

Tender No.

186071

Amendment No. 3

**REQUEST FOR QUALIFICATION (RFQ)
FOR THE ENGINEERING, PROCUREMENT AND
CONSTRUCTION OF A WATER MANAGEMENT
SYSTEM FOR THE PANAMA CANAL**

RFQ – Scope of Works, Functional Requirements,
Qualification and Evaluation Criteria



AUTORIDAD DEL CANAL DE PANAMÁ
REPÚBLICA DE PANAMÁ



November 9, 2020

To Whom It May Concern:

The Autoridad del Canal de Panamá (“ACP”) is pleased to present this Request for Qualifications (“RFQ”) for the engineering, procurement and construction of a Water Management System for the Panama Canal Watershed (the “Project”).

Capitalized terms not defined in this letter shall have the meanings given to them in the RFQ.

In view of the worldwide COVID-19 pandemic and in accordance with recommendations issued by the Ministry of Health of the Republic of Panama, there will be a virtual public meeting for all interested parties, on December 11, 2020 at 10:00 a.m., Republic of Panama local time. For further details on this meeting, please review paragraph 4.1 Procurement Process of this RFQ.

Interested parties may submit queries in writing using the Query Submittal Form (Annex 5, included at the end of the RFQ), by email to the ACP in order to clarify the terms and conditions of this RFQ. All queries in relation to this RFQ must be sent no later than December 28, 2020, to:

Mrs. Kerube Oduber de Sinclair
Contract Specialist
Autoridad del Canal de Panamá
E-mail: KOdubersinclair@pancanal.com

This RFQ, and any amendment to this RFQ, will be published using the Tender Online System on the ACP website at <https://pancanal.com/eng/procsales/buy.html>; therefore, it is the obligation of any interested party to continuously review this website for any amendments.

Interested parties must send **one (1) original and three (3) printed copies, as well as one (1) electronic copy in USB format**, of their Statements of Qualifications (each a “Statement of Qualifications”), in accordance with the terms and conditions of this RFQ, as follows:

Dates and times for Receipt of Statements of Qualifications (Panama local time):
Monday, January 25, 2021 (from 8:00 a.m. through 3:00 p.m.)
Tuesday, January 26, 2021 (from 8:00 a.m. through 3:00 p.m.)

Place for Receipt of Statements of Qualifications:
Centro de Capacitación Ascanio Arosemena, Building 701
Balboa, Republic of Panama

Any documentation received after the date and time stated for receipt of Statements of Qualifications, will not be accepted and therefore will not be considered for evaluation purposes.

For further details on the submittal of the Statements of Qualifications, please review paragraph 4.1.1 Statements of Qualifications Submissions of this RFQ.

The ACP looks forward to receiving and reviewing Statements of Qualifications sent in response to this RFQ,

Sarinder Singh
Contracting Officer

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1 INTRODUCTION

The Panama Canal Authority (“ACP”), an autonomous legal entity established under public law, pursuant to Title XIV of the Constitution of the Republic of Panama and organized by Law No. 19 of June 11, 1997, requests Statements of Qualifications from entities (“Tenderers”) desiring to prequalify to participate in the engineering, procurement and construction of a water management system project within the Panama Canal Watershed (as defined below).

The ACP is issuing this RFQ under the authority of the Acquisition Regulation (as defined below) and other applicable provisions of law. The ACP intends to evaluate Statement of Qualifications and select a shortlist of Tenderers based on the evaluation criteria set out in this RFQ (each a “Shortlisted Tenderer”). The ACP will not be required to shortlist all Tenderers who issue a compliant Statement of Qualifications. Shortlisted Tenderers will be eligible to submit proposals for the execution of the Project (“Bid Proposals”) pursuant to and in response to a Request for Proposals (“RFP”) to be issued by the ACP to Shortlisted Tenderers only.

The Shortlisted Tenderer selected by the ACP to implement the Project (the “Contractor”) shall be awarded a contract for the Project (the “Contract”), which shall be made in accordance with the terms and conditions of the RFP and based on the FIDIC Silver Book (FIDIC Conditions of Contract for EPC/Turnkey Projects), amended for the Project and ACP requirements.

2 DEFINITIONS

“ACP”: The “Autoridad del Canal de Panamá” (Panama Canal Authority). The autonomous entity, established under public law, in charge of the Panama Canal administration.

“Acquisition Regulation”: The compilation of the agreements issued regarding the acquisition regulation of the Panama Canal Authority, approved by Agreement No. 24 of October 4, 1999 as amended, available on the ACP’s website at www.pancanal.com.

“Adequate English Language Proficiency”: A person who is a C1/C2 Proficient User in understanding, speaking and writing the English language, as defined by the ©Council of Europe Common European Framework of Reference for Languages ((CEFR) in Table 2 (CEFR 3.3): Common Reference levels: Self-assessment grid, available at: <https://www.coe.int/web/common-european-framework-reference-languages/table-2-cefr-3.3-common-reference-levels-self-assessment-grid>.

Such Table 2 (CEFR 3.3) Self-assessment grid is also downloadable via the following link: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168045bb52>.

“Bid Proposal”: Has the meaning given to it in **Section 1 Introduction** of this RFQ.

“Contract”: Has the meaning given to it in **Section 1 Introduction** of this RFQ.

“Contracting Officer”: The ACP employee authorized to contract on behalf of the ACP as established in Article 10 of the Acquisition Regulation. The Contracting Officer has delegated authority to conduct this Prequalification, coordinate the Evaluation Committee and award the Contract. The ACP’s procedures require the appointment of a Contracting Officer with respect to all contracts, and provide that only the Contracting Officer is authorized to issue resolutions in response to RFQs and RFPs, enter into contracts on behalf of the ACP, modify such contracts, give formal work orders, confirm acceptance of work, and issue other administrative acts.

“Contractor”: Has the meaning given to it in **Section 1 Introduction** of this RFQ.

“Contractor’s Equipment”: Means all apparatus, equipment, machinery, construction plant, vehicles and other items required by the Contractor for the execution of the Works. Contractor’s Equipment excludes Temporary Works, plant, materials and any other things intended to form or forming part of the Permanent Works.

“Earned Value” or **“EV”**: The value of work performed expressed in terms of the approved budget assigned to that work for an activity or work breakdown structure component, as defined by PMI® PMBOK® Guide.

“Employer’s Requirements”: Means the document entitled ‘Employer’s Requirements’, to be included in the Contract and a draft of which is to be issued with the Request for Proposals (RFP), and any additions and modifications to such document in accordance with the Contract. Such document will describe, but not be limited to, the purpose(s) for which the Works are intended, key personnel, the scope, and design and performance, technical and evaluation criteria, for the Works to be executed under the Contract.

“Evaluation Committee”: The ACP employees designated and authorized by the ACP to evaluate SOQs and to identify Shortlisted Tenderers based on the evaluation criteria set out in this RFQ.

“FIDIC® Standard Prequalification Forms for Contractors”: Means the forms set out in Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide 1st Edition (2011) ISBN 978-2-88432-062-5, as such forms have been adapted and set out in **Section 7 FIDIC® Standard Prequalification Forms for Contractors** of this RFQ.

“IDAAN”: The Panamanian “Instituto de Acueductos y Alcantarillados Nacionales” (Institute of National Aqueducts and Sewerages).

“Joint Venture” or **“JV”**: A joint venture, association, consortium or other unincorporated or incorporated grouping of two or more companies, whether in the form of a partnership, special purpose incorporated entity or otherwise.

“Large Dam”: Shall be understood, for the purpose of this RFQ, as “*a dam with a height of 15 metres or greater from lowest foundation to crest*”, as defined by the International Commission on Large Dams (ICOLD). Downloadable at: https://www.icold-cigb.org/GB/dams/definition_of_a_large_dam.asp.

“Last X (number) years (requirements timeframe)”: Unless otherwise defined, refers to the period of time counted backwards from January 1, 2020.

“Net Worth”: The value of all non-financial and financial assets owned by company minus the value of all outstanding liabilities. For the purposes of the RFQ, the Net Worth will be calculated as the book value of Assets minus Liabilities, of the most current fiscal year.

“Panama Canal”: The Panama Canal, including the waterway itself, as well as its anchorages, berths, and entrances; lands and sea, rivers and lake waters; locks; auxiliary dams; dikes and water control structure.

“Panama Canal Watershed”: As per Law 19 of June 11, 1997. “The geographic area whose surface and underground waters flow toward the Panama Canal or are emptied into it, as well as into its reservoirs and lakes.”

“Parent Company”: Means, with respect to any person, a direct or indirect parent company of such person.

“Permanent Works”: Means the works of a permanent nature which are to be executed by the Contractor under the Contract.

“Planned Value” or **“PV”**: The authorized budget assigned to the work to be accomplished for an activity or work breakdown structure component, as defined by PMI® PMBOK® Guide.

“PLD”: The Precise Level Datum of the Panama Canal waterway.

“Prequalification”: The process set out in the Acquisition Regulation to identify the Tenderers to advance to the RFP stage of the procurement process.

“Program”: A holistic and integrated solution to solve the problem of quantity, quality, and control of water for the Panama Canal, which consists of two components, including the Project.

“Project”: Has the meaning given to it in the cover letter to this RFQ.

“Project Area”: The area under the Panama Canal Authority administration, control or jurisdiction, within the boundaries of the Gatun Lake to an elevation of 100 ft PLD (this will be confirmed in the RFP).

“Projects/programs of similar size, scope, and technical complexity”: Means projects or programs substantially equivalent in size, scope and technical complexity to a Required Work Package.

“Required Work Package” or **“RWP”**: Has the meaning given to it in **Section 5.3.6.2 Requirements** of this RFQ.

“Responsive”: Refers to a SOQ that meets the requirements identified in this RFQ.

“RFP”: Has the meaning given to it in **Section 1 Introduction** of this RFQ.

“RFQ”: Has the meaning given to it in the cover letter to this RFQ.

“Schedule Performance Index (SPI)”: Is a measure of progress achieved compared to progress planned on a project and is equal to the ratio of the EV to the PV ($SPI=EV/PV$), as defined by PMI® PMBOK® Guide.

“Shortlisted Tenderer”: Has the meaning given to it in **Section 1 Introduction** of this RFQ.

“Smart Water Management”: Should be understood, for the purpose of this RFQ, as the use of information and communication technology solutions such as sensors, monitors, geographic information systems, satellite mapping, digital twins, internet of things and other data sharing tools to provide real-time, automated data for use in resolving water challenges through integrated water resource management. Reference downloadable at: <https://www.iwra.org/>

“Statement of Qualifications” or **“SOQ”**: Means a statement of qualifications submitted by a Tenderer pursuant to and in response to this RFQ.

“Tenderer’s Team”: The Tenderer and any proposed subcontractor.

“Temporary Works”: Means all temporary works of every kind (other than Contractor’s Equipment) required on the Project site(s) for the execution of the Works.

“Tenderer”: Has the meaning given to it in **Section 1 Introduction** of this RFQ.

“Tenderer’s Submitted Portfolios” or **“TSP”**: Has the meaning given to it in **Section 5.3.6.2 Requirements** of this RFQ.

“Works”: Means the Permanent Works and the Temporary Works, or either of them as appropriate.

3 SCOPE OF WORKS AND FUNCTIONAL REQUIREMENTS

The paramount objective of the Program is to provide a holistic and integrated solution to solve the problem of quantity, quality, and control of water for the Panama Canal Watershed considering the requirements of water for both human consumption and Panama Canal operations, adopting United Nations Sustainable Development Goals. For information purposes only, a conceptual cause-and-effect synopsis of the problem is illustrated in **Section 9, Panama Canal Watershed: Comprehensive water problem definition**.

The Program will be divided in two components:

The first component of the program, which is the subject of this RFQ, will have the objective of maximizing the yield of the existing Panama Canal Watershed in meeting the paramount objective of the Program.

The second component of the program, will cover additional water needs required to meet the paramount objective of the Program, and may have to be satisfied by a project or a portfolio of projects outside of the Panama Canal Watershed. The second component will be addressed under a separate tendering process.

The Contractor that has been awarded the first component will not be precluded from participating as a tenderer for the solicitation for the second component.

The intention of the first component is that the Contractor shall be responsible for the concept, design and construction of the Works, for identifying the site(s) on which the Works will be located in the Project Area and for all investigations, surveys and studies on the topography and physical conditions (whether natural or man-made) of those site(s) including (but not limited to) the sub-surface, hydrological, climatic and environmental conditions at those site(s) and the suitability of those site(s) for the Project. The ACP shall have no responsibility for suitability of the design, the suitability of the site(s) on which the Works are located, the accuracy, sufficiency or completeness of any data or information made available to Tenderers in accordance with this RFQ, the RFP or the Contract, or any failure to provide any such information.

3.1 PROJECT – ADDITIONAL FRESHWATER STORAGE CAPACITY

3.1.1 HIGH-LEVEL SCOPE OF WORKS

The Works for this Project shall consist of all studies, preliminary and detailed design, engineering, procurement, installation and construction works required to deliver: water-retaining hydraulic structures; their special water-control hydraulic structures; strengthened saddle dams; supervisory control and data acquisition (SCADA) systems; structural health and monitoring systems; integrated water management systems and buildings; and all temporary and ancillary works required for the safe, effective and efficient filling, operation and maintenance of new-built freshwater reservoirs within and up to a maximum normal operational level of +30.48 m PLD (100 ft PLD) line contour, always within parcels under the Panama Canal Watershed.

3.1.2 HIGH-LEVEL FUNCTIONAL REQUIREMENTS

3.1.2.1 PERFORMANCE CRITERION: CONTRACTOR'S SOLUTION(S) SHALL MAINTAIN THE PRISMATIC VOLUME OF THE NEW GATÚN NAVIGATIONAL CHANNEL TO ENSURE SAFE NAVIGATION AT OPTIMUM GUARANTEED GATÚN LAKE LEVEL.

Rules: Contractor's solution(s) shall ensure safe navigation at optimum guaranteed Gatún Lake level for transiting vessels. Such minimum guaranteed Gatún Lake level shall be around 25.00¹ m PLD. The (new-to-be) minimum draft for the Gatún navigational channel shall be around 14.32² meters at tropical freshwater.

Result: Contractor's solution(s) shall deliver a preserved volume of (new-to-be) Gatún navigational channel compliant with the required performance.

3.1.2.2 PERFORMANCE CRITERION: CONTRACTOR'S SOLUTION(S) SHALL BUILD ADDITIONAL FRESHWATER STORAGE CAPACITY, WITHIN GATÚN LAKE FOOTPRINT.

Rules: Contractor's solution(s) shall provide for (new-to-be) reservoir(s). Each and every of such (new-to-be) reservoir(s) shall be constructed within the footprint of the Gatún Lake. The maximum operational level of (new-to-be) reservoirs shall be 30.48m PLD. Contractor's solution(s) shall provide a minimum additional freshwater storage capacity estimated around 1,100³ million cubic meters.

Result: Contractor's solution(s) shall deliver additional freshwater storage capacity.

3.1.2.3 PERFORMANCE CRITERION: CONTRACTOR'S SOLUTION(S) SHALL PROTECT FRESHWATER INTAKES FOR POTABLE WATER TREATMENT PLANTS FROM ANY SALTWATER INTRUSION, IN A SUSTAINABLE MANNER.

Rules: Contractor's solution(s) shall include all potable water treatment plants located on the banks of Gatún Lake footprint and shall also include any additional water treatment plants projected to be built by year 2034.

Result: Contractor's solution(s) shall deliver protected freshwater intakes for potable water treatment plants, from any saltwater intrusion in a sustainable manner.

3.2 PROGRAM – INTEGRATED WATER MANAGEMENT AND CONTROL SYSTEM

3.2.1 HIGH-LEVEL SCOPE OF WORKS

Contractor shall deliver a physical system to monitor, control and automate the physical solutions designed and constructed. The physical system will in turn be a part of the water digital twin of the Panama Canal and compatibility between systems has to be validated. This includes, but is not limited to: the procurement, installation, integration, testing and commissioning of sensors, flow meters, level meters, water quality probes, bathymetry measurement drones, metocean and

¹ Rough approximations provided for reference and information purposes only. Final functional and performance requirements shall be set out in the RFP - Employer's Requirements.

² Ibid.

³ Ibid.

hydromet instrumentation, remote sensing, Geographic Information Systems (GIS), Building Information Modelling (BIM), Structural Health Monitoring System (SHMS), software, hardware, among other elements required for the real-time reporting, monitoring and control of each and every one of the tributary inputs and outputs of the Panama Canal Watershed.

