

Section 4 - Bidding Forms

This section contains the forms to be completed by the Bidder and submitted as part of its Bid.

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Letter of Technical Bid

-- Note --

The bidder must accomplish the Letter of Technical Bid on its letterhead clearly showing the bidder's complete name and address.

Date:

NCB No.:

Invitation for Bid No.:

To: The Chief Engineer,
TWAD Board,
Madurai

We, the undersigned, declare that:

- (a) We have examined and have no reservations to the Bidding Documents, including Addenda issued in accordance with Instructions to Bidders (ITB) 8.
- (b) We offer to design, manufacture, test, deliver, install, pre-commission, and commission in conformity with the Bidding Document the following Plant and Services: [. . . *insert narrative* . . .]
- (c) Our Bid consisting of the Technical Bid and the Price Bid shall be valid for a period of [. . . *insert bid validity period as specified in ITB 20.1 of the BDS* . . .] days from the date fixed for the bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
- (d) We, including any Subcontractors or Manufacturers for any part of the Contract, have or will have nationalities from eligible countries, in accordance with ITB 4.2.
- (e) We, including any Subcontractors or Suppliers for any part of the Contract, do not have any conflict of interest in accordance with ITB 4.3.
- (f) We are not participating, as a Bidder in more than one bid in this bidding process in accordance with ITB 4.3(e), other than alternative offers submitted in accordance with ITB 13.
- (g) Our firm, its affiliates or subsidiaries, including any Subcontractors or Suppliers for any part of the contract, has not been declared ineligible by ADB, under the Employer's country laws or official regulations or by an act of compliance with a decision of the United Nations Security Council.

- (h) [We are not a government-owned enterprise] / [We are a government-owned enterprise but meet the requirements of ITB 4.5].¹
- (i) We agree to permit ADB or its representative to inspect our accounts and records and other documents relating to the bid submission and to have them audited by auditors appointed by ADB.
- (j) If our Bid is accepted, we commit to mobilizing key equipment and personnel in accordance with the requirements set forth in Section 6 (Employer's Requirements) and our technical proposal, or as otherwise agreed with the Employer.

Name

In the capacity of

Signed

Duly authorized to sign the Bid for and on behalf of

Date

¹ Use one of the two options as appropriate.

Bid Security

Bank Guarantee

..... Bank's name, and address of issuing branch or office¹

Beneficiary: *The Executive Engineer, TWAD Board, Sewerage Division, Rajapalayam*

Date:

Bid Security No.:

We have been informed that name of the bidder. (hereinafter called "the Bidder") has submitted to you its bid dated (hereinafter called "the Bid") for the execution of name of contract under Invitation for Bids No. ("the IFB").

Furthermore, we understand that, according to your conditions, bids must be supported by a bid guarantee.

At the request of the Bidder, we name of Bank. hereby irrevocably undertake to pay you any sum or sums not exceeding in total an amount of amount in words (..... amount in figures) upon receipt by us of your first demand in writing accompanied by a written statement stating that the Bidder is in breach of its obligation(s) under the bid conditions, because the Bidder:

- (a) has withdrawn its Bid during the period of bid validity specified by the Bidder in the Letters of Technical and Price Bid; or
- (b) does not accept the correction of errors in accordance with the Instructions to Bidders (hereinafter "the ITB"); or
- (c) having been notified of the acceptance of its Bid by the Employer during the period of bid validity, (i) fails or refuses to execute the Contract Agreement, or (ii) fails or refuses to furnish the Performance Security, in accordance with the ITB.

This guarantee will expire (a) if the Bidder is the successful Bidder, upon our receipt of copies of the Contract Agreement signed by the Bidder and the Performance Security issued to you upon the instruction of the Bidder; or (b) if the Bidder is not the successful Bidder, upon the earlier of (i) our receipt of a copy of your notification to the Bidder of the name of the successful Bidder, or (ii) 28 days after the expiration of the Bidder's bid.

Consequently, any demand for payment under this guarantee must be received by us at the office on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees, ICC Publication No. 458.²

..... Authorized signature(s) and bank's seal (where appropriate)

-- Note --

In case of a joint venture, the bid security must be in the name of all partners to the joint venture that submits the bid.

¹ All italicized text is for use in preparing this form and shall be deleted from the final document.

² Or 758 as applicable.

