of the Philippines. The Pasig-Marikina River system, which is the main natural drainage system of the National Capital Region (NCR), runs through the center of Metro Manila and flows into Manila Bay. The 3 largest waterways (Pasig, Marikina and San Juan rivers) with a total catchment area of 621 km² (about 20% of which is situated in Metro Manila) contribute largely to the flooding in the metropolis by riverbank overflow of floodwaters during heavy rains and/or high tides.

The Pasig-Marikina River basin encompasses 14 Local Government Units - Manila, Mandaluyong, Makati, Taguig, Pateros, Pasig, Quezon, Marikina and San Juan in the NCR, and Rodriguez, San Mateo, Antipolo, Cainta and Taytay in Rizal Province, Region IV.

The Project Site is located in a densely populated urban environment, and the available work areas will be very restricted.

Climate

Historically the climate in the Manila area has been that of a typical Southeast Asian monsoon, with a long dry season from November to May and intense rainy periods from June to September.

Typhoons are common from June to November and have a great influence on the climate and weather conditions of the Philippines.

In recent years the weather patterns have been changing, with monsoon rains arriving later and lingering into December and changes in precipitation, temperature, intensity of tropical cyclones and frequency of extreme weather events.

Further details on climatic conditions in the Philippines are available from the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) website www.pagasa.dost.gov.ph.