- **Goals.** Contractor shall deliver the physical instrumentation to provide data acquiring, monitoring systems and automation solution prioritizing security, speed, availability, efficiency, and reliability.
- **Inputs.** Contractor shall deliver built-in capacity of the new infrastructure and systems to be plugged in and integrated into a digital twin, which shall be regulated through several inputs including physical readings from sensors, meters and actuators.
- **Interoperability.** Selection criteria of physical instrumentation shall take into account licenses, software and equipment requirements and it shall be standardized to guarantee compatibility for the centralized digital management system of the Panama Canal.
- **Security.** Contractor must comply with all the parameters necessary to have a robust and agile system. Technological security requirements for the physical assets provided must comply with parameters established within the Panama Canal as well as with integration standards and strategies at the national level.

3.2.2 HIGH-LEVEL FUNCTIONAL REQUIREMENTS

3.2.2.1 PERFORMANCE CRITERION: CONTRACTOR'S SOLUTION(S) SHALL DEVELOP A DIGITAL TWIN OF THE PANAMA CANAL WATERSHED AND STRUCTURES.

Rule: Contractor's solution(s) shall deliver the physical components to be integrated into a problem-solving framework for complex, physics-driven, occurrences to replicate the behavior of its corresponding real-world twin.

Result: Contractor's solution(s) shall deliver the physical components of an accurate digital twin that mimics the real systems, in short time steps. It shall be scalable both in its complexity and in the physical area and assets that it is built to represent. The physical components shall be compatible with the digital framework parameters established for the Panama Canal.

3.2.2.2 PERFORMANCE CRITERION: CONTRACTOR'S SOLUTION(S) SHALL ACHIEVE AN OPTIMAL CONTROL OVER THE PREVIOUS TWO COMPONENTS OF THE PROGRAM.

Rule: Contractor's scale version of the Panama Canal Watershed and this Project's structures shall be an integrated multi-physics, multiscale, probabilistic simulation of the interactions of all the Panama Canal's water and operations systems.

Result: Contractor's solution(s) shall deliver water and operations monitoring systems which must include this Project's infrastructure for the additional freshwater storage capacity.

3.3 INFORMATIVE COMMENTARY ON RFP

3.3.1 SUFFICIENCY OF TIME AND SITE DATA FOR BID PROPOSALS

The ACP will provide certain technical information, site data and items of reference relating to the topography, sub-surface, hydrological, climatic, and environmental conditions to the Shortlisted Tenderers. The ACP shall have no responsibility for the accuracy, sufficiency or completeness of

such information (or any responsibility for any information not provided), nor shall such information relieve the Shortlisted Tenderers of their responsibility to identify the site(s) on which the Project is located, for all investigations, surveys and studies on the topography and physical conditions (whether natural or man-made) of those site(s) including (but not limited to) the sub-surface, hydrological, climatic and environmental conditions at those site(s) and the suitability of those site(s) for the Project, and generally to self-inform themselves about all matters that are relevant to the Project.

The Tenderers should be advised that for the RFP the areas where the Works will be executed will be available for inspections and surveys.

The Shortlisted Tenderers will be allowed sufficient time to: duly scrutinise and check the accuracy and sufficiency of any information supplied by the ACP (including any draft Employer's Requirements); obtain all necessary information to duly assess risks, contingencies and other circumstances which may affect the Works; and duly carry out site investigations, surveys, studies, and preliminary design work for the purpose of pricing their Bid Proposals.

3.3.2 EVALUATION AND SELECTION CRITERIA FOR BID PROPOSALS

The evaluation and selection criteria for Bid Proposals will be defined in detail in the RFP. Preliminary criteria may include, without limitation, the following categories and/or criteria:

- Financial and price
- Organisation structure/key personnel
- Resources: labour and subcontractors
- Resources: plant, equipment, and facilities
- Programme time schedule (submittals specified in the draft Employer's Requirements to be submitted with the Bid Proposal)
- Method statements (submittals specified in the draft Employer's Requirements to be submitted with the Bid Proposal)
- Life cycle costing and sustainability (submittals specified in the draft Employer's Requirements to be submitted with the Bid Proposal)
- Commitments: other contracts in progress
- Quality management system
- Risk, health and safety management system
- Environmental management system
- Litigation and arbitration history
- Cost benefit approach (marginal benefit of the solution)

3.3.3 CONTRACTUAL RISK ALLOCATION FOR BID PROPOSALS

The Contract will be based on the FIDIC Silver Book (FIDIC Conditions of Contract for EPC/Turnkey Projects), as amended for ACP and Project requirements, which shall include and/or require the matters set out at Section 4.3 Statements Required of this RFQ.

The Contract may provide that specified permits relating to the Panama Canal Watershed will be obtained by the ACP, provided that the Contractor will be responsible for providing all necessary information and documentation to the ACP, assisting the ACP in obtaining such permits. All assistance, support, information and documents required to obtain such permits shall be within the scope of the Contract. The Contractor will be responsible for obtaining all other permits

required for the Project or the Works that are not specified in the Contract as the ACP's responsibility.

3.3.4 PANAMANIAN LEGISLATION AND REGULATIONS

The Contractor shall comply with all relevant Panamanian legislation and regulations, including taxes and labor regulations.

4 GENERAL INSTRUCTIONS AND CONSIDERATIONS

4.1 PROCUREMENT PROCESS

The ACP seeks to have the Project executed pursuant to an engineering, procurement and construction contract which will be awarded to the Contractor following a two-phase procurement process: (i) Prequalification of Tenderers pursuant to this RFQ; and (ii) tendering, pursuant to a RFP which the ACP will issue to Shortlisted Tenderers only.

Tenderers shall respond to this RFQ with a Statement of Qualifications and Shortlisted Tenderers shall respond to the RFP with a Bid Proposal. Prequalification is based on a combination of pass/fail criteria and weighted qualifications to select the Shortlisted Tenderers. The ACP will evaluate the SOQs received, with its own personnel and any consultants the ACP requires. The ACP anticipates that it will shortlist the five (5) Tenderers that obtain a 'pass' in all of the pass/fail criterion and attain the highest number of points in the weighted qualifications.

The ACP will not be required to conduct any further evaluation of a Statement of Qualifications that fails to meet all of the minimum pass/fail requirements.

There will be a maximum of five (5) Shortlisted Tenderers selected based on ACP's evaluation of the SOQs. If less than five (5) SOQs are received or if there are less than five (5) Shortlisted Tenderers, ACP may, in its sole discretion: (i) proceed with Prequalification; (ii) terminate the procurement process; or (iii) reinstate Prequalification with revised criteria and/or requirements.

Evaluations and rankings of SOQs will be conducted by the ACP's personnel. The ACP may employ consultants, professionals, specialists or other advisors as required to evaluate any particular aspects of the SOQs. The ACP shall finally determine the Shortlisted Tenderers in accordance with the evaluation procedure described in this RFQ. The ACP will publish on its website and may communicate via press releases and other means a list of the names of the Shortlisted Tenderers.

A new virtual public meeting will be held on December 11, 2020 at 10:00 a.m. Republic of Panama local time, where the Contracting Officer will make a presentation and address all clarifications and requests for review received by interested parties pursuant to this paragraph. The meeting will be held via Zoom, and the participation will be limited to two (2) persons per company. In order to participate, all interested parties must send the email addresses of the proposed participants, and any queries they would like to have clarified and/or reviewed by the ACP during the meeting, not later than December 2, 2020.

All participants will also have the opportunity to request clarifications during the meeting via Zoom, which the ACP will address at the end of the presentation, to the extent possible. All questions received (prior and during the meeting) and their appurtenant responses, will be published through an amendment to this RFQ.

No one-on-one meetings will be held between the ACP or their consultants and the Tenderers during Prequalification. Tenderers shall abstain from contacting ACP officials or advisors or requesting personal interviews.

The ACP intends, if necessary, to make one single round of requests for clarifications to all Tenderers. Therefore, Tenderers must present the information requested in the RFQ in a clear,

complete and thorough manner. Should the ACP determine the need to clarify any information submitted by a Tenderer, the ACP, in its sole discretion, may request such clarification and the Tenderer shall clarify and submit any requested documentation no later than 3 working days after the ACP's request.

All communications and information exchanges between the ACP and the Tenderers shall be in writing by email (or as otherwise required by the ACP) to the Contracting Officer. The ACP intends to share all queries submitted by a Tenderer, and the corresponding response, with all Tenderers, unless a specific request is made by the Tenderer that a query be considered confidential (provided that the ACP shall not be required to respond to a confidential query). All queries shall be submitted in the English language, in the form set out in Annex 5 (Query Submittal Form) included at the end of the RFQ. The ACP will not divulge the identity of the Tenderer that submitted each query.

All the information submitted as part of the SOQ shall be in the English language, except for documentation originally issued in Spanish, which may be submitted in Spanish. All translations to the English language must be done by a certified translator.

With the SOQ submission, the Tenderer accepts all the terms and conditions of this RFQ. The ACP will reject any SOQ that imposes conditions for its acceptance.

4.1.1 STATEMENTS OF QUALIFICATIONS SUBMISSIONS

Interested parties must send **one (1) original and three (3) printed copies, as well as one (1) electronic copy in USB format**, of their Statements of Qualifications (each a "Statement of Qualifications") in accordance with the terms and conditions of this RFQ, as follows:

Dates and times for Receipt of Statements of Qualifications (Panama local time):

Monday, January 25, 2021 (from 8:00 a.m. through 3:00 p.m.)
Tuesday, January 26, 2021 (from 8:00 a.m. through 3:00 p.m.)

Place for Receipt of Statements of Qualifications:

Centro de Capacitación Ascanio Arosemena, Building 701
Balboa, Republic of Panama

Should there be any differences between the printed versions and the electronic version of the Statement of Qualifications, the original printed version will prevail.

Any documentation received after the date and time stated for receipt of Statements of Qualifications, will not be accepted and therefore will not be considered for evaluation purposes.

4.1.2 COLLUSION AND IMPROPER CONTACTS

- a. Tenderers are required to participate in Prequalification and prepare and submit a SOQ with professional integrity, on arms-length basis and free of lobbying activities directed at the ACP, its advisors and consultants and other entities of the Government of Panama. Tenderers are advised that Article 1A of the Acquisition Regulation will apply to this RFQ-, which provides that *"ACP contracting processes prohibit the making of agreements, contracts,*

understandings, or the collusive financial and legal connection among all or several bidders for the purpose of affecting or restricting the principles of concurrence, competition, and equality among participants, in such manner that may cause injury to the administration in its attempts to obtain goods and services of sufficient or optimum quality, better prices, and other conditions favorable to the interest of the Authority”.

- b. Tenderers and their agents and consultants are not permitted to contact, directly or indirectly, any member of the Evaluation Committee, ACP’s administration, ACP’s board of directors, ACP’s advisory board, ACP’s staff or ACP’s consultants regarding the subject matter of this RFQ after the issuance date of this RFQ, except as specifically permitted hereby or approved in advance by the ACP Contracting Officer. Improper contacts include all activities, communications or actions intended to obtain privileged, inside or confidential information or to attempt to obtain favors, special consideration or waivers or to influence or interfere with the proceedings or outcome of the procurement process.
- c. Any verified allegation that a prospective Tenderer or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, ranking, and/or selection of Shortlisted Tenderers may be cause for ACP to bar the Tenderer from submitting a SOQ, to disqualify any Tenderer from participating in the procurement, and/or to discontinue further consideration of such Tenderer and to return its SOQ. Following the selection of the Shortlisted Tenderers, the ACP anticipates that certain communications and contact with the ACP will be permitted. The RFP and/or other written communications from ACP will set forth the rules and parameters of such permitted contact and communications.
- d. Prospective Tenderers or their agents shall not issue press releases, communiqués, or publish ads or advertisements, or give interviews in which their possible participation in the Project is discussed.

4.1.3 ETHICS

The Tenderer, by submitting the SOQ, warrants that it has not, and none of its board members, agents or employees have, directly or indirectly, in any way or manner, unlawfully paid any sums, whether in local currency or another currency and whether in the Republic of Panama or elsewhere or unlawfully given or offered to give any gifts in the Republic of Panama or elsewhere in violation of applicable laws including without limitation applicable anti-corruption legislation from the respective jurisdiction of the Tenderer or any similar law of the Republic of Panama, to:

- a. Any person while knowing that all or a portion of such payment will be offered, given or promised to any government officials or employees, political parties, political party officials or political candidates; or
- b. Any government officials or employees, political parties, political party officials or political candidates in each case to procure any governmental approval in connection with the prequalification of the Tenderer.
- c. The Tenderer warrants that it has an ethics or compliance program or similar policy-document which implements internal policies and procedures to prevent and detect violations of law, regulations and rules, and to promote ethical behavior by and within it.

4.1.4 STIPENDS

The ACP is considering paying each unsuccessful Shortlisted Tenderer which submits a compliant and responsive Bid Proposal a stipend for a fixed amount. If applicable, the ACP will indicate the amount to be paid as a stipend to unsuccessful Shortlisted Tenderers in the RFP.

Specific provisions regarding payment of (any) stipulated amount shall be included in the RFP and shall include, without limitation, the following conditions to payment:

- a. submission of a responsive and compliant Bid Proposal for the Project - in accordance with all of the requirements of the RFP;
- b. the Bid Proposal remaining valid until the Contract is awarded;
- c. the ACP being granted ownership of all intellectual property rights in the information, concepts, designs and documents contained in the Shortlisted Tenderer's Bid Proposal. The ACP shall reserve the right to use the information, concepts, designs and documents contained in the Shortlisted Tenderer's Bid Proposal for the purpose of the Project whether or not the Shortlisted Tenderer is selected by the ACP to enter into the Contract.
- d. submission of a release of any and all claims relating to the selection process and final award.

4.1.5 CONFLICTS OF INTEREST

Tenderers are advised that the following entities and individuals will be precluded from submitting a SOQ and from participating as a Tenderer, or subcontractor/subconsultant to a Tenderer:

- a. Any consultant firm that has been contracted by the ACP to serve as owner's representative, project manager, legal advisor, financial advisor, risk advisor, program manager, project designer or to aid in the development of the RFQ and RFP, or to participate in any manner in the evaluation of SOQs or Bid Proposals for the Project.
- b. Any consultant firm or its affiliate that is contracted by the ACP to provide financing, risk management services, insurance brokerage, legal services, engineering design, or inspection for the Project.
- c. Any entity that is a parent, affiliate, or subsidiary of any of the foregoing entities, in paragraph a above or that is under common ownership, control or management of any of entities in paragraph a above.

4.2 CHANGES TO TENDERER'S ORGANISATION

The ACP may, in its complete discretion, deem a Tenderer's SOQ as non-Responsive if the composition of that Tenderer's shareholders or partners or their share percentage in the Tenderer changes between the submission of the SOQ and the date of Prequalification determination, or less than thirty (30) calendar days prior to the date established in the RFP for submission of Bid Proposals. Outside of these timeframes, the Tenderer shall promptly seek the ACP's approval of any intended change and provide the ACP with complete details of the proposed change so as to enable the ACP's consideration thereof. The information to be provided, where applicable, will be the same as that required in this RFQ.

The ACP may, in its sole discretion, accept or reject proposed changes, and may seek additional information regarding any proposed changes to the Tenderer's organisation. The ACP may also request from Tenderers, clarifications and additional information as to publicly announced mergers or acquisitions.

The ACP may, in its complete discretion, deem a Tenderer's SOQ as non-Responsive if the Tenderer enters into a merger agreement with any other Tenderer.

The Tenderer shall not elect to change the list of proposed subcontractors and key personnel submitted in the SOQ without the prior approval of the ACP. If any change(s) become necessary,

the Tenderer shall submit for the ACP's approval, details of any new subcontractor(s) or key personnel. Any replacement subcontractor(s) or key personnel shall be equivalent or better than the previous subcontractor or key personnel in the sole judgement of the ACP.

4.3 STATEMENTS REQUIRED

The Tenderer shall submit as part of the SOQ, the ANNEX 1 – DECLARATION BY TENDERER. The Tenderer also accepts that the RFP shall reflect ACP's requirements and will be governed by the Acquisition Regulation.