Technical Proposal

Site Organization

Method Statement

Quality Assurance/ Quality Control Mechanism

Mobilization Schedule

Drawings such as layout Plan and other drawings

Construction Schedule

Plant

Personnel

Equipment

Proposed Subcontractors for Major Items of Plant and Services

Manufacturer's Authorization

Time Schedule

Functional Guarantee of the Proposed Facilities

Site Organization

Method Statement

Quality Assurance/ Quality Control Mechanism

Mobilization Schedule

Drawings such as layout Plan and other drawings

Construction Schedule

Plant

Bidders are required to give elaborate description in line with requirements specified in Section 6 (Employer's Requirements).

Bidders are also required to mention the Area (on the area basis of boundary by the compound wall in Bidder's proposed layout) required by the Proposed Plant enabling the Employer to evaluate and compare the bid price according to 1.3.3 of Evaluation and Qualification Criteria - Section 3. The bidder needs to fill the following tech form mentioning all the units proposed in the treatment plant including open spaces, internal roads, office cum administrative building, space between the plant units and layout boundary etc.,

Tech form

| S.No | Name of Unit | Area required in sq.m |
|------|----------------------------|-----------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| | Total area required | |

Personnel

Form PER – 1: Proposed Personnel

Bidders should provide the details of proposed personnel and their experience record in the relevant Information Forms below for each of the candidate.

| | |
|------|--------------------|
| 1. | Title of position* |
| | Name |
| 2. | Title of position* |
| | Name |
| 3. | Title of position* |
| | Name |
| 4. | Title of position* |
| | Name |
| etc. | Title of position* |
| | Name |

-- Note --

* As listed in Section 6 (Employer's Requirements).

The Bidder shall provide all the information requested below. Use one form for each position.

| | | |
|------------------------------|------------------------------------|--|
| Position | | |
| Personnel information | Name | Date of birth |
| | Professional qualifications | |
| Present employment | Name of employer | |
| | Address of employer | |
| | Telephone | Contact (manager/personnel officer) |
| | Fax | E-mail |
| | Job title | Years with present employer |

Summarize professional experience in reverse chronological order. Indicate particular technical and managerial experience relevant to the project.

[illegible]

Equipment

Form EQU: Equipment

The Bidder shall provide adequate information and details to demonstrate clearly that it has the capability to meet the equipment requirements indicated in Section 6 (Employer's Requirements), using the Forms below. A separate Form shall be prepared for each item of equipment listed, or for alternative equipment proposed by the Bidder.

| | | |
|------------------------------|--|-------------------------------|
| Item of Equipment | | |
| Equipment Information | Name of manufacturer | Model and power rating |
| | Capacity | Year of manufacture |
| Current Status | Current location | |
| | Details of current commitments | |
| Source | Indicate source of the equipment <input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased <input type="checkbox"/> Specially manufactured | |

Omit the following information for equipment owned by the Bidder.

| | | |
|-------------------|---|-------------------------------|
| Owner | Name of owner | |
| | Address of owner | |
| | Telephone | Contact name and title |
| | Fax | Telex |
| Agreements | Details of rental/lease/manufacture agreements specific to the project | |
| | | |
| | | |

Proposed Subcontractors and/or Manufacturers for Major Items of Plant and Services

The following Subcontractors and/or Manufacturers are proposed for carrying out the item of the facilities indicated. Bidders are free to propose more than one for each item.

| Major Items of Plant and Services | Proposed Subcontractors or Manufacturers | Nationality |
|--|---|--------------------|
| | | |

Manufacturer's Authorization

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

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

To: *[insert complete name of the employer]*

WHEREAS

We *[insert complete name of the manufacturer or manufacturer's authorized agent]*, who are official manufacturers or agent authorized by the Manufacturer of *[insert type of goods manufactured]*, having factories at *[insert full address of manufacturer's factories]*, do hereby authorize *[insert complete name of the bidder]* to submit a bid the purpose of which is to provide the following goods, manufactured by us *[insert name and/or brief description of the goods]*, and to subsequently negotiate and sign the Contract.

We hereby extend our full guarantee and warranty in accordance with Clause 27 of the General Conditions of Contract, with respect to the goods offered by the above firm.

Signed: *[insert signature(s) of authorized representative(s) of the manufacturer]*

Name: *[insert complete name(s) of authorized representative(s) of the manufacturer]*

Title: *[insert title]*

Duly authorized to sign this Authorization on behalf of *[insert complete name of the manufacturer]*

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

-- Note --

The bidder shall require the manufacturer to fill out this form in accordance with the instructions indicated. This letter of authorization should be signed by a person with the proper authority to sign documents that are binding on the manufacturer. The bidder shall include it in its bid, if so indicated in the BDS.