The Tenderer by submitting a SOQ for this RFQ also accepts that the Contract will be based on the FIDIC Silver Book, amended for the ACP and Project requirements, which shall include and/or require the following, without limitation:

1. A fixed price lump sum for the entire Project, being the first component of the Program, which includes the concept, design, procurement and construction of the Works to be performed within the Panama Canal Watershed;
2. A guaranteed date for completion of the Project;
3. Delay liquidated damages, payable in the event of delay to completion;
4. A guaranteed minimum Project performance with an uncapped make-good obligation to achieve guaranteed minimum performance requirements;
5. A cash equivalent on-demand performance security [in the form of a standby letter of credit or performance bond] in a form and from an entity acceptable to the ACP to secure Contractor's performance of the Project. Depending on the Contractor entity, Contractor's parent may be required to guarantee Contractor's obligations under the Contract;
6. That contractor shall be solely responsible for the concept, design, procurement and construction of the Project;
7. Notwithstanding the provision of any outline design by the ACP, Contractor shall be solely responsible for identifying the site(s) on which the Project will be located and for all investigations, surveys and studies on the topography and physical conditions (whether natural or man-made) of those site(s) including (but not limited to) the sub-surface, hydrological, climatic and environmental conditions at those site(s) and the suitability of those site(s) for the Project;
8. The ACP shall have no responsibility for suitability of the design, the suitability of the site(s) on which the Project are located, the accuracy, sufficiency or completeness of any data or information made available to Tenderers in accordance with this RFQ, the RFP or the Contract, or any failure to provide any such information; therefore, Shortlisted Tenderers will be responsible for validating and/or obtaining the data or information required to submit their Bid Proposal;
9. Dispute resolution provisions – strict time limits for notifying, making and pursuing claims – Dispute Adjudication Board and International Arbitration;
10. Governing law of the Contract – the Law of the Republic of Panama (as applicable to contracts entered into by the ACP);
11. The Project shall be designed to achieve a specified minimum time of Project life;
12. Guarantees of performance; and
13. Maximum maintenance cost guarantee.

4.4 ACP RESERVED RIGHTS

In connection with the procurement process of the Project, the ACP reserves all rights available to it under applicable law, including without limitation, the right to:

- a. Cancel this RFQ or any subsequent RFP in whole or in part at any time prior to the entry into the Contract by the ACP and Contractor, without incurring any cost obligations or liabilities.
- b. Not issue an RFP.
- c. Modify any or all dates set or projected in this RFQ.
- d. Suspend and terminate discussions and clarifications at any time and elect not to commence the Contract discussions and clarifications with any or all responding Tenderer(s).
- e. Issue amendments, addenda, supplements and modifications to this RFQ at any time and for any reason.
- f. Appoint evaluation committees to review SOQs, make recommendations to the Evaluation Committee and seek the assistance of outside technical experts and consultants in the SOQ evaluation.
- g. Require confirmation of information furnished by a Tenderer, require clarification of information provided by a Tenderer concerning its SOQ and require additional evidence of qualifications to perform the work described in this RFQ.
- h. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
- i. Add, delete or make changes to Tenderer's responsibilities or any information contained in this RFQ or any subsequent RFP.
- j. Permit clarifications of a SOQ if and to the extent requested by the ACP.
- k. Disqualify any Tenderer who changes its SOQ.
- l. Exercise any other right reserved or afforded to ACP under this RFQ and applicable law.
- m. Modify or include statements on the RFP.
- n. Undertake the Project by another process.

This RFQ does not commit the ACP to determine the Shortlisted Tenderers, to enter into the Contract, or to proceed with the Project described herein. The ACP assumes no obligations, responsibilities or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or any subsequent RFP. All such costs shall be borne solely by each Tenderer whether the process concludes in the Contract or not.

In no event shall the ACP be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as the Contract, in form and substance satisfactory to the ACP, has been executed and authorized by the ACP and, then, only to the extent set forth therein.

4.5 PROTESTS

- a. Protests, for purposes of this RFQ, are challenges made within an RFQ process against the requirements (content) of the RFQ, or against the disqualification of any Tenderer.
- b. To be admitted, protests shall be received in the Office of the Projects and Contracts Administration Manager, located at Building 710, Balboa, Republic of Panama, who shall resolve the protest within a period of thirty (30) calendar days, counted from the date it is admitted.
- c. The protest must clearly state that it is a protest, challenge or claim against the content of the RFQ or the disqualification of the Tenderer, it must include general information on the

protester, the RFQ which is being protested, a request for correction and copies of the pertinent documents.

- d. Protests against the content of the RFQ documents do not require a protest bond and must be presented 15 (fifteen) days before the SOQ due date and time in English and Spanish.
- e. The decision which determines the Tenderers who are short-listed in response to this RFQ will be notified via the Internet for a term of three working days, at the end of which it will be deemed to be officially notified. Protests may be submitted during the following seven working days after notification of the ACP's determination, both in English and Spanish, and they shall be directed to the address indicated in the Office of the Projects and Contracts Administration Manager.
- f. Protests against the disqualification of a Tenderer do not require a protest bond.
- g. The resolution of the protest issued by the Office of the Projects and Contracts Administration Manager concludes the administrative recourse provided for under this RFQ.

4.6 NOTARIZATION AND LEGALIZATION OF DOCUMENTS

The following documents provided by the Tenderer must be notarized, and in the case of documents issued or signed outside the Republic of Panama, must be also legalized by a Consular Office of the Republic of Panama or certified with an apostille conformant with the 1961 Hague Convention Abolishing the Requirement for Legalization for Foreign Public Documents:

- a. Documents of incorporation or updated certificates as may be the case. If a Tenderer is partially or wholly owned subsidiary of a Parent Company, documents of incorporation shall also be provided for the Parent Company.
- b. Any Power of Attorney.

In view of the COVID-19 pandemic, the ACP is aware that, in some countries, it may not be possible to notarize and legalize documentation. Should a Tenderer be in this situation, it shall notify the Contracting Officer and provide appurtenant evidence showing that the Tenderer's country is unable to issue notarizations and legalizations because of the COVID-19 pandemic. The ACP reserves the right to verify the information and request any additional data on the subject.

4.7 INSURANCE STRUCTURE

The Tenderers must submit a suggested insurance structure, together with their estimate of coverage, limitations and sums insured that, based on their expertise, will attend to the requirements of the Project.

5 QUALIFICATION AND EVALUATION CRITERIA

The Prequalification of Tenderers will be based on a combination of pass/fail criteria and weighted qualifications.

The information submitted in response to the Administrative and Contractual Requirements (described in **Section 5.1 Administrative and Contractual Requirements** below) will be evaluated using a pass/fail criterion. The information submitted in response to the Financial Stability Requirements (described in **Section 5.2 Financial Stability Requirements** below) and the Engineering and Technical Requirements (described in **Section 5.3 Engineering and Technical Requirements** below), will be evaluated using weighted qualifications. The ACP reserves the right to not evaluate the information submitted in response to the Financial Stability Requirement and the Engineering and Technical Requirements if a Tenderer does not pass each and every Administrative and Contractual Requirement.

The Project will be executed with an integrated, FIDIC Silver Book based, contract format, amended for the Project and ACP requirements. The ACP's intent is to fully evaluate in the Statement of Qualification (SOQ) each Tenderer's qualification as an integrated and distinct entity.

No Joint Ventures will be allowed for this RFQ, as the intention of the ACP is to have a relationship with only one established contractor that has appropriate experience, qualifications and capability to perform, and is responsible for performing the whole of the Works required for the Project.

The Prequalification of Tenderers will be based on a combination of pass/fail criteria and weighted qualifications.

Tenderers must include ANNEX 4 – COMPLIANCE TABLE as part of the documentation of the SOQ.

The ACP intends, if necessary, to make one single round of requests for clarifications to all Tenderers. Therefore, Tenderers must present the information requested in the RFQ in a clear, complete and thorough manner.

5.1 ADMINISTRATIVE AND CONTRACTUAL REQUIREMENTS

The Administrative and Contractual Requirements are to be evaluated on a pass/fail basis. To pass the requirements, the Tenderer shall have fully completed and submitted all of the documentation listed below and must demonstrate that it directly satisfies the limit requirements. The Tenderer shall pass each and every Administrative and Contractual Requirement to be deemed as responsive.

5.1.1 SUBMITTALS AND REQUIREMENTS

Tenderers must fully complete and submit the documents listed below.

5.1.1.1 TRANSMITTAL LETTER

Tenderer shall enclose a transmittal letter in the form set out in **ACP Template A - Transmittal Letter** with its SOQ submission. The duly authorized person submitting the SOQ on behalf of the Tenderer must execute (sign) the transmittal letter, with an acknowledgment of amendments.

5.1.1.2 TENDERER INFORMATION

Tenderer must submit its full name, title, firm name, main address, business type, phone number, and email address.

5.1.1.3 DOCUMENTS OF INCORPORATION

Tenderer must submit documents of incorporation or updated certificates as may be the case, issued by Public Registry of Panama or the equivalent for foreign companies, evidencing the establishment of the Tenderer as a legal entity, as well as the authorized representative, who acts on behalf of the Tenderer, such as a legal representative or a Chief Executive Officer. The documentation must indicate the following:

- a. Details of (i) the percentage interest of any shareholders holding 10% or more of the total Tenderer's shares, and (ii) the types of shares issued by the Tenderer.
- b. Name and information of any holding company if applicable.
- c. If the Tenderer belongs to a corporate group, it shall identify the name of the corporate members.
- d. If a Tenderer is a partially or wholly owned subsidiary of a Parent Company, documents of incorporation shall also be provided for the Parent Company. If a Tenderer is a subsidiary or is partially or wholly owned by a Parent Company, the Tenderer must provide a parent guarantee in the name of the Tenderer at the time of submission of a Bid Proposal in response to the RFP.
- e. Name, title, address, phone number and email of the person duly authorized to act on behalf of the Tenderer, to sign the SOQ and to be the single contact with the ACP during the whole RFQ and RFP processes.

If this person is different from the authorized representative, the Tenderers shall provide a power of attorney that duly authorizes this person to act on behalf of the Tenderer with full capacity to bind the Tenderer.

5.1.1.4 ORGANISATIONAL STRUCTURE

Tenderer shall submit detailed information to the ACP which clearly documents the structure and relationship of Contractor and any proposed subcontractors, and the roles and responsibilities of each party. The organisational structure shall evidence that the work to be performed by Contractor, with his own personnel, equipment, and material, is equivalent to a minimum of **seventy percent (70%)** of the Works.

5.1.1.5 REFERENCE LETTERS

Tenderer shall submit three (3) commercial reference letters and three (3) financial references. The financial institution reference letters must be in form and substance satisfactory to the ACP and include, at least, the information indicated in **ACP Template B - Financial Institution Reference Letter** (whether submitted using Template B or not). The financial institution reference letters must come from commercial banks or other financial institutions with a long term,

unsecured debt rating of not less than “A” or “A2”, as applicable, issued by at least two (2) of the three (3) major rating agencies (Fitch Ratings, Moody’s Investor Service and Standard & Poor’s Ratings Group).

The Tenderer is not required to submit bonds with their SOQ. However, the ACP does seek to secure evidence that the Tenderer has adequate bonding capacity for the Project. Therefore, in order to demonstrate this, the sum of the amounts indicated in the three financial institution reference letters should evidence capacity to support the issuance of a cash equivalent on-demand standby letter of credit, or performance bond in a form and from an entity acceptable to the ACP for an amount in aggregate no less than USD 550 million.

5.1.1.6 FORM 840-B

Tenderer shall include ANNEX 3 FORM 840-B as part of the documentation of the SOQ. The information required in this form will be used by the ACP to assign the shortlisted status to Tenderers in ACP’s financial system.

5.2 FINANCIAL STABILITY REQUIREMENTS

Evaluation plan in section: 6.1.

[Weighting percentage = 20%, minimum score = 0 points, maximum score = 10 points]

To satisfy the requirements, the Tenderer shall have fully completed and submitted all of the documentation listed below and must demonstrate that it directly satisfies the limit requirements.

5.2.1 SUBMITTALS

To comply with the Financial Stability Requirements, the Tenderers must fully complete and submit the documents listed below. If a Tenderer is relying on its Parent Company, the documents shall also be completed and submitted by the Tenderer’s Parent Company. Tenderers must include financial information in Excel, when applicable, in the electronic copy of the Statement of Qualifications to be submitted in USB format.

5.2.1.1 FINANCIAL REQUISITES FORM

The Tenderer must submit a completed Financial Requisites form in the form set out in **Template C - Financial Requisites**.

5.2.1.2 AUDITED FINANCIAL STATEMENTS

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors⁴: **D - Financial Statement Requisites providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer’s SOQ.

The Tenderer must submit copies of the Tenderer’s audited annual financial statements for each of the three (3) years prior to the date on which this RFQ was issued. Such audited annual

⁴ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

financial statements shall be duly certified by the Chief Financial Officer of the Tenderer. Any such audited annual financial statements must have been audited by one of the top twenty (20) international audit firms, by way of total revenue, as set out in the 2019 international auditing firms listings published by *Accounting Today*⁵ or *Accountancy Age*⁶. The ACP applies the International Financial Reporting Standards ("IFRS") issued by the International Accounting Standards Board. If a Tenderer uses a different accounting standard than IFRS or Generally Accepted Accounting Principles in the United States ("USGAAP") issued by the Financial Accounting Standards Board of the American Institute of Certified Public Accountants, it shall provide the ACP with a reconciliation table set out in **ACP Template D - Comparison Table for Accounting Standards** to this RFQ reconciling the local accounting standard to IFRS or USGAAP, such table to be duly certified by one of the top twenty (20) international audit firms (as set out above). Audited financial statements and audit documents must be submitted in the English language, unless they are originally issued in Spanish in which case they can be submitted in Spanish without translation.

5.2.1.3 ADDITIONAL INFORMATION

Whenever necessary, FIDIC® Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.2.2 REQUIREMENTS

The Tenderer must demonstrate that it directly satisfies the following requirements (the "Financial Stability Requirements"):

5.2.2.1 CURRENT RATIO

That the weighted average of the ratio of its current assets to its current liabilities (the "Current Ratio") for the period covered by its last three (3) audited annual financial statements is greater than or equal to **one point zero (1.0)**. **[Fail = 0 points, pass = 2 points]**

5.2.2.2 DEBT TO EBITDA RATIO

That the weighted average of the ratio of its total debt to EBITDA (the "Debt to EBITDA Ratio") for the period covered by its last three (3) audited annual financial statements is less than or equal to **four point five (4.5)**. **[Fail = 0 points, pass = 2 points]**

5.2.2.3 EBITDA MARGIN

That the weighted average of the ratio of its total EBITDA to total revenue (the "EBITDA Margin") for the period covered by its last three (3) audited annual financial statements is greater than or equal to **four point five percent (4.5%)**. **[Fail = 0 points, pass = 2 points]**

⁵ <https://www.accountingtoday.com/data/top-accounting-firms>

⁶ <https://www.accountancyage.com/rankings/top-5050-accountancy-firms-2019/>

5.2.2.4 ALTMAN'S Z-SCORE

That the weighted average of its "Altman's Z-Score" for the period covered by its last three (3) audited annual financial statements is greater than or equal to **four point thirty-five (4.35)**. **[Fail = 0 points, pass = 4 points]**

The Tenderer will need to calculate their Altman's Z-Score using the method specified in the table below:

Factor	Component
6.56	Working Capital / Total Assets
3.26	Retained Earnings / Total Assets
6.72	EBIT / Total Assets
1.05	Equity Book Value / Total Liabilities

Score= $\Sigma 3.25 + \text{Factor (i)} * \text{Component (i)}$

5.2.2.5 METHODOLOGY TO CALCULATE WEIGHTED AVERAGE

The weighted average of the audited annual financial statements corresponds to a weight of fifty percent (50%) for the most recent year, thirty percent (30%) for the second year and twenty percent (20%) for the furthest year.

5.3 ENGINEERING AND TECHNICAL REQUIREMENTS

Evaluation plan in section: 6.2.

[Weighting percentage = 80%, minimum score = 0 points, maximum score = 10 points]

5.3.1 STRUCTURE AND ORGANIZATION

Evaluation plan in section: 6.2.1.