Time Schedule

To be used by Bidder when alternative Time for Completion is invited in ITB 13.2.

Functional Guarantee of the Proposed Facilities

Form FUNC

The Bidder shall copy on the left column of the table below, the identification of each functional guarantee required in the Specification and stated by the Employer in EQC 1.3.4 of Section 3, Evaluation and Qualification Criteria, and on the right column, provide the corresponding value for each functional guarantee of the proposed plant and equipment.

| Functional Guarantee | Functional Guarantee Value Offered by the Bidder |
|---|--|
| Qualitative parameters (ie. In final treated effluent) | |
| 1. BOD – 30 mg/l or Less | |
| 2. COD – 50 mg/l or Less | |
| 3. TSS – 100mg/l or Less | |
| 4. Fecal Coliforms (MPN/100 ml) Less than 1000 | |
| 5. pH – 6.5 to 9.0 | |
| 6. Oil and Grease – Less than or Equal to 5 mg/l | |
| 7. Total Nitrogen – 10 mg/ l or less | |
| 8. Ammonia Nitrogen 5 mg / l or less | |
| Quantitative parameters (ie. out-put of the Plant and Facility). | |
| 9. Plant output in 21.85 MLD | |
| 10. Power consumption 450 KWHr / MLD | |

Bidder's Qualification

To establish its qualifications to perform the contract in accordance with Section 3 (Evaluation and Qualification Criteria) the Bidder shall provide the information requested in the corresponding Information Sheets included hereunder.

Form ELI - 1: Bidder's Information Sheet

| Bidder's Information | |
|---|--|
| Bidder's legal name | |
| In case of a Joint Venture, legal name of each partner | |
| Bidder's country of constitution | |
| Bidder's year of constitution | |
| Bidder's legal address in country of constitution | |
| Bidder's authorized representative (name, address, telephone number(s), fax number(s), e- mail address) | |
| Attached are copies of the following documents:. <ul style="list-style-type: none"> <input type="checkbox"/> 1. In case of a single entity, articles of incorporation or constitution of the legal entity named above, in accordance with ITB 4.1 and ITB 4.2 <input type="checkbox"/> 2. Authorization to represent the firm or Joint Venture named above, in accordance with ITB 22.2 <input type="checkbox"/> 3. In case of a Joint Venture, a letter of intent to form a Joint Venture or Joint Venture agreement, in accordance with ITB 4.1 <input type="checkbox"/> 4. In case of a government-owned enterprise, any additional documents not covered under 1 above required to comply with ITB 4.5 | |

Form ELI - 2: Joint Venture Information Sheet

Each member of the Joint Venture must fill out this form separately. Subcontractor must fill out this form.

| Joint Venture/Subcontractor Information | |
|--|--|
| Bidder's legal name | |
| Joint Venture Partner's or Subcontractor's legal name | |
| Joint Venture Partner's or Subcontractor's country of constitution | |
| Joint Venture Partner's or Subcontractor's year of constitution | |
| Joint Venture Partner's or Subcontractor's legal address in country of constitution | |
| Joint Venture Partner's or Subcontractor's authorized representative information (name, address, telephone number(s), fax number(s), e-mail address) | |
| Attached are copies of the following documents: <ul style="list-style-type: none"> <input type="checkbox"/> 1. Articles of incorporation or constitution of the legal entity named above, in accordance with ITB 4.1 and ITB 4.2 <input type="checkbox"/> 2. Authorization to represent the firm named above, in accordance with ITB 22.2 <input type="checkbox"/> 3. In the case of a government-owned enterprise, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITB 4.5 | |

Subcontractors are those listed in Technical Proposal – Proposed Subcontractors and/or Manufacturers for Major Items of Plant and Services.

Form LIT – 1: Pending Litigation and Arbitration**Form LIT – 1: Pending Litigation and Arbitration**

Each Bidder must fill out this form if so required under Criterion 2.2 of Section 3 (Evaluation and Qualification Criteria) to describe any pending litigation or arbitration formally commenced against it.

In case of joint ventures, each joint Venture Partner must fill out this form separately, and provide the Joint Venture Partner name below:

Joint Venture Partner: _____

| Pending Litigation and Arbitration | | | |
|--|--------------------------|---|--|
| Choose one of the following: | | | |
| <input type="radio"/> No pending litigation and arbitration. | | | |
| <input type="radio"/> Below is a description of all pending litigation and arbitration against the Bidder (or each Joint Venture member if Bidder is a Joint Venture). | | | |
| Year | Matter in Dispute | Value of Pending Claim in INR Equivalent | Value of Pending Claim as a Percentage of Net Worth |
| | | | |
| | | | |
| | | | |
| | | | |

Note-

This form shall only be included if criterion 2.2 of Section 3 (Evaluation and Qualification Criteria) is applicable.