[Weighting percentage = 10%, minimum score = 0 points, maximum score = 10 points]

5.3.1.1 SUBMITTALS

The Tenderer shall duly read, fill out and submit FIDIC® Standard Prequalification Forms for Contractors⁷: **A - Title Page** and **B - Notes to Applicants providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

⁷ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors⁸: **E - Structure and Organisation 1**, and **F - Structure and Organisation 2** **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.1.2 REQUIREMENTS

The Tenderers shall submit all of the following items:

- a. Tenderer shall submit evidence that they and any proposed individual **lead designer and lead builder** firms that comprise the proposed Tenderer's Team, have successfully worked together, in any responsible role under any project delivery system, on at least two (2) **projects of similar size, scope, and technical complexity** in the past fifteen (15) years. **[fail = 0 points, pass = 2 points]**
- b. Tenderer shall submit evidence that they and any proposed individual **main building contractor and construction subcontractor** firms that comprise the proposed Tenderer's Team, have successfully worked together on at least two (2) **projects of similar size, scope, and technical complexity** in the past fifteen (15) years. **[fail = 0 points, pass = 2 points]**
- c. Tenderer shall submit the proposed organisational structure of the Tenderer's Team which shall detail proposed subcontractors in respect of each of the following categories: studies, preliminary design, engineering, procurement, and construction, demonstrating their **planned contractual arrangements and clear lines of authority among key personnel to achieve project objectives**. **[fail = 0 points, pass = 2 points]**

Although ACP pretends to issue an EPC type of contract, and it is preferred that any proposed member of the Tenderer's Team has previous Engineering-Procurement-Construction (EPC) and/or Design-Build (DB) experience, any sound and relevant experience of the proposed members of the Tenderer's Team included in the organisational structure may be acceptable for this criterion. Notwithstanding, since ACP pretends to issue an EPC type of contract, preference will be given to those Tenderers that propose a well-structured design-procurement-construction organisational structure which has proven to better guarantee project completion on or before the required delivery date, and that such subcontractors remain in business after taking over by the owner under the contract.

The Tenderer shall also explicitly define and submit its proposed organisational structure with regard to the following mutually exclusive categories:

⁸ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

- d. **[Integrated Engineer-Procure-Construct EPC (or Integrated Design-Build) structures⁹** in respect of the Tenderer's Team, which shall offer a single point of responsibility with both the proposed designer and builder working for the Tenderer and shall expedite seamless resolution of performance issues in the final deliverables. The highest preference will be given to Tenderers proposing this organisational structure. **[fail = 0 points, pass = 4 points]**
- e. **Constructor Prime-Design-Procure (or Contractor-led Design-Build) structures¹⁰** in respect of the Tenderer's Team, which shall offer constructability-optimized designs and state-of-the-art scheduling. High preference will be given to Tenderers proposing this organisational structure. **[fail = 0 points, pass = 2 points]**
- f. **Engineer Prime-Construct-Procure (or Designer-led Design-Build) structures¹¹** in respect of the Tenderer's Team, which shall offer state-of-the-art engineering design. Moderate preference will be given to Tenderers proposing this organisational structure. **[fail = 0 points, pass = 1 point]**

5.3.2 RESOURCES: DIRECTORS, MANAGERS, AND STAFF

Evaluation plan in section: 6.2.2.

[Weighting percentage = 10%, minimum score = 0 points, maximum score = 10 points]

5.3.2.1 SUBMITTALS

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors¹²: **G - Resources: Personnel 1**, and **H - Resources: Personnel 2** providing all the information required in this RFQ to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer providing all the information required in this RFQ to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.2.2 REQUIREMENTS

Tenderers shall ensure that their applications cover each and every required Key Personnel (KP).

Tenderers shall achieve an average score equal or greater than the minimum 6.0 points in each and every Key Personnel (KP).

⁹ ASCE *Preparing for design-build projects: A primer for owners, engineers, and contractors*. ISBN (PDF): 978-0-7844-7139-5. DOI: <https://ascelibrary.org/doi/book/10.1061/9780784408285>

¹⁰ Ibid.

¹¹ Ibid.

Evaluation Committee should deem Tenderer's application as responsive, provided the following two (2) criteria are met by the Tenderer: 1) The Tenderer's application shall have covered each and every required Key Personnel (KPs), and 2) The Tenderer shall have achieved an average score equal or greater than the minimum 6.0 points for each and every of the required Key Personnel (KPs); otherwise, Tenderer's score shall be zero (0) points for this evaluation item 5.3.2 Resources: Directors, managers, and staff.

Proposed professionals, whether having English as a native language or not, must demonstrate compliance with Adequate English Language Proficiency (as required in Section 2 "Definitions"), by including the appurtenant statement in their application.

5.3.2.2.1 Program Manager (KP-1)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional engineer; and shall demonstrate appropriate relevant experience by providing verifiable evidence of a minimum of four (4) examples of successfully completed **programs of similar size, scope, and technical complexity**, acting as Program/Portfolio Manager, in the past twenty five (25) years ***[fail = 0 points, pass = 6 points]***.
- b. Shall be able to demonstrate Adequate English Language Proficiency ***[fail = 0 points, pass = 1 point]***.
- c. Preference will be given to professionals with certifiable relevant experience with Large Dam projects ***[Item 1c, fail = 0 points, pass = 1.5 points]***.
- d. and/or **Smart Water Management** projects ***[fail = 0 points, pass = 1.5 points]***.

5.3.2.2.2 Project Manager (KP-2)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be appropriately qualified, skilled, experienced, competent and accredited professional engineer(s); and shall demonstrate appropriate relevant experience by providing verifiable evidence of a minimum of three (3) examples of successfully completed **projects of similar size, scope, and technical complexity**, acting as Project Manager(s), in the past twenty (20) years ***[fail = 0 points, pass = 6 points]***.
- b. Shall be able to demonstrate Adequate English Language Proficiency ***[fail = 0 points, pass = 1 point]***.
- c. Preference will be given to professionals with certifiable relevant experience with Large Dam projects ***[fail = 0 points, pass = 1.5 points]***.
- d. and/or **Smart Water Management** projects ***[fail = 0 points, pass = 1.5 points]***.

5.3.2.2.3 Designer of Record (KP-3)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional engineer; and shall demonstrate appropriate relevant experience by providing verifiable evidence of a minimum of four (4) examples of successfully completed **projects of similar size, scope, and technical complexity** in the past twenty five (25) years ***[fail = 0 points, pass = 6 points]***.

- b. Shall be able to demonstrate Adequate English Language Proficiency [**fail = 0 points, pass = 1 point**].
- c. Preference will be given to professionals with certifiable relevant experience with Large Dam projects [**fail = 0 points, pass = 1.5 points**].
- d. and/or **Smart Water Management** projects [**fail = 0 points, pass = 1.5 points**].

5.3.2.2.4 Principal/Senior Electro-Mechanical Engineer (KP-4)

[Weight= 1.00%, minimum= 0 points, maximum= 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional electro-mechanical engineer; and shall have been the lead electro-mechanical engineering professional, on at least three (3) **projects of similar size, scope, and technical complexity** in the past twenty (20) years [**fail = 0 points, pass = 6 points**].
- b. Shall be able to demonstrate Adequate English Language Proficiency [**fail = 0 points, pass = 1 point**].
- c. Preference will be given to professionals with specific experience in water conveyance/hydropower schemes, and special water control structures (e.g., bulkheads, weirs, gates, valves, spillways, locks, pumping stations) [**fail = 0 points, pass = 1.5 points**].
- d. and/or Supervisory Control and Data Acquisition (SCADA) systems [**fail = 0 points, pass = 1.5 points**].

5.3.2.2.5 Principal/Senior Geotechnical/Geological Engineer (KP-5)

[Weight = 1.00%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional geotechnical/geological engineer; and shall have been the lead geotechnical/geological engineering professional, on at least three (3) **projects of similar size, scope, and technical complexity**, in the past twenty (20) years [**fail = 0 points, pass = 6 points**].
- b. Shall be able to demonstrate Adequate English Language Proficiency [**fail = 0 points, pass = 1 point**].
- c. Preference will be given to professionals with specific experience in **large embankment dams** [**fail = 0 points, pass = 1 point**].
- d. and ground improvement methods for foundations of large structures on soft, weak, and compressible soils [**fail = 0 points, pass = 2 points**].

5.3.2.2.6 Principal/Senior Hydraulic Engineer (KP-6)

[Weight = 1.00%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional hydraulic engineer; and shall have been the lead hydraulic engineering professional, on at least three (3) **projects of similar size, scope, and technical complexity** in the past twenty (20) years [**fail = 0 points, pass = 6 points**].
- b. Shall be able to demonstrate Adequate English Language Proficiency [**fail = 0 points, pass = 1 point**].

- c. Preference will be given to professionals with specific experience in Large Dams and water retaining hydraulic structures **[fail = 0 points, pass = 2 points]**.
- d. Preference will be given to professionals with certifiable relevant experience with hydropower projects **[fail = 0 points, pass = 1 point]**.

5.3.2.2.7 Quality Assurance/Quality Control Manager (KP-7)

[Weight = 1.00%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional engineer; and shall have been the lead Quality Assurance/Quality Control professional, on at least three (3) **projects of similar size, scope, and technical complexity** in the past twenty (20) years **[fail = 0 points, pass = 6 points]**.
- b. Shall be able to demonstrate Adequate English Language Proficiency **[fail = 0 points, pass = 1 point]**.
- c. Preference will be given to professionals with certifiable relevant experience with Large Dam projects **[fail = 0 points, pass = 1.5 points]**.
- d. and/or **Smart Water Management** projects **[fail = 0 points, pass = 1.5 points]**.

5.3.2.2.8 Project Controls Manager (KP-8)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited Cost Engineering/Schedule Engineering/Quantity Surveying professional; and shall have been the lead planning and scheduling professional, on at least three (3) **projects of similar size, scope, and technical complexity** in the past twenty (20) years **[fail = 0 points, pass = 6 points]**.
- b. Shall be able to demonstrate Adequate English Language Proficiency **[fail = 0 points, pass = 1 point]**.
- c. Preference will be given to professionals with specific experience in Building Information Modeling (BIM) Management **[fail = 0 points, pass = 1.5 points]**.
- d. and/or verifiable experience in cost and schedule risk management **[fail = 0 points, pass = 1.5 point]**.

5.3.2.2.9 Construction Manager (KP-9)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional engineer **or** construction engineer; and shall have been the lead construction engineering/management professional, on at least three (3) **projects of similar size, scope, and technical complexity** in the past twenty (20) years **[fail = 0 points, pass = 6 points]**.
- b. Shall be able to demonstrate Adequate English Language Proficiency **[fail = 0 points, pass = 1 point]**.
- c. Preference will be given to professionals with certifiable relevant experience with Large Dam projects **[fail = 0 points, pass = 1.5 points]**.
- d. and/or **Smart Water Management** projects **[fail = 0 points, pass = 1.5 points]**.

5.3.2.2.10 Health & Safety Manager (KP-10)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional safety & risk engineer; and shall have been the lead safety & risk engineering professional, on at least three (3) **projects of similar size, scope, and technical complexity** in the past twenty (20) years **[fail = 0 points, pass = 6 points]**.
- b. Shall be able to demonstrate Adequate English Language Proficiency **[fail = 0 points, pass = 1 point]**.
- c. Preference will be given to professionals with certifiable relevant experience with Large Dam projects **[fail = 0 points, pass = 1.5 points]**.
- d. and/or **Smart Water Management** projects **[fail = 0 points, pass = 1.5 points]**.

5.3.2.2.11 Environmental Manager (KP-11)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be an appropriately qualified, skilled, experienced, competent and accredited professional environmental engineer **or** environmental scientist; and shall have been the lead environmental professional, on at least two (2) **projects of similar size, scope, and technical complexity** in the past fifteen (15) years **[fail = 0 points, pass = 6 points]**.
- b. Shall be able to demonstrate Adequate English Language Proficiency and Spanish language proficiency **[fail = 0 points, pass = 1 point]**.
- c. Preference will be given to professionals with certifiable relevant experience with Large Dam projects. **[fail = 0 points, pass = 1.5 points]**.
- d. and/or **Smart Water Management** projects **[fail = 0 points, pass = 1.5 points]**.

5.3.2.2.12 Water Control System Manager (KP-12)

[Weight = 0.75%, minimum = 0 points, maximum = 10 points]

- a. Shall be appropriately qualified, skilled, experienced, competent and accredited in roles of engineering and technology working with teams in agile product development and delivering / building digital products, on at least two (2) **projects of similar size, scope, and technical complexity** in the past fifteen (15) years **[fail= 0 points, pass= 6 points]**.
- b. Shall be able to demonstrate Adequate English Language Proficiency **[fail= 0 points, pass= 1 point]**.
- c. Preference will be given to professionals with certifiable relevant experience with hydropower projects **[fail= 0 points, pass= 1.5 points]**.
- d. and/or **Smart Water Management** projects **[fail= 0 points, pass= 1.5 points]**.

5.3.3 RESOURCES: LABOUR FORCE/SUBCONTRACTORS

Evaluation plan in section: 6.2.3.

[Weighting percentage = 5%, minimum score = 0 points, maximum score = 10 points]

5.3.3.1 SUBMITTALS

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors¹²: **I - Resources: Labour Force, Subcontractors and Fabrication providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.3.2 REQUIREMENTS

Maximum allowable accumulated value of Works intended to be subcontracted, as a percentage of the Contract Price (SCValue), should be no more than thirty percent (30%)

Preference will be given to Tenderers which minimize the percentage of subcontracted works.

Preference will be given to Tenderers whose applications maximize hiring of local Panamanian engineering staff and labour force, and maximize local Panamanian capacity development.

In case of a tie between two or more Tenderers, the ACP will give preference to the Tenderer proposing the greater utilization of Panamanian labour force and local capacity development, whether proposed as direct or subcontracted labour. This situation will only apply if there are over 5 Tenderers whose SOQs comply with all requirements of the RFQ, and Tenderers in the 5th and 6th place have the exact same score.

5.3.4 RESOURCES: PLANT, EQUIPMENT AND FACILITIES

Evaluation plan in section: 6.2.4.

[Weighting percentage = 2.5%, minimum score = 0 points, maximum score = 10 points]

5.3.4.1 SUBMITTALS

The Tenderer shall duly fill out and submit FIDIC® Standard Prequalification Forms for Contractors¹³: **J - Resources: Contractor's Plant, Equipment and Facilities providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC® Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in**

¹² Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

¹³ Ibid.

this RFQ to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.4.2 REQUIREMENTS

Based on the Required Work Packages defined in this RFQ, the Tenderer shall provide a high-level description of construction equipment, off-site fabrication facilities, and any other relevant factors (e.g., training facilities and/or operation and maintenance capabilities) considered by the Tenderer to be necessary for undertaking the Project.

The Tenderer shall disclose whether such equipment is already in the Tenderer's ownership or will be purchased or hired.

5.3.5 EXPERIENCE: GEOGRAPHICAL

Evaluation plan in section: 6.2.5.

[Weighting percentage = 2.5%, minimum score = 0 points, maximum score = 10 points]

5.3.5.1 SUBMITTALS

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors¹⁴: **K - Experience: Geographical providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC® Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.5.2 REQUIREMENTS

The Tenderer shall submit a list of countries, within Latin America and Caribbean (LAC) region, in which **projects of similar size, scope, and technical complexity** to those depicted in this RFQ have been undertaken by the Tenderer.

The Tenderer shall submit a summary of experience of Tenderer in the Republic of Panama and/or neighbouring countries, within Latin America and Caribbean (LAC) region.

The Tenderer shall submit sufficient information effectively and realistically demonstrating:

¹⁴ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

- a. The Tenderer’s experience and knowledge of local conditions, including but not limited to soils, hydro-climatic conditions, working with national authorities, quality, and availability of the area’s subcontractors, among others. **[fail = 0 points, pass = 4 points]**
- b. The Tenderer’s ability to work in a remote location while maintaining quality assurance and quality control construction practices. The Tenderer’s experience in both the type of work and the country/region in which the project is to be undertaken. **[fail = 0 points, pass = 4 points]**
- c. The Tenderer’s relationships with local/regional companies, considering any potential language difficulties. **[fail = 0 points, pass = 2 points]**

5.3.6 EXPERIENCE: RELEVANT CONTRACTS COMPLETED

Evaluation plan in section: 6.2.6.

[Weighting percentage = 15%, minimum score = 0 points, maximum score = 10 points]

5.3.6.1 SUBMITTALS

The Tenderer shall duly fill out and submit FIDIC® Standard Prequalification Forms for Contractors¹⁵: **L - Experience: Relevant Projects Completed providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer’s SOQ.

Whenever necessary, FIDIC® Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer’s SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.6.2 REQUIREMENTS

Tenderers shall submit a list of all projects that they, either individually or as a team, have completed in the past fifteen (15) years along with names for points of contact on each project.

Tenderers shall submit five (5) project portfolios, the **Tenderers’ Submitted Portfolios (TSP)**, that demonstrate applicable technical design and/or construction experience in performing work similar in scope, size, and complexity to those depicted in each and every **Required Work Package (RWP)**, described in this RFQ.

Tenderers shall ensure that their TSPs cover each and every RWP. Otherwise, the TSPs will be deemed non-Responsive. In all cases, the Tenderer shall clearly indicate the required work packages being submitted under each and every one of the TSPs.