Form FIN - 1: Historical Financial Performance

Each Bidder must fill out this form.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name below:

Joint Venture Partner: _____

| | Financial Data for Previous three (3) Years [INR Equivalent] | | |
|--|--|---------|----------|
| | Year 1: | Year 2: | Year __: |

Information from Balance Sheet

| | | | |
|----------------------------------|--|--|--|
| Total Assets (TA) | | | |
| Total Liabilities (TL) | | | |
| Net Worth = TA-TL | | | |
| Current Assets (CA) | | | |
| Current Liabilities (CL) | | | |
| Working Capital = CA – CL | | | |

| | | |
|------------------------------------|--|---|
| Most Recent Working Capital | | To be obtained for most recent year and carried forward to FIN - 3 Line 1; in case of Joint Ventures, to the corresponding Joint Venture Partner's FIN – 3. |
|------------------------------------|--|---|

Information from Income Statement

| | | | |
|-----------------------------|--|--|--|
| Total Revenues | | | |
| Profits Before Taxes | | | |
| Profits After Taxes | | | |

- ☐ Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the last five (5) years, as indicated above, complying with the following conditions.
- Unless otherwise required by Section 3 of the Bidding Documents, all such documents reflect the financial situation of the legal entity or entities comprising the Bidder and not the Bidder's parent companies, subsidiaries or affiliates.
 - Historical financial statements must be audited by a certified accountant.
 - Historical financial statements must be complete, including all notes to the financial statements.
 - Historical financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).

Form FIN - 2: Average Annual Turnover

Each Bidder must fill out this form.

The information supplied should be the Annual Turnover of the Bidder or each member of a Joint Venture in terms of the amounts billed to clients for each year for work in progress or completed, converted to US dollars at the rate of exchange at the end of the period reported.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name below:

Joint Venture Partner: _____

| Annual Turnover Data for the Last three (3) Years | | | |
|--|----------------------------|--------------------------|---------------------------|
| Year | Amount Currency | Exchange Rate | INR Equivalent |
| | | | |
| | | | |
| | | | |
| Average Annual Turnover | | | |

Form FIN – 3: Availability of Financial Resources

Bidders must demonstrate sufficient financial resources, usually comprising of Working Capital supplemented by credit line statements or overdraft facilities and others to meet the Bidder's financial requirements for

- (a) its current contract commitments, and
- (b) the subject contract.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name below:

Joint Venture Partner: _____

| Financial Resources | | |
|-------------------------------------|--|------------------------|
| No. | Source of financing | Amount (\$ equivalent) |
| 1 | Working Capital (to be taken from FIN - 1) | |
| 2 | Credit Line ^a | |
| 3 | Other Financial Resources | |
| Total Available Financial Resources | | |

^a To be substantiated by a letter from the bank issuing the line of credit.

Form FIN- 4: Financial Requirements for Current Contract Commitments

Bidders (or each Joint Venture partner) should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name below:

Joint Venture Partner: _____

| Current Contract Commitments | | | | | | |
|--|------------------|---|--------------------------|--|--|--|
| No. | Name of Contract | Employer's Contact (Address, Tel, Fax) | Contract Completion Date | Outstanding Contract Value (X) ^a | Remaining Contract Period in months (Y) ^b | Monthly Financial Resources Requirement (X / Y) |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| Total Monthly Financial Requirement for Current Contract Commitments | | | | | | INR |

^a Remaining outstanding contract values to be calculated from 28 days prior to the bid submission deadline (INR equivalent based on the foreign exchange rate as of the same date).

^b Remaining contract period to be calculated from 28 days prior to bid submission deadline.

**Form FIN - 5: Self-Assessment Tool for Bidder's Compliance to Financial Resources
(Criterion 2.3.3 of Section 3)**

This form requires the same information submitted in Forms FIN - 3 and FIN - 4. All conditions of "Available Financial Resources Net of CCC \geq Requirement for the Subject Contract" must be satisfied to qualify.