Tenderer’s Submitted Portfolio (TSP)	Required Work Package (RWP) that shall be covered	Section
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¹⁵ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

TSP-1	RWP-1: Dredging and reclamation works	5.3.6.2.1
TSP-2	RWP-2: Large embankment dams	5.3.6.2.2
TSP-3	RWP-3: Soft soils engineering & ground improvement works	5.3.6.2.3
TSP-4	RWP-4: Special hydraulic control structures and Supervisory Control and Data Acquisition (SCADA) systems	5.3.6.2.4
TSP-5	RWP-5: Design and Implementation of Water Management and Control Systems/ Digital Transformation	5.3.6.2.5

Each and every RWP covered by any TSP shall be single counted. Tenderers shall disclose and provide the details of each and every TSP to enable the Evaluation Committee to duly mark, rate and rank such TSP. **Tenderers shall achieve an average score equal or greater than the minimum 6.0 points in each and every RWP**, otherwise the TSPs will be deemed non-Responsive.

Evaluation Committee should deem TSPs as responsive, provided the following two (2) criteria are met by the Tenderer: 1) The TSPs shall have covered each and every RWP, and 2) The Tenderer shall have achieved an average score equal to or greater than the minimum 6.0 points for each and every RWP; otherwise, Tenderer's score shall be zero (0) points for this evaluation item 5.3.6 Experience: Relevant contracts completed.

5.3.6.2.1 RWP-1: Dredging and reclamation works

[Weight = 1.50%, minimum = 0 points, maximum = 10 points]. Required scope: Shall have been the design **and/or** execution of dredging works of at least ten (10) million cubic meters **and** land reclamation works of at least ten (10) million cubic meters. Such works may have been subcontracted, notwithstanding the Tenderer shall demonstrate that the Tenderer has been contractually and fully responsible for such works. Preferred package value not less than: **USD 200 million**.

5.3.6.2.2 RWP-2: Large embankment dams

[Weight = 5.25%, minimum = 0 points, maximum = 10 points]. Required scope: Shall have been the design **and/or** construction of an embankment dam with a height of 20 meters or greater from lowest foundation to crest **and** impounding more than 200 million cubic meters (per project, non-cumulative). Preferred package value not less than: **USD 600 million**.

5.3.6.2.3 RWP-3: Soft soils engineering & ground improvement works

[Weight = 3.75%, minimum = 0 points, maximum = 10 points]. Required scope: Shall have been the design **and/or** construction of large structure(s) founded on soft, weak, and compressible soils. Shall have been with a minimum 50 Hectares of foundation area. Preferred package value not less than: **USD 200 million**.

5.3.6.2.4 RWP-4: Special hydraulic control structures and Supervisory Control and Data Acquisition (SCADA) systems

[Weight = 3.00%, minimum = 0 points, maximum = 10 points]. Required scope: Shall have been the design, procurement, construction and installation of special water control structures (at least including but not limited to: bulkheads/weirs/gates/valves/spillways/locks electro-mechanical systems) required to handle minimum discharge flows +250 cubic meters per second (per project, non-cumulative) **plus** Supervisory Control and Data Acquisition (SCADA) systems. Preferred package value not less than: **USD 50 million.**

5.3.6.2.5 RWP-5: Design and Implementation of Water Management and Control Systems

[Weight = 1.50%, minimum = 0 points, maximum = 10 points]. Required scope: Shall have been the design, procurement, construction, and installation of “digital twins” or dynamic live-time process simulators for, but not limited to water utilities/water reservoirs/ports/and other maritime or water related infrastructure. Preferred package value not less than: **USD 1 million.**

5.3.7 EXPERIENCE: ALL CONTRACTS IN PROGRESS

Evaluation plan in section: 6.2.7.

[Weighting percentage = 15%, minimum score = 0 points, maximum score = 10 points]

5.3.7.1 SUBMITTALS

The Tenderer shall duly fill out and submit FIDIC® Standard Prequalification Forms for Contractors¹⁶: **M - Experience: All Projects in Progress providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the SOQ.

Whenever necessary, FIDIC Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer’s SOQ. FIDIC Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.7.2 REQUIREMENTS

The Tenderer shall submit information about **all projects in progress with Contract price greater than USD 100 million**, including those where the Tenderer has received a letter of intent, but a formal contract has not yet been awarded, including but not limited to: Name of employer; name, location and type of project; name of (consulting) supervisory engineer (if any); percentage of Tenderer’s participation in the project.

The Tenderer shall submit the following information: Value of contract; **Earned Value (EV)** completed and certified; percentage of practical completion in terms of **Planned Value (PV)**; scheduled date of completion of work; **Schedule Performance Index (SPI)**.

¹⁶ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

5.3.8 QUALITY ASSURANCE SYSTEM; HEALTH AND SAFETY PLAN; AND ENVIRONMENTAL POLICY

Evaluation plan in section: 6.2.8.

[Weighting percentage = 15%, minimum score = 0 points, maximum score = 10 points]

5.3.8.1 QUALITY ASSURANCE SYSTEM

[Weight = 5%, minimum = 0 points, maximum = 10 points]

5.3.8.1.1 Submittals

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors¹⁷: **N - Quality Assurance System providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC® Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.8.1.2 Requirements

- a. Must define quality policy **[fail = 0 points, pass = 1 point]**
- b. Design: Must establish how QA/QC management plan should be developed and implemented for design and engineering works **[fail= 0 points, pass= 2 points]**
- c. Design: Must establish how design audits/reviews will be conducted **[fail= 0 points, pass= 1 point]**
- d. Design-Build: Must establish how QA/QC measures should be incorporated in construction drawings and specifications **[fail= 0 points, pass= 1 point]**
- e. Build: Must establish how QA/QC management plan should be developed and implemented for procurement and construction works **[fail= 0 points, pass= 2 points]**
- f. Build: Must set measurable goals and standards for quality in procurement, and construction **[fail= 0 points, pass= 1 point]**
- g. Build: Must establish how progress toward procurement & construction QA/QC goals should be documented **[fail= 0 points, pass= 1 point]**
- h. Design-Build: Must establish how EPC quality concerns should be regularly communicated amongst all stakeholders. **[fail= 0 points, pass= 1 point]**

5.3.8.2 HEALTH AND SAFETY PLAN

[Weight = 5%, minimum = 0 points, maximum = 10 points]

¹⁷ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

5.3.8.2.1 Submittals

The Tenderer shall duly fill out and submit FIDIC® Standard Prequalification Forms for Contractors¹⁸: **O - Health and Safety Plan providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC® Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.8.2.2 Requirements

- a. Must define health and safety policy **[fail = 0 points, pass = 2 points]**
- b. Must describe health and safety management system: Must address the safety of construction staff. Must address the safety of all other working at or visiting the constructions sites. Must address the protection of the public in the vicinity of the construction sites. Must address overall compliance with health and safety legislation, approved codes of practice and industry best practice. **[fail = 0 points, pass = 5 points]**
- c. Must submit satisfactory records of health and safety performance indicators for the last ten (10) years. **[fail = 0 points, pass = 3 points]**

5.3.8.3 ENVIRONMENTAL POLICY

[Weight= 5%, minimum= 0 points, maximum= 10 points]

5.3.8.3.1 Submittals

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors¹⁹: **P - Environmental Policy providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer **providing all the information required in this RFQ** to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

5.3.8.3.2 Requirements

- a. Must define environmental and sustainability policies. **[fail = 0 points, pass = 1 point]**
- b. Must describe its environmental management system (EMS). **[fail = 0 points, pass = 3 points]**

¹⁸ Ibid.

¹⁹ Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide, 1st Edition 2011. ISBN 978-2-88432-062-5.

- c. Must establish how EMS generic procedures should be implemented to monitor compliance with environmental legislation and environmental requirements. **[fail= 0 points, pass= 1 point]**
- d. Must establish how the environmental management plan (EMP), and its nested specific management plans, should be prepared and implemented for engineering, procurement, and construction activities. **[fail= 0 points, pass= 3 points]**
- e. Must submit evidence of satisfactory environmental and social performance on **projects of similar size, scope, and technical complexity** for the last ten (10) years. **[fail= 0 points, pass= 1 point]**
- f. Must provide information on third-party certifications related to environmental and social management systems that the Tenderer owns and maintain. **[fail= 0 points, pass= 1 point]**

5.3.9 LITIGATION AND ARBITRATION HISTORY

Evaluation plan in section: 6.2.9.

[Weighting percentage = 25%, minimum score = 0 points, maximum score = 10 points]

5.3.9.1 SUBMITTALS

The Tenderer shall duly fill out and submit FIDIC Standard Prequalification Forms for Contractors²⁰: **S - Litigation and Arbitration History 1** and **T - Litigation and Arbitration History 2** providing all the information required in this RFQ to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Whenever necessary, FIDIC Standard Prequalification Form **U - Additional Information** shall also be duly filled out and submitted by the Tenderer providing all the information required in this RFQ to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ. FIDIC® Standard Prequalification Form **U - Additional Information** should be taken into account by the Evaluation Committee in the assessment of Standard Prequalification Forms for Contractors: **E to T**, as may be appropriate.

Every Tenderer shall submit the ANNEX 2 – “DECLARATION BY GENERAL COUNSEL”, with the litigation and arbitration history information, signed by the Tenderer's General Counsel, which indicates that the information provided regarding litigation and arbitration history is true and complete. If a Tenderer fails to provide such declaration (ANNEX 2 – “DECLARATION BY GENERAL COUNSEL”), it will get 0 points automatically and no further information will be evaluated regarding this criterion, without prejudice to the ACP's right to reject the Tenderer.

If the ACP has information of additional arbitration or litigation during the required period, not provided by the Tenderer, the ACP may request the Tenderer to clarify. If the Tenderer is not able to clarify or if the clarification does not satisfy the ACP, the ACP may consider the Tenderer's submission as a misrepresentation and may reject the Tenderer.

If the ACP has reasonable grounds to consider that Tenderer has not provided a complete record of litigation and/or arbitration for the required period, the ACP may reject the Tenderer.

²⁰ Ibid.

5.3.9.2 REQUIREMENTS

The Tenderer shall describe the Tenderer's **history of litigation and/or arbitration from contracts executed or completed (either acting as a prime Contractor or as a Subcontractor) during the last six (6) years before the date of submission of the Tenderer's SOQ or currently under execution, either individually or as part of a Joint Venture.**

The Tenderer shall also indicate for each year, the name of the employer, cause of litigation, matter in dispute, the main claims and counterclaims (if any) in the litigation or arbitration, the respective **disputed amounts claimed and counterclaimed** (if any), the **respective contract values**, the court or arbitral institution or arbitration rules concerned, **the amount awarded to the company, the total monetary amount of arbitral awards and court decisions against the Tenderer, the total monetary amount of all reported litigations, the total monetary amount of all pending litigations, monetary amount of Tenderer's Net Worth**, as appropriate. If the matter in question is the subject of confidentiality restrictions a generic description of the project and dispute (without naming the employer or identifying the project) will be acceptable.

5.3.9.2.1 First Stage of Criterion: History "No litigation, no arbitration"

[Weight= 25.0%, fail= 0 points, pass= 10 points]

Pass criterion: The Tenderer shall demonstrate that the Tenderer has neither been involved in litigation nor in arbitration processes from contracts executed or completed during the last six (6) years or currently under execution, either individually or as part of a Joint Venture.

If the Tenderer passes this criterion will get the maximum points (10 points) and the following [5.3.9.2.2 Second stage of criterion](#) (criteria: (a) [Ratio "Against-to-All"](#); and (b) [Ratio "Pending-to-Net Worth"](#)) shall not apply.

Otherwise, should the Tenderer fail to pass this criterion, the Tenderer should be then evaluated according to the [5.3.9.2.2 Second stage of criterion](#) (criteria (a) Ratio "Against-to-All"; and (b) Ratio "Pending-to-Net Worth").

The "No litigation, no arbitration" criterion is the only criterion that provides the maximum points under [5.3.9 LITIGATION AND ARBITRATION HISTORY](#). The maximum points, represents a total of 25% under [6.2 ENGINEERING AND TECHNICAL REQUIREMENTS](#) for this criterion.

5.3.9.2.2 Second Stage of Criterion:

This criterion applies to those Tenderers that fail the first stage of the Criterion: 5.3.9.2.1 History "No litigation, no arbitration". This second stage consists of two criteria: (a) Ratio "Against-to-All"; and (b) Ratio "Pending-to-Net Worth". Depending on the Tenderer's information regarding litigation and arbitration, one or both criteria may apply.

If only one of the criteria is evaluated, the score obtained will be considered for the overall evaluation of the "Litigation and Arbitration History" criterion. Nevertheless, if both criteria for this second stage are evaluated, the overall score will be the average of both criteria.

Based on the above, whether one or both criteria are evaluated for this Second Stage of Criterion, the maximum score for this stage will be eight (8) points, which represents a 20% of the weighting percentage under 6.2 ENGINEERING AND TECHNICAL REQUIREMENTS.

(a) Criterion: Ratio “Against-to-All”

This criterion applies to Tenderers that had arbitral and court decisions from contracts executed or completed during the last six (6) years or currently under execution.

The calculation will be made considering the total monetary amount of concluded arbitration and court processes claimed by the Tenderer and claimed against the Tenderer, compared with the aggregate of total monetary amounts awarded against the Tenderer and monetary amounts claimed but not granted to the Tenderer.

Criteria (a) Ratio “Against-to-All”; and (b) Ratio “Pending-to-Net Worth” are not mutually exclusive.

[Weight= 25.0%, minimum= 0 points, maximum= 8 points] if none of the reported litigations or arbitrations is pending for award/decision, otherwise:

[Weight= 12.5%, minimum= 0 points, maximum= 8 points]

Ratio “**Against-to-All**”, defined as the **ratio of [total monetary amount of arbitral awards and court decisions against the Tenderer] to [total monetary amount of all reported litigations and arbitrations]**, should be less than twenty percent (20%).

Notwithstanding, such “Against-to-All” ratio of the arbitral awards or court decisions against the Tenderer **shall not exceed twenty-five percent (25%)** of all reported litigations.

(b) Criterion: Ratio “Pending-to-Net Worth”

In this criterion, if the Tenderer has pending arbitration and court processes, the assessment will consider the monetary amount of all pending processes, compared with the Tenderer’s Net Worth.

Criteria (a) Ratio “Against-to-All”, and (b) Ratio “Pending-to-Net Worth” are not mutually exclusive.

[Weight= 25.0%, minimum= 0 points, maximum= 8 points] if all of the reported litigations and arbitrations are pending for award/decision, otherwise:

[Weight= 12.5%, minimum= 0 points, maximum= 8 points]

Ratio “**Pending-to-Net Worth**”, defined as the **ratio of [total monetary amount of all pending litigations and arbitrations] to [monetary amount of Tenderer’s Net Worth]**, should be less than twenty-five percent (25%).

Notwithstanding, such “Pending-to-Net Worth” ratio of all pending litigations **shall not exceed fifty percent (50%)** of the Tenderer’s Net Worth. **Should this proportion exceed fifty percent (50%), Tenderer’s score shall be zero (0) points for this evaluation item 5.3.9 Litigation and arbitration history.**

6 RATING, SCORING, WEIGHTING AND RANKING SYSTEM

In evaluating the SOQs, the ACP will implement a Quantitative Scoring Method. The rating system should be against a standard, i.e., against functional and performance requirements and criteria established in this RFQ. Rating against each other proposal should not be used.

For each and every responsive Tenderer, the Total Tenderer's Weighted Score (TTWS) shall be calculated as follows:

$$\text{TTWS} = 0.2 * [\text{Financial Stability Score}] + 0.8 * [\text{Engineering \& Technical Score}]$$

Where:

TTWS: Total Tenderer's Weighted Score

Financial Stability Score: Weighted score calculated as set out in section 6.1 below.

Engineering & Technical Score: Weighted score calculated as set out in section 6.2 below.

Minimum score = 0 points

Maximum score = 10 points

6.1 FINANCIAL STABILITY REQUIREMENTS

Financial Stability Requirements shall have a specific weight equal to twenty percent (20%) of the Total Tenderer's Weighted Score (TTWS).

Evaluation Committee shall evaluate each and every Tenderer by means of the weighted average methodology. Financial Stability Score shall be calculated as per the following Evaluation Matrix:

Specific Definition [Ref. 5.2.2]	Point Score	Range
Points under this factor will depend on the total sum of points (range) received in [Ref. 5.2.2]	10	9.0-10.0
	8	8.0-8.9
	6	6.0-7.9
	0	< 6.0

6.2 ENGINEERING AND TECHNICAL REQUIREMENTS

Engineering and Technical Requirements shall have a specific weight equal to eighty percent (80%) of the Total Tenderer's Weighted Score (TTWS).

Evaluation Committee shall evaluate each and every Tenderer by means of the weighted average methodology. Engineering & Technical Score shall be calculated as per the following Evaluation Matrix:

Prequalification Criterion [Ref. 5.3]	Maximum Score	Weighting Percentage, %	FIDIC Pre-qualification Form ²¹
Structure and organisation	10	10.0	E and F
Resources: Directors, managers, and staff	10	10.0	G and H
Resources: Labour force/subcontractors	10	5.0	I
Resources: Plant, equipment, and facilities	10	2.5	J
Experience: Geographical	10	2.5	K
Experience: Relevant contracts completed	10	15.0	L
Experience: All contracts in progress	10	15.0	M
Quality assurance system; health & safety plan; and environmental policy	10	15.0	N, O and P
Litigation and arbitration history	10	25.0	S and T
Maximum possible	10	100.0	

6.2.1 STRUCTURE AND ORGANISATION

Specific Definition [Ref. 5.3.1.2]	Point Score	Range
Point score under this factor will depend on the total sum of points (range) received under [Ref. 5.3.1.2]	10	9.0-10.0
	8	8.0-8.9
	7	7.0-7.9
	6	6.0-6.9
	0	< 6.0

6.2.2 RESOURCES: DIRECTORS, MANAGERS, AND STAFF

Specific Definition [Ref. 5.3.2.2]	Point Score	Range
Point score under this factor will depend on the total sum of points (range) received in [Ref. 5.3.2.2]	10	9.0-10.0
	8	8.0-8.9
	7	7.0-7.9
	6	6.0-6.9
	0	< 6.0

²¹ Whenever necessary, FIDIC Standard Prequalification Form U - Additional Information shall also be duly filled out and submitted by the Tenderer providing all the information required in this RFQ to enable the Evaluation Committee to adequately assess, score and rank the Tenderer's SOQ.

Example 1 FOR INFORMATION PURPOSES ONLY

Evaluation item	Weight	Sub-Items Coordinates [number, letter]	Maximum Sub-Items Score				Maximum score		
			a	b	c	d	Individual Points	Weighted Points	
KP-1	0.075	Maximum Sub-Items Score	1	6.00	1.00	1.50	1.50	10.00	0.75
KP-2	0.075		2	6.00	1.00	1.50	1.50	10.00	0.75
KP-3	0.075		3	6.00	1.00	1.50	1.50	10.00	0.75
KP-4	0.100		4	6.00	1.00	1.50	1.50	10.00	1.00
KP-5	0.100		5	6.00	1.00	1.00	2.00	10.00	1.00
KP-6	0.100		6	6.00	1.00	2.00	1.00	10.00	1.00
KP-7	0.100		7	6.00	1.00	1.50	1.50	10.00	1.00
KP-8	0.075		8	6.00	1.00	2.00	1.00	10.00	0.75
KP-9	0.075		9	6.00	1.00	1.50	1.50	10.00	0.75
KP-10	0.075		10	6.00	1.00	1.50	1.50	10.00	0.75
KP-11	0.075		11	6.00	1.00	1.50	1.50	10.00	0.75
KP-12	0.075		12	6.00	1.00	1.50	1.50	10.00	0.75
Total=	1.000								10.00

6.2.3 RESOURCES: LABOUR FORCE/SUBCONTRACTORS

Specific Definition [Ref. 5.3.3.2]	Point Score
SCValue ≤ 10%	10
10% < SCValue ≤ 15%	8
15% < SCValue ≤ 20%	7
20% < SCValue ≤ 30%	6
SCValue > 30%	0

SCValue: Accumulated value of Works intended to be subcontracted, as a percentage of the Contract price.

6.2.4 RESOURCES: PLANT, EQUIPMENT AND FACILITIES

Specific Definition [Ref. 5.3.4.2]	Point Score	Range
Highly Relevant	10	9.0-10.0
Very Relevant	8	8.0-8.9
Relevant	7	7.0-7.9
Somewhat Relevant	6	6.0-6.9
Not Relevant	0	< 6.0

Highly Relevant: The plant, equipment and facilities seem to be exactly what the solicitation requires. **[10 points]**

Very Relevant: The plant, equipment and facilities seem to essentially satisfy the solicited requirements. **[8 points]**

Relevant: Some dissimilarities in plant, equipment, and facilities, but seem to contain most of what the solicitation requires. **[7 points]**

Somewhat Relevant: Much less or dissimilar in plant, equipment, and facilities, but seem to contain some of what the solicitation requires. **[6 points]**

Not Relevant: The plant, equipment and facilities contain relatively no similarities to the plant, equipment and facilities required by the solicitation. **[0 points]**

6.2.5 EXPERIENCE: GEOGRAPHICAL

Specific Definition [Ref. 5.3.5.2]	Point Score	Range
Point score under this factor will depend on the total sum of points (range) received under [Ref. 5.3.5.2]	10	9.0-10.0
	8	8.0-8.9
	7	7.0-7.9
	6	6.0-6.9
	0	< 6.0

6.2.6 EXPERIENCE: RELEVANT CONTRACTS COMPLETED

Specific Definition [Ref. 5.3.6.2]	Point Score	Range
Highly Relevant	10	9.0-10.0
Very Relevant	8	8.0-8.9
Relevant	7	7.0-7.9
Somewhat Relevant	6	6.0-6.9
Not Relevant	0	< 6.0

Highly Relevant: The magnitudes of the effort, scope, size, and the technical complexities on this TSP are essentially what the solicitation requires. It shall be a Design **and** Construction project, under either Design-Build or Engineer-Procure-Construct project delivery system. **[10 points]**

Very Relevant: The magnitudes of the effort, scope, size, and the technical complexities on this TSP marginally exceeds the solicited requirements. It shall be either Design **or** Construction

project, under either Design-Build or Engineer-Procure-Construct project delivery system. **[8 points]**

Relevant: Some dissimilarities in magnitudes of the effort, scope, size, and the technical complexities on this TSP, but it contains most of what the solicitation requires. It shall be a Design and/or Construction project, under a project delivery system different than either Design-Build or Engineer-Procure-Construct. **[7 points]**

Somewhat Relevant: Much less or dissimilar magnitudes of the effort, scope, size, and the technical complexities on this TSP, but it contains some of what the solicitation requires. It shall be a Design and/or Construction project, regardless of the project delivery system. **[6 points]**

Not Relevant: Performance on this TSP contains relatively no similarities to the magnitudes of the effort, scope, size, and the technical complexities required by the solicitation, regardless of the project delivery system **[0 points]**

Example 2 FOR INFORMATION PURPOSES ONLY

Min. RWP marked>0= 1.0										
Min. Required points= 6.0										
Max. Possible points= 10.0										
Item Total Weighting= 15.0%										
Work packages= 5.0										
RWP	RWP Weight		AVERAGED EVALUATION INPUT CELLS					TSP Score Points	Sub-totals	
	Specific	Item total	TSP-1	TSP-2	TSP-3	TSP-4	TSP-5		Specific Score Points	Item Total Weighting
RWP-1	0.10	1.50%						0.00	Null score	Null score
RWP-2	0.35	5.25%		10.00				10.00	3.5000	5.2500%
RWP-3	0.25	3.75%			10.00			10.00	2.5000	3.7500%
RWP-4	0.20	3.00%				10.00		10.00	2.0000	3.0000%
RWP-5	0.10	1.50%					10.00	10.00	1.0000	1.5000%
Total=		1.00 15.00%						Total scores =	0 [Null score]	0 [Null score]

Case 1: The Tenderer submitted only four (4) Tenderer Submitted Portfolios (TSP) covering RWP-2, RWP-3, RWP-4, and RWP-5. The Tenderer failed to submit TSP-1 thus failed to cover RWP-1. **Result:** Tenderer's score is zero (0) points for this item.

Example 3 FOR INFORMATION PURPOSES ONLY

Min. RWP marked>0= 1.0										
Min. Required points= 6.0										
Max. Possible points= 10.0										
Item Total Weighting= 15.0%										
Work packages= 5.0										
RWP	RWP Weight		AVERAGED EVALUATION INPUT CELLS					TSP Score Points	Sub-totals	
	Specific	Item total	TSP-1	TSP-2	TSP-3	TSP-4	TSP-5		Specific Score Points	Item Total Weighting
RWP-1	0.10	1.50%	10.00					10.00	1.0000	1.5000%
RWP-2	0.35	5.25%		10.00				10.00	3.5000	5.2500%
RWP-3	0.25	3.75%			10.00			10.00	2.5000	3.7500%
RWP-4	0.20	3.00%				10.00		10.00	2.0000	3.0000%
RWP-5	0.10	1.50%					5.99	5.99	Null score	Null score
Total=		1.00 15.00%						Total scores =	0 [Null score]	0 [Null score]

Case 2: The Tenderer submitted five (5) TSPs, with projects covering each and every RWP. In principle the Tenderer's submittal is evaluated. The Tenderer submitted projects were marked with average scores of 10.0 points, except for RWP-5 which was marked with an average score of 5.99 points which is less than the minimum 6.00 points. **Result:** Tenderer's score is zero (0) points for this item.

Example 4 FOR INFORMATION PURPOSES ONLY

Min. RWP marked>0= 1.0										
Min. Required points= 6.0										
Max. Possible points= 10.0										
Item Total Weighting= 15.0%										
Work packages= 5.0										
RWP	RWP Weight		AVERAGED EVALUATION INPUT CELLS					TSP Score Points	Sub-totals	
	Specific	Item total	TSP-1	TSP-2	TSP-3	TSP-4	TSP-5		Specific Score Points	Item Total Weighting
RWP-1	0.10	1.50%	10.00					10.00	1.0000	1.5000%
RWP-2	0.35	5.25%		6.00				6.00	2.1000	3.1500%
RWP-3	0.25	3.75%			7.00			7.00	1.7500	2.6250%
RWP-4	0.20	3.00%				8.00		8.00	1.6000	2.4000%
RWP-5	0.10	1.50%					9.00	9.00	0.9000	1.3500%
Total=		1.00 15.00%						Total scores =	7.35 / 10 points	11.025 / 15%

Case 3: The Tenderer submitted five (5) TSPs covering all five (5) RWPs. The Tenderer projects are marked with scores between six (6) and ten (10) points. **Result:** Tenderer's averaged score equals seven-point-thirty-five (7.35) points.

6.2.7 EXPERIENCE: ALL CONTRACTS IN PROGRESS

Specific Evaluation [Ref. 5.3.7.2]	Point Score
$1.2 \leq \text{SPI}$	10
$1.10 \leq \text{SPI} < 1.20$	8
$1.00 \leq \text{SPI} < 1.10$	7
$0.9 \leq \text{SPI} < 1.00$	6
$\text{SPI} < 0.9$	0

6.2.8 QUALITY CONTROL/ASSURANCE SYSTEM; HEALTH & SAFETY PLAN; AND ENVIRONMENTAL POLICY

6.2.8.1 QUALITY ASSURANCE SYSTEM

Specific Definition [Ref. 5.3.8.1.2]	Point Score	Range
Point score under this factor will depend on the total sum of points (range) received in [Ref. 5.3.8.1.2]	10	9.0-10.0
	8	8.0-8.9
	7	7.0-7.9
	6	6.0-6.9
	0	< 6.0

6.2.8.2 HEALTH AND SAFETY PLAN

Specific Definition [Ref. 5.3.8.2.2]	Point Score	Range
Point score under this factor will depend on the total sum of points (range) received in [Ref. 5.3.8.2.2]	10	9.0-10.0
	8	8.0-8.9
	7	7.0-7.9
	6	6.0-6.9
	0	< 6.0

6.2.8.3 ENVIRONMENTAL POLICY

Specific Definition [Ref. 5.3.8.3.2]	Point Score	Range
Point score under this factor will depend on the total sum of points (range) received in [Ref. 5.3.8.3.2]	10	9.0-10.0
	8	8.0-8.9
	7	7.0-7.9
	6	6.0-6.9

Specific Definition [Ref. 5.3.8.3.2]	Point Score	Range
	0	< 6.0

6.2.9 LITIGATION AND ARBITRATION HISTORY

First Stage of Criterion: History “No litigation, no arbitration”: The Tenderer shall demonstrate that the Tenderer has been involved in neither litigation nor in arbitration processes from contracts executed or completed during the last six (6) years or currently under execution, either individually or as part of a Joint Venture.

If the Tenderer passes this criterion, then Against-to-All and Pending-to-Net Worth criterion shall not apply.

Specific Definition [Ref. 5.3.9.2.1]	Point Score
Pass: Neither litigation nor arbitration reported	10
Fail: Litigation(s) and/or arbitration(s) reported	See [Ref. 5.3.9.2.2 and 0]

Second Stage of Criterion: a) Ratio “Against-to-All”: **Against-to-All ratio = [total monetary amount of arbitral awards and court decisions against the Tenderer] to [total monetary amount of all reported litigations and arbitrations], in percentage (%)**.

Specific Definition [Ref. 5.3.9.2.2]	Point Score
[Against / All ratio] ≤ 10%	8
10% < [Against / All ratio] ≤ 20%	7
20% < [Against / All ratio] ≤ 25%	6
[Against / All] ratio > 25%	0

Second Stage of Criterion: b) Ratio “Pending-to-Net Worth”: **Pending-to-Net Worth ratio = [monetary amount of all pending litigations and arbitrations] to [monetary amount of Tenderer’s Net Worth], in percentage (%)**.

Specific Definition [Ref. 02]	Point Score
[Pending / Net Worth] ratio ≤ 12.5%	8
12.5% < [Pending / Net Worth] ratio ≤ 25%	7
25% < [Pending / Net Worth] ratio ≤ 50%	6
[Pending / Net Worth] ratio > 50%	0

Example 5 FOR INFORMATION PURPOSES ONLY
Logic rationale of scoring system for litigation and arbitration history item

Evaluation flowchart	Tenderer NOT involved in litigation and/or arbitration in last 6 years?				
	TRUE	FALSE			
		NONE pending? (ALL with decision?)			
		TRUE	FALSE		
Evaluation criterion weights					
"No litigation, no arbitration" history	25.0%	Not applicable	Not applicable	Not applicable	
"Against-to-All Criteria" ratio	Not applicable	25.0%	Not applicable	12.5%	
"Pending-to-Net Worth" ratio	Not applicable	Not applicable	25.0%	12.5%	
Generic scoring system					
No litigation, no arbitration		10.0	Not applicable	Not applicable	Not applicable
"Against-to-All Criteria" ratio	Applicable ratio ≤ 10%	Not applicable	8.0	Not applicable	8.0
	10% < Applicable ratio ≤ 20%	Not applicable	7.0	Not applicable	7.0
	20% < Applicable ratio ≤ 25%	Not applicable	6.0	Not applicable	6.0
	Applicable ratio > 25%	Not applicable	0.0	Not applicable	0.0
"Pending-to-Net Worth" ratio	Applicable ratio ≤ 12.5%	Not applicable	Not applicable	8.0	8.0
	12.5% < Applicable ratio ≤ 25%	Not applicable	Not applicable	7.0	7.0
	25% < Applicable ratio ≤ 50%	Not applicable	Not applicable	6.0	6.0
	Applicable ratio > 50%	Not applicable	Not applicable	0.0	0.0

In the event the Tenderer fails to have a "No litigation, no arbitration" history, the evaluation will be based on the Ratio "Against-to-All" and the Ratio "Pending-to-Net Worth". If only one of said criteria (Ratio "Against-to-All" or the Ratio "Pending-to-Net Worth") is evaluated, the score obtained will be considered for the overall of the "Litigation and Arbitration History" criterion. Nevertheless, if both criteria are evaluated, the overall score will be the average of both criteria.

Please refer to [5.3.9 LITIGATION AND ARBITRATION HISTORY](#), for this table calculation detail.