Form FIN - 5A: For Single Entities

| For Single Entities: (A) | Total Available Financial Resources from FIN – 3 (B) | Total Monthly Financial Requirement for Current Contract Commitments (CCC) from FIN – 4 (C) | Available Financial Resources Net of CCC $D = (B - C)$ | Requirement for the Subject Contract (E) | Results: Yes or No [D must be greater than or equal to E] (F) |
|-----------------------------|---|--|---|---|--|
| _____ (Name of Bidder) | | | | | |

Form FIN - 5B: For Joint Ventures

| For Joint Ventures: (A) | Total Available Financial Resources from FIN – 3 (B) | Total Monthly Financial Requirement for Current Contract Commitments (CCC) from FIN – 4 (C) | Available Financial Resources Net of CCC $D = (B - C)$ | Requirement for the Subject Contract (E) | Results: Yes or No [D must be greater than or equal to E] (F) |
|------------------------------|--|--|---|---|--|
| One Partner: | | | | | |
| _____ (Name of Partner) | | | | | |
| Each Partner: | | | | | |
| _____ (Name of Partner 1) | | | | | |
| _____ (Name of Partner 2) | | | | | |
| _____ (Name of Partner 3) | | | | | |
| All partners combined | $\Sigma D =$ Sum of available financial resources net of current contract commitments for all partners | | $\Sigma D =$ _____ | | |

- Note -

Form FIN – 5 is made available for use by the bidder as a self-assessment tool, and by the employer as an evaluation work sheet, to determine compliance with the financial resources requirement as stated in 2.3.3. Failure to submit Form FIN - 5 by the Bidder shall not lead to bid rejection.

Form EXP – 1: Contracts of Similar Size and Nature

Fill out one (1) form per contract.

| Contract of Similar Size and Nature | | |
|--|---|-----------------|
| Contract No of | Contract Identification | |
| Award Date | | Completion Date |
| Role in Contract | <input type="checkbox"/> Contractor <input type="checkbox"/> Management Contractor <input type="checkbox"/> Subcontractor | |
| Total Contract Amount | | |
| If partner in a Joint Venture or subcontractor, specify participation of total contract amount | Percent of Total | Amount |
| Employer's name Address Telephone number Fax number E-mail | | |
| Description of the Similarity in Accordance with Criterion 2.4.1 of Section 3 (Evaluation and Qualification Criteria) Participation in at least one contract for Sewage Treatment Plant other than waste stabilization pond that has been successfully or substantially completed within the last 5 years, where the value of the Bidder's participation exceeds INR 13.50 Crore . The similarity of the Bidder's participation shall be based on the physical size, nature of works, complexity, methods, technology or other characteristics as described in Section 6, Employer's Requirements. | | |
| | | |

Form EXP - 2: Experience in Key Activities

| Fill out one (1) form per contract. Contract with Similar Key Activities | | |
|---|--|--|
| Contract No of | Contract Identification | |
| Award Date | | Completion Date |
| Role in Contract | <input type="checkbox"/> Contractor <input type="checkbox"/> Management Contractor <input type="checkbox"/> Subcontractor | |
| Total Contract Amount | | |
| If partner in a Joint Venture or subcontractor, specify participation of total contract amount | Percent of Total | Amount |
| Employer's name Address Telephone number Fax number E-mail | | |
| Description of the Key Activities in Accordance with Criterion 2.4.2 of Section 3 (Evaluation and Qualification Criteria) For the above or other contracts executed during the period stipulated in 2.4.1 above, "The bidder must demonstrate the experience in the following key activities in a single contract or in different contracts within the last 5 years: | | |
| Design of sewage treatment plant of any capacity of the same technology proposed by the bidder. | Construction, testing, trial run and commissioning of sewage treatment plant of capacity not less than 10 MLD of the same technology proposed by the Bidder. | Completed O&M of a Sewage Treatment Plant other than WSP of any capacity of the same technology proposed by the bidder for a minimum period of 1 year |
| | | |

Form EXP - 3: Subcontractors

Fill out one (1) form per contract.

| Contract for the Major Items | | |
|--|---|-----------------|
| Contract No of | Contract Identification | |
| Award Date | | Completion Date |
| Role in Contract | <input type="checkbox"/> Contractor <input type="checkbox"/> Management Contractor <input type="checkbox"/> Subcontractor | |
| Total Contract Amount | \$ | |
| If partner in a Joint Venture or subcontractor, specify participation of total contract amount | Percent of Total | Amount |
| Employer's name Address Telephone number Fax number E-mail | | |
| Description of the Major Items in Accordance with Criterion 2.5 of Section 3 (Evaluation and Qualification Criteria) Experience of having completed at least one contract of size and complexity similar to the proposed subcontract within the last five (5) years. | | |
| | | |