7 ACP TEMPLATES

7.1 TEMPLATE A - TRANSMITTAL LETTER

Template A - Transmittal Letter

Transmittal Letter			
Water Management System for the Panama Canal			
<p>Date _____</p> <p>Mr. _____ Contracting Officer Autoridad del Canal de Panamá Panama, Republic of Panama</p> <p>Mr. _____:</p> <p>The undersigned (the "Tenderer") submits this Statement of Qualification ("SOQ") in response to the Request for Qualifications ("RFQ") No. 186071, issued by the Autoridad del Canal de Panamá ("ACP") for the engineering, procurement and construction of the Water Management System for the Panama Canal (the "Project"). The Tenderer acknowledges receipt of last Amendment No. ____ issued to the RFQ (Solicitation 186071).</p> <p>The Tenderer (i) represents and warrants that it has read and understood the RFQ and agrees to abide by the contents, terms and conditions of the RFQ and the SOQ; (ii) makes the declaration set out in Annex 1 – Declaration of Tenderer attached hereto; and (iii) understands that the ACP plans to prequalify Tenderers.</p> <p>The Tenderer further understands that all costs and expenses incurred by it in preparing this SOQ and participating in the Project procurement process will be borne solely by the Tenderer. The Tenderer agrees that the ACP will not be responsible for any errors, omissions, inaccuracies or incomplete statements in this SOQ. This SOQ shall be governed by and construed in all respects according to the ACP's Acquisition Regulation and other applicable provisions of Panama law.</p> <p>By executing this form the Tenderer confirms that the representative named below is authorized to act as agent on behalf of the Tenderer to this RFQ, and that the information provided in the SOQ is true and correct.</p>			
<p>_____ Name of Tenderer Authorized Representative</p>	<p>_____ Title of Authorized Representative</p>	<p>_____ Signature of Authorized Representative</p>	<p>_____ Date Signed</p>

7.2 TEMPLATE B - FINANCIAL INSTITUTION REFERENCE LETTER

Template B - Financial Institution Reference Letter

[Date]			
<p>[Tenderer Full Name & Address]</p> <p>For the attention of [■]</p> <p>Ladies and Gentlemen:</p> <p>Re: Autoridad del Canal de Panama ("ACP") water management project (the "Project")</p> <p>You have advised [■] (the "Financial Institution") that [■] (the "Tenderer") is considering submitting a proposal for the Project. We understand that at this stage of the tender process, the Tenderer is required to submit financial institution reference letters with the purpose of providing evidence to the ACP that, should the Project be awarded, the Tenderer, to the best of the Financial Institution's knowledge, has adequate financial resources and bonding capacity to satisfy the Project's requirements.</p> <p>We have reviewed the ACP's Request for Qualifications ("RFQ") in relation to the Project and the information that you have provided to us to date. Given the foregoing, our knowledge of the Tenderer, and our analysis of current market conditions, we believe the Tenderer maintains capacity, ability and has the financial and technical sophistication necessary to carry out the Project.</p> <p>We are pleased to inform you that, as of the date hereof, we would be willing to consider providing cash equivalent on-demand performance security in the form of a standby letter of credit or performance bond in a form acceptable to the ACP, for an amount of up to USD [____] million in support of the Tenderer for the Project.</p> <p>Additionally, we (the "Financial Institution") provide the following information on the Tenderer:</p> <ol style="list-style-type: none"> 1. Description of the breadth of the relationship between the Financial Institution and the Tenderer, including comment on the length of the relationship, products operated, geographies, etc. _____ 2. Has the Financial Institution extended credit to the Tenderer or issued guarantees on behalf of the Tenderer in the past five (5) years? To the extent available, please list the amount and utilization of any committed and uncommitted credit facilities currently accessible to the Tenderer _____ 3. Has the Tenderer ever defaulted on an obligation with the Financial Institution? _____ 4. Has any of the guarantees issued by the Financial Institution on behalf of the Tenderer in the past five (5) years been drawn (partially or totally)? _____ 5. Overall, how does the Financial Institution rank the financial stability or credit worthiness of the Tenderer (i.e. excellent, good, satisfactory, poor)? _____. <p>This letter is for informational purposes only and is not a commitment by us or any of our affiliates to submit bonds or financing of any kind. Such a commitment would be subject to, among other things, the satisfactory completion of due diligence, obtaining all required credit and other internal approvals and the execution, and delivery of a definitive documentation.</p>			
_____ Name of Financial Institution Authorized Representative	_____ Title of Authorized Representative	_____ Signature of Authorized Representative	_____ Date signed

7.3 TEMPLATE C - FINANCIAL REQUISITES

Template C - Financial Requisites

ACP Template C - Financial Requisites

Tenderer: _____

	Figures according to US GAAP or IFRS (Interested Party to indicate the system applied)		
	Third from last audited year	Second to last audited year	Last audited year
Total Assets	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total Liabilities	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total Equity	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total Cash and Equivalents	<input type="text"/>	<input type="text"/>	<input type="text"/>
Current Assets	<input type="text"/>	<input type="text"/>	<input type="text"/>
Current Liabilities	<input type="text"/>	<input type="text"/>	<input type="text"/>
Debt (short and long term)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total Revenues	<input type="text"/>	<input type="text"/>	<input type="text"/>
EBIT:	<input type="text"/>	<input type="text"/>	<input type="text"/>
EBITDA:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Retained Earnings	<input type="text"/>	<input type="text"/>	<input type="text"/>
Net Profit	<input type="text"/>	<input type="text"/>	<input type="text"/>

In case of a Tenderer that is relying on its parent company financial information in order to comply with the financial requisites, this form shall be completed by such parent company.

EBIT= Earnings Before Interest and Taxes

EBITDA=Earnings Before Interest, Taxes, Depreciation and Amortization

Name of Tenderer's Authorized Representative

Title of Authorized Representative

Signature of Authorized Representative

Date signed

INSTRUCTIONS:

- All amounts should be expressed in United States Dollars according to US GAAP or IFRS. Where applicable the Tenderer shall indicate the conversion to United States Dollars, which shall be the rate published by the U.S. Federal Reserve in their website <https://www.federalreserve.gov/RELEASES/H10/hist/>, prevailing on the last day of each financial year.
- Include authenticated copies by CFO of their audited financial statements for the three (3) years prior to the date on which this Statement of Qualifications was issued.

7.4 TEMPLATE D - COMPARISON TABLE FOR ACCOUNTING STANDARDS

Template D - Comparison Table for Accounting Standards

ACP Template D - Comparison Table for Accounting Standards			
Fiscal year:			
	Figures according to US GAAP or IFRS		
	Local GAAP (1)	Reclassification/ adjustments (2)	US GAAP or IFRS (1) + (2)
Total Assets			
Total Liabilities			
Total Equity			
Total Cash and Equivalents			
Current Assets			
Current Liabilities			
Debt (short and long term)			
Total Revenues			
EBIT:			
EBITDA:			
Retained Earnings			
Net Profit			

In case of a Tenderer that is relying on its Parent Company financial information in order to comply with the financial requisites, this form shall be completed from such Parent Company.

EBIT= Earnings Before Interest and Taxes
EBITDA=Earnings Before Interest, Taxes, Depreciation and Amortization

_____ Name of Tenderer's Authorized Representative	_____ Title of authorized representative	_____ Signature of authorized representative	_____ Date signed
---	---	---	----------------------

INSTRUCTIONS:

- This Schedule is required only if a Tenderer uses a different accounting standard as stated in section 5.2.1.2 on page 23 of this RFQ.
- All amounts should be expressed in United States Dollars according to US GAAP or IFRS. Where applicable the Tenderer shall indicate the conversion to United States Dollars, which generally should be the rate prevailing on the last day of each financial year.

8 FIDIC STANDARD PREQUALIFICATION FORMS FOR CONTRACTORS²²

8.1 A - TITLE PAGE

Prequalification Form A

Page [Number] of total pages [Number]

Name and address of the Contractor

[Name and Address]

Name of the Employer

[Name]

Title and location of the Project

[Title and Location]

Date

[Date]

²² Sources: Excerpted from FIDIC® Standard Prequalification Form 3rd Edition (2008) ISBN 978-2-88432-057-3, and Appendix 8.3.1 – Prequalification of tenderers: Contracts for Works in FIDIC® Procurement Procedures Guide 1st Edition (2011) ISBN 978-2-88432-062-5.

8.2 B - NOTES TO APPLICANTS

Prequalification Form B

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Note to Applicants

1. Please answer all questions and provide information as requested.
2. Supplementary pages may be photocopied or copied and inserted if required.
3. Please number each page in the space provided at the top of each page.
4. Please retain a copy of your complete submission.
5. Not used.
6. Pages Q and R are not to be completed unless specifically stated to be required.
7. Project financial data is to be given in US dollars unless otherwise requested.

Standard Pages

- A. Title Page
- B. Notes to Applicants
- C. NOT USED
- D. Financial Statement
- E. Structure and Organisation 1
- F. Structure and Organisation 2
- G. Resources: Personnel 1
- H. Resources: Personnel 2
- I. Resources: Labour Force, Subcontractors and Fabrication
- J. Resources: Contractor's Plant, Equipment and Facilities
- K. Experience: Geographical
- L. Experience: Relevant Projects Completed
- M. Experience: All Projects in Progress
- N. Quality Assurance System
- O. Health and Safety Plan
- P. Environmental Policy
- Q. NOT USED
- R. NOT USED
- S. Litigation and Arbitration History 1
- T. Litigation and Arbitration History 2
- U. Additional Information

Additional Pages

Please list below any additional pages attached to each standard page.

8.3 D - FINANCIAL STATEMENT

Prequalification Form D

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Financial Statement

1. Capital [Value]
 Authorised [Value]
 Issued [Value]
2. Annual value of contract work undertaken for each of the last five (5) years and projected for the current year.
 Year Current
 Home [Value] [Value] [Value] [Value] [Value]
 Abroad [Value] [Value] [Value] [Value] [Value]
3. Approximate value of work in hand. [Value]
4. Please attach copies of the company's previous five (5) years' audited accounts (profit/loss, assets/liabilities) and other financial data which you consider to be useful. List all attachments below.
 [Number] [Title of Attachment]
 [Number] [Title of Attachment]
 [Number] [Title of Attachment]
5. Name and address of bankers from whom references can be obtained. [Name and Address]

8.4 E - STRUCTURE AND ORGANISATION 1

Prequalification Form E

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Structure and Organisation 1

1. Name of company [Name]
 Address [Address]
 Telephone number [Telephone]
 Telefax number [Telefax]
 E-mail [E-mail]
 Web site [URL]
 Registered office address [Address]
2. Description of company (for example, General Civil Engineering Contractor) [Name]
3. Number of years of experience as a general contractor – in own country [Number]
 Number of years of experience as a general contractor – internationally [Number]
4. Number of years of experience as a sub-contractor – in own country [Number]
 Number of years of experience as a sub-contractor – internationally [Number]
5. Names and addresses of associated companies to be involved in the project, and whether parent/subsidiary/other

Name and Address	Parent	Subsidiary	Involvement of Subsidiary's parent company in project	Other
[Name and Address]	[Yes] [No]	[Yes] [No]	[Details]	[Details]
[Name and Address]	[Yes] [No]	[Yes] [No]	[Details]	[Details]
[Name and Address]	[Yes] [No]	[Yes] [No]	[Details]	[Details]
6. If the company is a subsidiary, what involvement, if any, will the parent company have in the project?

8.5 F - STRUCTURE AND ORGANISATION 2

Prequalification Form F

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Structure and Organisation 2

7. Names and addresses of any associates the company has in the country of the project, knowledgeable in the procedures of customs, immigration, etc.

Name and Address

[Name and Address]

Name and Address

[Name and Address]

Name and Address

[Name and Address]

8. Please indicate here or attach an organisation chart showing the company structure including the positions of directors and key personnel, if relevant.

8.6 G - RESOURCES: PERSONNEL 1

Prequalification Form G

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Resources: Personnel 1

1. Number of staff

Technical

[Number]

Administrative

[Number]

2. Please list present Executive Directors

Name

Present Position

**Years of experience with
the company and/or in
the industry**

[Name]

[Position]

[Number]

[Name]

[Position]

[Number]

[Name]

[Position]

[Number]

8.7 H - RESOURCES: PERSONNEL 2

Prequalification Form H

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Resources: Personnel 2

3. List information about other key personnel who will be committed to the contract for its duration. Use additional sheets as may be necessary.

Name	[Name]
Present position	[Position]
Years of experience with the company and/or in the industry	[Number]
Major works for which responsible (type and value)	[Works]
Linguistic ability relevant to the project	[Linguistic Ability]
Name	[Name]
Present position	[Position]
Years of experience with the company and/or in the industry	[Number]
Major works for which responsible (type and value)	[Works]
Linguistic ability relevant to the project	[Linguistic Ability]
Name	[Name]
Present position	[Position]
Years of experience with the company and/or in the industry	[Number]
Major works for which responsible (type and value)	[Works]
Linguistic ability relevant to the project	[Linguistic Ability]

8.8 I - RESOURCES: LABOUR FORCE, SUBCONTRACTORS AND FABRICATION

Prequalification Form I

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Resources: Labour Force, Subcontractors and Manufacture/Fabrication

1. On the basis of the information provided in the [Source] prequalification documents indicate the likely source of the labour force required to undertake the work.
2. If it is foreseen that any part of the contract will be sub-contracted state the type of work to be undertaken by the subcontractor(s) and, if known, give the name and address of the subcontractor(s) to be used and the proposed maximum value of Works to be subcontracted as a percentage of the Contract price.

Type of Work	% of Contract Price	Subcontractor Name and Address
---------------------	----------------------------	---------------------------------------

[Type]		[Name and Address]
--------	--	--------------------

[Type]		[Name and Address]
--------	--	--------------------

[Type]		[Name and Address]
--------	--	--------------------

3. Manufacture/fabrication facilities (to be completed only if relevant to the project):

Summary	[Number]
---------	----------

Description	[Description]
-------------	---------------

Location	[Location]
----------	------------

Capacity	[Capacity]
----------	------------

Annual throughput	[Annual throughput]
-------------------	---------------------

8.9 J - RESOURCES: CONTRACTOR'S PLANT, EQUIPMENT AND FACILITIES

Prequalification Form J

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Resources: Contractor's Plant, Equipment and Facilities

1. On the basis of the information provided in the prequalification documents please indicate the equipment and facilities considered by the company to be necessary for undertaking the project and whether this is already in the company's ownership or will be purchased or hired.

Equipment and Facilities	In Ownership / To be Purchased / To be Hired
[Type]	[Owned] [To be Purchased] [To be Hired]
[Type]	[Owned] [To be Purchased] [To be Hired]
[Type]	[Owned] [To be Purchased] [To be Hired]

8.10K - EXPERIENCE: GEOGRAPHICAL

Prequalification Form K

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Experience: Geographical

1. Countries in which work similar to the project has been undertaken.

Country [Country]

Country [Country]

Country [Country]

2. Summary of experience of company in country of the project and/or neighbouring states. [Details]

8.11 L - EXPERIENCE: RELEVANT PROJECTS COMPLETED

Prequalification Form L

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Experience: Relevant Projects Completed

Please fill in information about the relevant projects completed over the past fifteen years. Use additional sheets as may be necessary.

1. Name of employer [Name]
Project name [Name]
Project location [Location]
Project type [Type]
Name of (consulting) engineer responsible for [Name]
supervision
Contract price [Price]
Contract date [Date]
Percentage of participation of company in the [Percent]
project
Was contract satisfactorily completed [Details]
including time provision
2. Name of employer [Name]
Project name [Name]
Project location [Location]
Project type [Type]
Name of (consulting) engineer responsible for [Name]
supervision
Contract price [Price]
Contract date [Date]
Percentage of participation of company in the [Percent]
project
Was contract satisfactorily completed [Details]
including time provision

8.12M - EXPERIENCE: ALL PROJECTS IN PROGRESS

Prequalification Form M

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Experience: All Projects in Progress

Give information about all projects in progress, including those where the company has received a letter of intent, but a formal contract has not yet been awarded. Use additional sheets if necessary.

1. Name of employer [Name]
Project name [Name]
Project location [Location]
Project type [Type]
Name of (consulting) engineer responsible for supervision [Name]
Value of contract [Value]
Value completed and certified [Value]
Percentage of participation of company in the project [Percent]
Percentage of practical completion [Percent]
Scheduled date of completion of work [Date]
2. Name of employer [Name]
Project name [Name]
Project location [Location]
Project type [Type]
Name of (consulting) engineer responsible for supervision [Name]
Value of contract [Value]
Value completed and certified [Value]
Percentage of participation of company in the project [Percent]
Percentage of practical completion [Percent]
Scheduled date of completion of work [Date]

8.13N - QUALITY ASSURANCE SYSTEM

Prequalification Form N

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Quality Assurance System

1. Please describe the company's quality assurance system.

[Details]

8.14O - HEALTH AND SAFETY PLAN

Prequalification Form O

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Health and Safety Plan

1. Please describe the company's health and safety plan. [Details]

8.15P - ENVIRONMENTAL POLICY

Prequalification Form P

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Environmental Policy

1. Please describe the company's environmental policy.

[Details]

8.16S - LITIGATION AND ARBITRATION HISTORY 1

Prequalification Form S

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Litigation and Arbitration History 1

1. Please describe the company's history of litigation and/or arbitration from contracts executed or completed (either acting as a prime Contractor or as a Subcontractor) during the last six (6) years counted backwards from the date of submission of the Tenderer's SOQ or currently under execution, either individually or as part of a Joint Venture.

As well, please provide the Net Worth of the Company as defined in Paragraph 2 "Definitions".

8.17T - LITIGATION AND ARBITRATION HISTORY 2

Prequalification Form T

Page [Number] of total pages [Number]

Project

[Project]

Company

[Company]

Litigation and Arbitration History 2

1. Please indicate for each litigation and arbitration either concluded within the last six (6) years or pending at the date of submission of the SOQ, the name of the employer, owner or developer, the main claims and counterclaims (if any) in the litigation or arbitration, the respective amounts claimed and counterclaimed (if any), the court or arbitral institution or arbitration rules concerned and the amount awarded against the Tenderer, as appropriate.

Year	[Year]
Name of employer, owner or developer	[Name]
Cause of litigation	[Cause]
Matter in dispute	[Matter]
Main claims and counterclaims	Claims / Counterclaims
Disputed amount	[Amount]
Court or arbitral institution or arbitration rules	[Court / Institution / Rules]
Litigation / arbitration is pending	[Yes] [No]
Award for / against the Tenderer	[For] [Against]
Amount awarded against the Tenderer	[Amount]
Year	[Year]
Name of employer, owner or developer	[Name]
Cause of litigation	[Cause]
Matter in dispute	[Matter]
Main claims and counterclaims	Claims / Counterclaims
Disputed amount	[Amount]
Court or arbitral institution or arbitration rules	[Court / Institution / Rules]
Litigation / arbitration is pending	[Yes] [No]
Award for or against the Tenderer.	[For] [Against]
Amount awarded against the Tenderer	[Amount]

8.18U - ADDITIONAL INFORMATION

Prequalification Form U

Page [Number] of total pages [Number]

Project [Project]

Company [Company]

Additional Information

1. Please add further information which you consider to be relevant to the evaluation of your application for prequalification. [Details]
2. If you wish to attach other documents, please list aside. [List]

9 PANAMA CANAL WATERSHED: COMPREHENSIVE WATER PROBLEM DEFINITION

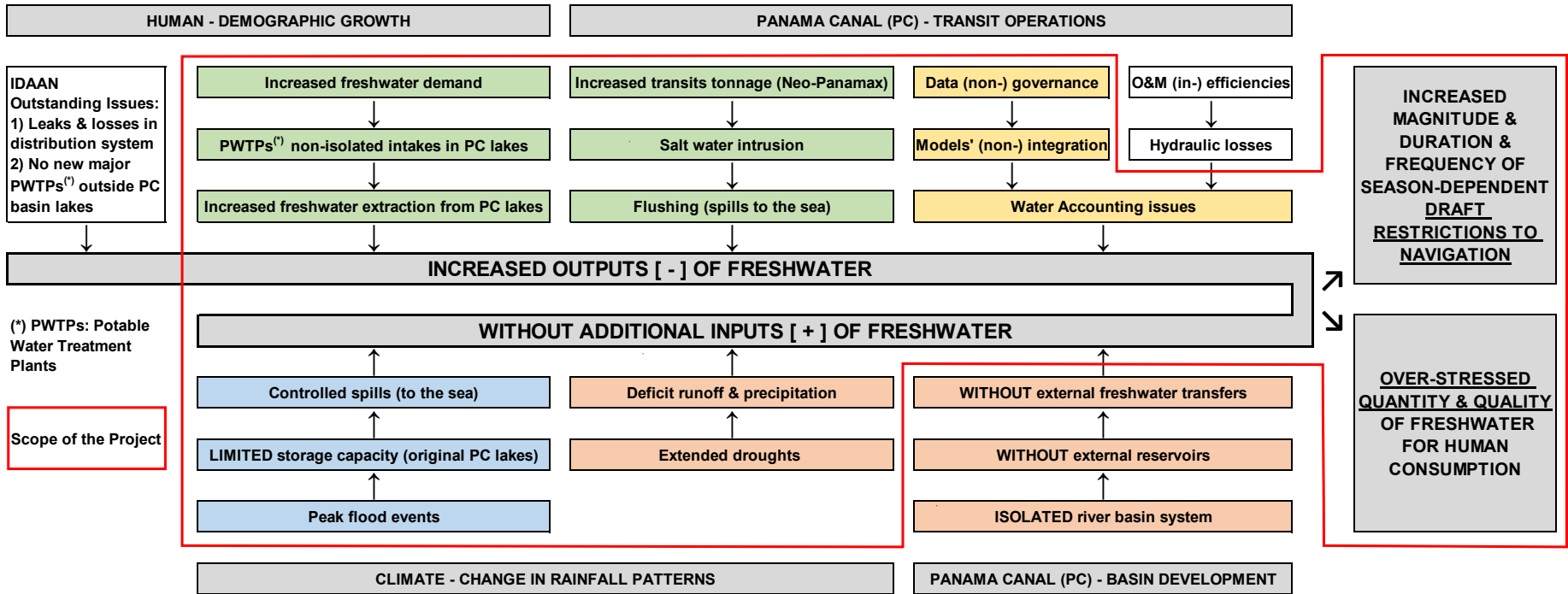


Figure 1. Panama Canal Watershed: Cause-effect water problem definition - For information purposes only

ANNEX 1 – DECLARATION BY TENDERER

The following declaration is made by the Tenderer in submitting its SOQ:

- a. I have not forged any information and/or documents included in my SOQ, nor have I concealed any situation to be declared.
- b. I have not entered into any agreements, contracts, covenants or understandings, nor do I have economic and/or legal ties in any way with any other Tenderers participating in this selection process, with the purpose of affecting or restricting the principles of promoting full and open competition and equality among participants as prescribed in Article 1A of the Acquisition Regulation.
- c. I have not offered alms, gifts or bribes to any employee, [trustworthy]^[1] employee, officer or director of the ACP, nor have I engaged in any conduct contrary to the ACP's Ethics and Conduct Principles for Bidders, Suppliers and Contractors, approved and published in the following link: <http://www.pancanal.com/eng/fn/ethics-conducts.pdf>, which I hereby declare to have read and fully understood.
- d. I am not an employee of ACP or if I was a former employee of the ACP, by submitting a SOQ or by signing a contract with the ACP, I will not be in violation of the Acquisition Regulation, the ACP's Ethics and Conduct Principles for Bidders, Suppliers and Contractors or the Board of Directors By-laws <https://www.pancanal.com/eng/legal/reglamentos/Acuerdo-348-esp.pdf>.^[2]
- e. No director, dignitary, shareholder or [trustworthy] employee of the Tenderer (for corporate entities), nor myself (for individuals or natural persons) have family ties within the fourth degree of consanguinity or a second degree of kinship with any of the following employees of the ACP: the Administrator, Deputy Administrator, Vice-Presidents, Inspector General, Secretary and any member of ACP's Board of Directors. In addition (for corporate entities only), none of the aforementioned [trustworthy] employees hold more than five percent (5%) ownership, nor do they have administrative control or representation of the Tenderer.
- f. Without prejudice to the above declaration, I do not have any conflict of interest in contracting with the ACP, in accordance with the provisions of the Acquisition Regulation, the ACP's Ethics and Conduct Principles for Bidders, Suppliers and Contractors or the Board of Directors By-laws.
- g. I have not been convicted (as an individual and any directors, dignitaries, proxies or legal representatives, in the case of a Tenderer that is a corporation), nor any related parties of the Tenderer, by a competent authority in the Republic of Panama nor in any other country in the world, within the past five (5) years of the date of submission of this SOQ, for money laundering, terrorism and/or financing of terrorist activities, embezzlement, misappropriation, corruption/bribery of public officials, fraud in public contracting acts, influence peddling, document forgery, or international bribery. The term "related parties" for the purpose of this declaration has the meaning given to that term in Article 10 of the Acquisition Regulation.
- h. Neither I, nor any related parties (if applicable) have entered into a plea agreement with the Public Ministry of the Republic of Panama or any equivalent entity in any other country in the

world, within the past five (5) years of the date of submission of this SOQ, with regard to any of the crimes listed in paragraph (g) of this declaration.

- i. Neither I, nor any related parties (if applicable) am/are debarred, administratively or judicially, from contracting with the ACP, the Republic of Panama or any other government entity of the Republic of Panama or in any other country in the world, with regard to any of the crimes listed in paragraph (g) of this declaration.
- j. Neither I, nor any related parties (if applicable) am/are included in the list of corporations and persons debarred from contracting in projects financed by the World Bank.
- k. Neither I, nor any related parties (if applicable) have in process any reckless legal or arbitration action or bad faith claims or processes at the time of submitting this declaration.
- l. I accept the RFQ terms and conditions and acknowledge I have read and understood the procurement process for the Project outlined in this RFQ, including without limitation that the ACP is not required to shortlist any Tenderer or award the Contract.
- m. I hereby pledge to provide written notification to the ACP immediately upon obtaining information of any fact arising at a subsequent date from the submission of this declaration, that may represent, in a material or apparent manner, a change in any of the situations or information hereby sworn to, or any fact that may lead to a conflict of interest during the procurement process for the Project with the ACP.

Tenderer's Name: _____

Authorized Representative Name: _____

Authorized Representative signature: _____

Date: _____

ANNEX 2 – DECLARATION BY GENERAL COUNSEL

I _____ (General Counsel’s name) hereby certify the following:

1. That I currently hold the position of General Counsel of _____ (Tenderer’s name) since _____.
2. That to the best of my knowledge and belief the information submitted with the SOQ, regarding the litigation and arbitration history of _____ (Tenderer’s name) is true and complete.

General Counsel’s signature

Date: _____

ANNEX 3 – FORM 840-B



ACP 840 B

PANAMA CANAL AUTHORITY
ACCOUNTING DIVISION
ACCOUNTS RECEIVABLE AND PAYABLE SECTION

APPLICATION FOR ACH-USA / BANK TRANSFER

The Panama Canal issues electronic payments (bank transfers or EFTs) to its suppliers. If the supplier selects international bank transfer as form of payment, banking fees will be deducted from final payment.

Section I - Supplier Details

Name _____
Supplier Number _____
Country _____
Tax ID Number _____
Address _____
P.O. Box. _____
Phone Number _____ Fax: _____
E-mail _____
Responsible for Accounts Receivables _____

Section II - Please select one of the following payment methods

Electronic Funds Transfer (EFT) to US banks only (ACH-USA)

Bank Name _____
Branch Name _____
Branch Number _____
Bank Address _____
Account Number _____
Account Name _____
SWIFT CODE (BIC) _____
ABA (Routing Number) _____

(Please note that account name **MUST** be the same as the supplier name specified on this form.)

INTERNATIONAL BANK TRANSFER (complete only if applicable)

Bank Name _____
Branch Name _____
Branch Number _____
Bank Address _____
Account Number _____
Account Name _____
IBAN # _____
SWIFT CODE (BIC) _____
ABA (Routing Number) _____

(Please note that account name **MUST** be the same as the supplier name specified on this form.)

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Section III - Terms and Conditions

1. The Panama Canal Authority will process the payment using the banking information and the account number indicated by the supplier on this form. 2. If the supplier selects international bank transfer as form of payment, banking fees will be deducted from total payment. 3. The ACP will not be responsible for payments rejected by the beneficiary bank or processed incorrectly as a consequence of the data wrongly provided by the supplier on this form or for other reasons imposed by the financial institution selected by the supplier. Any fee to be paid by reason of this situation, are the exclusively responsibility of the supplier. The ACP can proceed to debit from the payment owed to the supplier, any amount of money charged to the ACP by the financial institution of the supplier for this reason. 4. The supplier is responsible for providing updates on payment information. All changes to the payment instructions must be requested immediately to the ACP, by completing a new form and sending it by e-mail to the following address: FMAA-VEN@pancanal.com along with the required documentation requested on this form.

Section IV - Certification (to be completed by the legal representative or other authorized official)

I authorize the Panama Canal Authority to process electronic payments to our organization or international bank transfers, using the information specified in Section II of this form. I understand that the payment instructions specified on this form, will be used for processing payments, until a change is requested by our organization thru a new form with the required changes. We hereby expressly releases and discharge the Panama Canal Authority from any liability for processing payment in accordance with the instructions provided by us, for the content of this form and for any claims arising as a result of using the information provided to process payment. We fully understand and accept the conditions of this document and certify that the information provided by us is true and accurate.

Authorized Official _____
Position: _____
Signature _____
Date _____
Phone Number _____ Fax: _____
Email address _____

Required Documentation

Please return this form completed and signed with a copy of the company's legal representative or manager's identification document or passport.

Also, please provide a copy of one (1) of the following documents: 1). Company's Business Licence, 2). Business Permit, 3). Legal Entity Registration or 4). Business Registration.

ANNEX 4 - COMPLIANCE TABLE

**Information provided shall be accurate and complete
Page number on proposal shall provide direct access to each requirement**

The information listed in this Compliance Table is provided for reference only; therefore, the Tenderer is responsible for reviewing the requirements of the RFQ and submitting an SOQ in a clear, complete and thorough manner.

NAME OF TENDERER:		
SOLICITATION 186071		
REQUEST FOR QUALIFICATION FOR THE ENGINEERING, PROCUREMENT AND CONSTRUCTION OF A WATER MANAGEMENT SYSTEM FOR THE PANAMA CANAL		
Specification paragraph	Requirement	Tenderer SOQ page
4.3	ANNEX 1 – DECLARATION BY TENDERER	
4.6	NOTARIZATION AND LEGALIZATION OF DOCUMENTS Documents of incorporation or updated certificates as may be the case. If a Tenderer is partially or wholly owned subsidiary of a Parent Company, Documents of incorporation shall also be provided for the Parent Company	
4.6	NOTARIZATION AND LEGALIZATION OF DOCUMENTS Any Power of Attorney	
4.7	INSURANCE STRUCTURE	
5.1	5.1.1.1 TRANSMITTAL LETTER	
	5.1.1.2 TENDERER INFORMATION	
	5.1.1.3 DOCUMENTS OF INCORPORATION	
	5.1.1.4 ORGANISATIONAL STRUCTURE	
	5.1.1.5 REFERENCE LETTERS	
	5.1.1.6 ANNEX 3 - FORM 840-B	
5.2	5.2.1 PARENT COMPANY DOCUMENTATION, IF APPLICABLE	
	5.2.1.1 FINANCIAL REQUISITES FORM	
	5.2.1.2 AUDITED FINANCIAL STATEMENTS	
	5.2.1.3 ADDITIONAL INFORMATION	
5.3	5.3.1.1 SUBMITTALS (FIDIC FORMS A, B, E, F, and U)	
	5.3.2.1 SUBMITTALS (FIDIC FORMS G, H, and U)	
	5.3.3.1 SUBMITTALS (FIDIC FORMS I and U)	
	5.3.4.1 SUBMITTALS (FIDIC FORMS J and U)	
	5.3.5.1 SUBMITTALS (FIDIC FORMS K and U)	
	5.3.6.1 SUBMITTALS (FIDIC FORMS L and U)	
	5.3.7.1 SUBMITTALS (FIDIC FORMS M and U)	

NAME OF TENDERER:		
SOLICITATION 186071		
REQUEST FOR QUALIFICATION FOR THE ENGINEERING, PROCUREMENT AND CONSTRUCTION OF A WATER MANAGEMENT SYSTEM FOR THE PANAMA CANAL		
Specification paragraph	Requirement	Tenderer SOQ page
	5.3.8.1.1 SUBMITTALS (FIDIC FORMS N and U)	
	5.3.8.2.1 SUBMITTALS (FIDIC FORMS O and U)	
	5.3.8.3.1 SUBMITTALS (FIDIC FORMS P and U)	
	5.3.9.1 SUBMITTALS (FIDIC FORMS S, T and U)	
	5.3.9.1 ANNEX 2 – DECLARATION BY GENERAL COUNSEL	

ANNEX 5 - QUERY SUBMITTAL FORM

**SOLICITATION 186071
REQUEST FOR QUALIFICATION (RFQ)
FOR THE ENGINEERING, PROCUREMENT AND CONSTRUCTION
OF A WATER MANAGEMENT SYSTEM FOR THE PANAMA CANAL WATERSHED**

Date:	
Name of Company:	Company Point of Contact:
Country of Origin:	E-mail address:
QUERIES	
For each query, include the reference to the paragraph or portion of the RFQ, as applicable.	
1.	Reference: Query:
2.	Reference: Query:
3.	Reference: Query:
4.	Reference: Query:
5.	Reference: Query:
6.	Reference: Query:
7.	Reference: Query:
8.	Reference: Query: