

**REQUEST FOR QUALIFICATIONS RFQ #186071
FOR THE
ENGINEERING, PROCUREMENT AND CONSTRUCTION OF A WATER MANAGEMENT SYSTEM FOR THE PANAMA CANAL**

REFERENCE	QUERRIES	ANSWERS
5	According to section 5 "Qualification and Evaluation Criteria": No Joint Ventures will be allowed for this RFQ. However in section 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 change between the submission of the SOQ and the date of Prequalification determination... : where we understand that Joint Ventures could be allowed.	No, joint ventures will not be allowed. Please refer Amendment No. 3, Section 5, Paragraph 4.2 refers to changes in the shareholders, parent company or the corporate group of the tenderer.
5	According to section 5 "Qualification and Evaluation Criteria": No Joint Ventures will be allowed for this RFQ. However in section 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 change between the submission of the SOQ and the date of Prequalification determination... : where we understand that Joint Ventures could be allowed. So, we kindly ask you to clarify whether or not Joint Ventures will be allowed in this RFQ process.	No, joint ventures will not be allowed. Please refer Amendment No. 3, Section 5, Paragraph 4.2 refers to changes in the shareholders, parent company or the corporate group of the tenderer.
4.1	According to this statement all documents must be submitted in English, what about the Documents of Incorporation and Financial statements which were issued in Spanish, should they be translated or they can be submitted in Spanish?	Please refer to Amendment No. 3, Paragraph 4.1, which states that documentation originally issued in Spanish does not need to be translated.
5.3.5	Do "neighbouring countries" include all the countries within Latin America and Caribbean region?	Yes, "neighbouring countries" refers to neighbouring countries, within Latin America and the Caribbean (LAC) region.
5.3.5	Will the knowledge of local conditions be evaluated through the implementation of projects and/or the studies conducted by the Tenderer in the country?	The Tenderer's experience and knowledge of local conditions should be evaluated based on projects of similar size, scope, and technical complexity to those depicted in this RFQ that have been undertaken by the Tenderer, in neighbouring countries, within Latin America and the Caribbean (LAC) region.
5.3.5	How should the Tenderer demonstrate that this requirement is complied?	Tenderers shall demonstrate compliance by duly submitting the documentation required in this RFQ.
5.3.6	Please clarify if the projects listed must be from the last 15 years or 6 years.	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. 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.
5.3.6	How many projects can be submitted to meet the requirements of each portfolio?	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.
6.2.6	Regarding the Highly Relevant, which of the following cases will be considered as Highly Relevant: A. The RWP shall contain design and construction experience on different projects, i.e. the design experience of one project and construction experience of another project. B. the RWP shall contain the design and construction experience from one project but executed by separate contracts	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.
5.3.2	How should the "Adequate English Proficiency" be demonstrated?	Tenderers shall be able to demonstrate Adequate English Language Proficiency of their proposed key personnel. "Adequate English Language Proficiency": requires 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. Please refer to Amendment No. 3, Section 2 "Definitions".
5.3.6	In order to certify the experience of the Tenderer, what type of documentation must be presented?	The Tenderer shall duly fill out and submit FIDIC® Standard Prequalification Forms for Contractors: 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. 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 six (6) 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.

5.3.2	Is there any specific type of document that must be submitted to comply with the KP requirements?	The Tenderer shall duly fill out and submit all the documents required in Section 5.3.2.1. Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.
5	We understand that during this RFQ stage no Joint Ventures will be allowed, but we would like to know if on the RFP stage this rule will change (allowing the JVs) and if so, what would be the criteria for Joint Ventures to be formed?	No, joint ventures will not be allowed. Please refer Amendment No. 3, Section 5.
5.1.1.5	We kindly ask for a description of the bonds and guarantees that will be requested during the RFP and once the contract is signed.	Bonds and guarantees will be addressed in the RFP
5.3.1	We understand that tenderers can demonstrate the experience through its affiliates and/or subsidiaries. If our understanding is correct, We would appreciate it if you could indicate what documentation should be presented to prove the relationship between the tenderer and its subsidiary or affiliate. Our question arises because most of the multinational companies execute projects through different subsidiaries or affiliates depending on their qualification and areas of expertise.	Please refer to Section 5.3.5 EXPERIENCE: GEOGRAPHICAL, 5.3.6 EXPERIENCE RELEVANT CONTRACTS COMPLETED and 5.3.7 EXPERIENCE: ALL CONTRACTS IN PROGRESS which state that only the experience of the Tenderer will be considered.
4.6	We understand that only the Documents of Incorporation and the Power of Attorney must be legalized, please confirm if our understanding is correct.	Yes, you are correct. Please refer to Paragraph 4.6.
5.3.1	In case of a Tenderer is the Parent Company, i) can the Tenderer's relationships with local/regional companies be demonstrated through its subsidiaries? ii) can the Tenderer demonstrate successful cooperations with the designated subcontractors through its subsidiaries?	Please refer to Section 5.3.1 Structure and Organization, 5.3.5 EXPERIENCE: GEOGRAPHICAL, 5.3.6 EXPERIENCE RELEVANT CONTRACTS COMPLETED and 5.3.7 EXPERIENCE: ALL CONTRACTS IN PROGRESS which state that only the experience of the Tenderer will be considered.
5.1.1.5	Will ACP confirm the rating of the financial institution from its approach, or the tenderer should submit any certificate, since the ratings of the institutions are public informations on the major rating agencies' official websites.	The ratings will be confirmed independently by ACP.
5.1.1.5	Will the official template, which comes from the Bank other than the one provided in the RFQ but with the same effect, be accepted? Some of the banks has clarified that the Template B from RFQ is not acceptable to them.	The financial institution reference letters must be in form and substance satisfactory to the ACP. Please refer to Amendment No.3, Paragraph 5.1.1.5 REFERENCE LETTERS.
5.2.1.2	The IFRS official website indicates that "China's national standards are substantially converged with IFRS Standards, and China has committed to adopt IFRS Standards for reporting by at least some domestic companies although there is no timetable for completion of the process. Chinese companies representing more than 30 per cent of the total market capitalisation of the domestic market produce IFRS-compliant financial statements as a result of their dual listings in Hong Kong and other international markets.", in this case, should the Template-D be presented by the tenderer that applies to China's national standards?	Yes, Template-D Comparison table for Accounting Standards shall be presented by the tenderer that applies China's national standards reconciling the local accounting standard to IFRS, such table to be duly certified by one of the top twenty (20) international audit firms
6.2.9	In the tables from this section, ACP states the columns of point score and the percentage, please clarify the method of calculation of this section (Section 6.2.9), which should be added to the final score, the point score or the point score multiplied by the percentage	Please refer to 6.2 Engineering and Technical Requirements. The table indicates that the Litigation and arbitration history criteria represents 25% of the overall Engineering and Technical Requirements. Therefore, the columns shows the score and the corresponding percentage. The maximum is 25% which can only be achieved by a no litigation nor arbitration during the last 6 years.
4.6	Please clarify if such POA shall be issued in Spanish or English.	Please refer to Amendment No. 3, Paragraph 4.1, which states that documentation originally issued in Spanish does not need to be translated.
5.3.4	Considering that at this stage of the process there is no concept design of the project, we would like to know, what are you referring to with the term "high level description" and what documentation must be submitted to meet this requirement?	ACP is expecting Tenderers to provide the documents required in Section 5.3.4.1 addressing the matters set out in Section 5.3.4.2 based on the information included in the RFQ about the scope of the Project.
5.2.1.2	In addition to the rankings of Accounting Today or Accountancy Age, we kindly request to accept financing statements audited by one of the top twenty (20) international audit firms listed in the 2019 CICPA ranking, which is a professional accounting organisation, member of the International Federation of Accountants (IFAC).	No. ACP will accept only audited financial statements 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 or Accountancy Age.
4.1.1	We request a 30-day extension to the submission date.	Please refer to Amendment No. 3, which grants an extension to the date for submittal of Statements of Qualifications.
5.3.2	Having regard to the Project is not precisely defined at this stage of the process and all positions are requested to demonstrate experience in a certain number of projects of similar size, scope and technical complexity; we kindly ask to specify the minimum parameters that shall be met by those projects.	Please refer to Paragraph 5.3 "Structure and Organization", which lists the experience requirements.

4.3	Considering that the design solution has not been developed, why has ACP chosen to go with a FIDIC Silver Book contract? In our experience this form of contract is generally used when the design has already achieved certain progress to allow accurate estimating of the work. We believe that the ACP should work with the selected partner, under a different form or contract, to collaboratively identify, prioritize and decide on the best procurement and contracting approach for each project in the program.	The FIDIC Silver Book is considered an appropriate starting point for this Contract, being a fixed price, lump sum EPC contract where Contractor has full design responsibility.
3.3	Will the ACP facilitate access to solutions already identified to improve and maintain the Lake Gatún water level? Are there pre-established solutions that the contractors will work to?	Please refer to Amendment No. 3, Paragraph 3.3.2 "Sufficiency of Time and Site Data for Bid Proposals".
3.3	What technical information, if any, will be supplied to bidders to permit the quantification of risk associated with sub-surface, hydrological, climatic and environmental conditions, based on the requirement that the contractors select site locations?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements"; Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposals"; and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.3	What technical information, if any, will the ACP (or other parties) provide on the water supply needs and state of repair of the water treatment facilities and the distribution network in Panama City, to identify interventions to improve the system's operating efficiency, given the requirement that the contractor is supposed to take on the responsibility for water quality and supply?	Please refer to Amendment No. 3, Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposals". The "... state of repair of the water treatment facilities and the distribution network in Panama City..." is not part of the scope of this RFQ.
3.3	The geotechnical risks associated with pre-existing ground conditions are significant, given the combination of heavy civil works for water storage and linear solutions for water conveyance. How does the ACP plan to handle this risk? We do not believe it's appropriate to expect that the contractor assumes the risk of site conditions. Significant geotechnical surveying work will be necessary to understand ground conditions and execution risks, which carries a high cost. If the ACP is not willing to take ground condition risks, the project is likely to face years of delays and significant claims will arise.	Please refer to Amendment No. 3, Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposals"; and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.3	Since the ACP will not assume any responsibility for the suitability of the Design, what will be the review and evaluation criteria for the Bidder's technical proposals?	Please refer to Amendment No. 3, Paragraph 3.3.2 "Evaluation and Selection Criteria for Bid Proposals".
3.3	Are the Land of the sites, where the storage or conduction infrastructure is to be located, owned by the ACP or are they Private property, or will they have some other property regime scheme?	Please refer to Amendment No. 3, Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals". The location of the referred area will be depend upon each bidder's proposal.
3.3	In the case that the land is privately owned, will the management, negotiation and costs for the release of the right of way be in charge of the ACP?	Please refer to Amendment No. 3, Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.1	In environmental matters, for the Contractor's considerations, in this regard, should any regulations or pre-existing environmental mitigation plan be considered in the ACP for the Program-Additional Fresh Water Tributary Inflows?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements", which includes a revised scope of work for this RFQ.
3.1	The processing and obtaining of Permits, for example for Construction, Water Use, Environmental by the Contractor should be considered, these steps will be accompanied by the ACP	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements" (which includes a revised scope of work for this RFQ); and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.1	Will the rights of way that are required be released by the ACP?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements" (which includes a revised scope of work for this RFQ); and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.1.2.1	Do we understand that the areas of influence of the nearby river basins, which will be available for the transfer of fresh water, leave the limit of the 30.48m contour line?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements" (which includes a revised scope of work for this RFQ).
3.1.2.1	Do we understand that because they are natural fresh water sources, no type of treatment will be necessary after their collection and conduction to improve their quality and delivery as an additional Tributary Inflows ?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements" (which includes a revised scope of work for this RFQ).
3.1.2.2	Could you indicate where the required volume for human and industrial consumption will be delivered?	Rough approximations provided for reference and information purposes only. Final functional and performance requirements shall be set out in the Employer's Requirements of the RFP.
3.1.2.2	Will the indicated demand of 900 million m3, be delivered in the same quality of purification?	Rough approximations provided for reference and information purposes only. Final functional and performance requirements shall be set out in the Employer's Requirements of the RFP.
3.1.2.2	Could you confirm estimatively and as an order of magnitude the demands for each type of water use?	Rough approximations provided for reference and information purposes only. Final functional and performance requirements shall be set out in the Employer's Requirements of the RFP.
3.2.2.2	Could be indicated the Gatún Lake jurisdictional footprint concept?	Please refer to amendment No. 3, Paragraph 3.1 PROJECT - ADDITIONAL FRESHWATER STORAGE CAPACITY.

3.3	We understand that the scale version of the Panama Canal basin and structures, which will be an integrated, multi-physics, multiscale probabilistic simulation of the interactions of all the water systems and operations of the Panama Canal, will be a prerequisite for the construction phase?	No, "scale version of the Panama Canal basin and structures" is not a pre-requisite for the construction phase whatsoever. It has been defined as an integrated high-level deliverable towards smart built-in plug-in capacity of the new infrastructures and systems. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
4.1	To comply with the requirements requested in this RFQ, all documents submitted must be in English. Is a free translation sufficient for compliance, or must it be by a certified translator?	Please refer to Amendment No. 3, Paragraph 4.1 "Procurement Process", which states that all documentation that is not originally in the English language must be translated to the English language by a certified translator.
4.1	In your case, which of the two versions will be the one that will govern for the ACP?	The English version from a certified translator shall be an exact translation of the original document.
5	Please confirm that the ACP will evaluate the individual qualifications of each bidder and therefore will not allow Joint Ventures for this RFQ?	No, joint ventures will not be allowed. Therefore, individual qualifications of tenderers will be evaluated, as applicable.
5.1.1.5	To demonstrate the adequate financial capacity of the postulant for the Project, can reference letters be submitted from commercial banks without representation in the Republic of Panama?	Yes, the reference letters can be submitted from commercial banks without representation in the Republic of Panama. The financial institution reference letters must be in form and substance satisfactory to the ACP. ACP reserves the right to decide if the letter is satisfactory in form and substance.
5.2	It is our understanding that as a postulant we may include within the organizational structure, proposed subcontractors, as long as they do not exceed 30% of the participation in the Works. Will it be correct to include the financial capacity of the proposed subcontractors to comply with the Bidder's requirement?	No, financial requirements, as stated in Paragraph 5.2, must be fulfilled by the Tenderer.
5.3.6.2.1	Regarding the infrastructure of pipelines, channels, tunnels, conduits, sewers with at least 300 km, We understand that the qualification criteria may accept the accumulation of projects to reach the length of water diversion and conduction systems and by the different conduction systems?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Technical Requirements", which includes a revised scope of work for this RFQ; Paragraph 5.3.6 "Experience - Relevant Contracts Completed", which includes a revision to the required Work Packages.
5	The RFQ indicates that no Joint Ventures are allowed to participate in this process, and that Tenderers can nominate subcontractors?	No, joint ventures will not be allowed. Paragraph 5.3.3 "Resources - Labor Force/Subcontractors" includes the allowable percentage of work that may be subcontracted.
5.1.1.4	Since subcontractors will not have a future contractual relationship with the ACP, can a subcontractor be nominated by more than one Tenderer?	Yes, subcontractors can be nominated by more than one tenderer.
5.1.1.3	Can a company that is fully or partially owned by a foreign government participate either as a Tenderer or Subcontractor in this Tender?	Yes, companies partially owned by a foreign government are able to participate either as a Tenderer or Subcontractor in this Tender.
4.1.4	It means the Bid Proposal should include all the costs incurred in preparing the Bid and this amount will be reimbursed by the PCA to the unsuccessful Shortlisted Tenderer in full.? What is the expected value of the Stipend being considered ?	The fixed value of the stipend will be included in the RFP as stated in 4.1.4, Stipends.
4.3	Section 4.3.(e)(1) Statement Required Reads "1. A fixed price lump sum for the entire Project." Accepting this limitation means there will be one lump sum payment at the conclusion of the Project, or partial payment at certain established milestones can be negotiated and included in the Contract.	Partial payments at certain established milestones will be considered during the RFP stage.
3.1.2.1	Section 3.1.2.1. Performance Criterion..."Contractor's run-of-river solution(s) shall provide a minimum additional tributary inflow estimated around 1,400 MM3/yr." The data released by the PCA for the portfolio of water basins initiatives, reveals that nine of the ten initiatives, with Bayano included, do not meet by themselves the estimated inflow requested. Therefore most probable, more than one solution will have to be considered by the Tenderers. Taking this into consideration have the following questions: In the case were solutions with different time development schedules (short, medium or long term) are proposed, who will define the time schedule for delivery of these solutions.? The PCA or the Tenderers?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Technical Requirements", which includes a revised scope of work for this RFQ. Regarding time schedules to be allowed for completion of the work, this will be addressed in the RFP.
3.1.2.1	How does the PCA is going to ponderate the various and possibly different alternatives proposed by the Tenderers. What would be the specific system to ponderate the values for different Bid Proposals.?	Please refer to Amendment No. 3, Paragraph 3.3.2 "Evaluation and Selection Criteria for Bid Proposals". The detailed information on how the proposals will be scored will be included in the RFP.
3.1.2.1	If the Contractor will be responsible for the Environmental Impact Studies (EIS) of the solutions proposed (more than one), how should the Contractor estimate the approval time for these EIS, specially if more than one EIS are required.? How can the Contractor estimate a time schedule for approval of these EIS, if these approvals are outside of the Contractor's control.	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements" (which includes a revised scope of work for this RFQ); and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.1.2.1	If the Contractor is responsible for obtaining the right of way, for the construction of physical instalations outside and within the Panama Canal Basin, how can the Contractor estimate a time schedule for the negotiation and approval of these individual right of ways, which are outside of the Contractor's control. ?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements" (which includes a revised scope of work for this RFQ); and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
5.1.1.5	Pursuant to Sections 4.1.4.e. 2, 3 and 4. More than one guaranteed date of completion, delay liquidated damages and guaranteed minimum Project performance will be required?	Bonds, guarantees and liquidated damages will be addressed in the RFP.

4.1.1	Would it be possible to get an extension of the deadline for submitting the RFQ? - 2 weeks (Nov. 12 → Nov. 26)	Please refer to Amendment No. 3, which grants an extension to the date for submittal of Statements of Qualifications.
4.1.1	'We would like to request that the ACP provide basic design document, standard drawings and specification, for understanding of this project.	Please refer to Amendment No. 3, Paragraph 3.3.2 "Sufficiency of Time and Site Data for Bid Proposal.
5	In the RFQ document, the ACP state 'No Joint Ventures will be allowed for this RFQ.' We understand that each company shall submit their own the Statement of Qualifications (SOQ). In this case, Would it be possible that tenderers combine their experiences, since they will eventually constitute singular entity in the form of JV in RFP stage. Otherwise, Could you allow Joint Ventures for this RFQ?	No joint ventures are allowed, the experience required is as listed in the RFQ.
5.3.1	In the RFQ document, the ACP states that 'Tenderers shall submit evidence that they and any proposed major design or construction subcontractors 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 ten (10) years.' Does 'proposed major design or construction subcontractors' stipulated in above statement mean the subcontractor which each tenderers submits in the SOQ?	Yes, proposed major design or construction subcontractors means the subcontractor which each tenderers submits in the SOQ. As well, please refer to Paragraph 5.3.1.2 Requirements, Sub-paragraphs a and b, which require information on projects performed in the past fifteen (15) years.
5.3.6	Shall tenderers submit only 1 project per each RWP portfolio? If tenderers could submit only 1 project per each RWP portfolio, what does 'Tenderers shall achieve an average score equal or greater than the minimum 6.0 points in each and every RWP' in the RFQ document mean?	Please refer to Amendment No. 3, Paragraph 5.3.6 "Experience - Relevant Contracts", which includes the revised requirements for the five (5) project portfolios. The Tenderers' Submitted Portfolios (TSP) shall 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), as described in this RFQ. Tenderers shall ensure that their TSPs cover each and every RWP, as clearly depicted in table enclosed under Paragraph 5.3.6 of the RFQ. For further clarification purposes, the Tenderers should note: * As per best industry practices, a portfolio may be composed of one or more projects. * Required Work Packages (RWPs), as explicitly defined in plural in this RFQ, may be composed of one or more projects. * Tenderers are referred to revised requirements in corresponding RFQ amendment.
4.1.1	When the SOQ document was published on Sept. 7th, TOCUMEN AIRPORT had been closed for months. Today, Tocumen remains closed, with a current projected opening date of Oct. 12th. This date may fall, as have several earlier planned then-cancelled opening dates. If and when an airport opening date survives, it may be days or weeks before the airlines actually resume flying. With half of the SOQ preparation period eaten up by the travel restriction, we request a delay of eight (8) weeks, to Jan. 8th, 2021 for receipt of the SOQ document. This suggested date takes account of the holiday period and statutory holidays.	Please refer to Amendment No. 3, which grants an extension to the date for submittal of Statements of Qualifications.
4.1.2	The final article of 4.1.2 seems incomplete, perhaps missing something. "Submission of a release of any and all claims relating to the selection process and final reward." Please reconsider this line and delete it or re-phrase it as necessary. This appears to be a possibly inadvertent copy of the last line on Page 15 of the SOQ document.	Please refer to Amendment No. 3, final line of Section 4.1.2 (e) has been deleted.
4.1.2	COLLUSION AND IMPROPER CONTACTS- 1 (Page 14)--Without knowing the personnel make-up the ACP Evaluation Committee and to avoid any inadvertent contact with any member thereof, please list, for the public record, all current members of the Evaluation Committee and undertake to advise Tenderers, on a timely basis, of future additions, terminations or replacements to the Evaluation Committee.	At this stage, ACP will not disclose the members of the evaluation committee. All contacts for this RFQ process shall be conducted strictly and only through the persons listed in the RFQ document avoiding any other contact with ACP personnel on this RFQ.
4.1.2	Please identify ACP's Consultants for this SOQ document, for the same purpose as immediately above, again to avoid inadvertent contact.	Currently, for this RFQ process, ACP's financial advisor is HSBC Securities (USA) Inc., and legal advisor is Vinson & Elkins RLLP.
4.1.2	Before accepting ACP's term " Any verified allegation..." as legally binding, and in full recognition of the severe sanctions to be imposed on the miscreant, we would like to have an understanding that the verification of an allegation that a Tenderer has attempted to influence the tender process must bear and withstand examination and scrutiny to the standard of proof required in a criminal proceeding.	Any allegation that a prospective Tenderer has attempted to influence the evaluation, ranking, and/or selection of Shortlisted Tenderers will be properly reviewed and actions against that Tenderer will be taken if ACP determines such conduct after reviewing the information available.
4.1.4	Stipends - Page 15 - ACP should affirm this provision and name an amount. Assign a latest date for payment.	The amount of the stipend and the conditions for payment will be included in the RFP. Please refer to paragraph 4.1.4 Stipends in the RFQ.
4.1.5	Conflicts of interest - Is the comma between "provide" and "financing" in section b. Intended? If not, please remove.	Please refer to Amendment No. 3, the comma has been deleted.
5	Items 9 - 15: Prequalifiable 1 to 7 - Based on ACP's recent experience, is Sacry Vallehermosa, Salini Inpergilio, Jan De Nul, Cusa, MWH (now SANTEC), Parsons-Birkerhoff (now WSP), Vinci eligible to prequalify?	The ACP will not address specific companies qualifications or eligibility to prequalify under this tender. Each interested company shall comply with the requirements listed in the RFQ and ACP regulations, and will be evaluated according to these requirements.

3	<p>ITEM 16 CHANGING ACP's REQUIREMENTS In your May 13th Press Release, you spoke of engaging an imaginative and creative engineer, to engineer and design water management issues and then to engage a contractor (or contractors) to build those required features. A proven, conventional and highly appropriate sequence- Engineer & Design; Bid; Build. You said that you were looking for imaginative, creative engineers. The SOQ document does not reflect this structure or sequence or intent. You now make it to be- Bid; Design; Build. You put the contractor in charge, which hasn't worked well for ACP. Getting the right answer, getting the best solution, at minimum cost, to the water problem will require ACP to cancel the current plan and structure a new DESIGN; BID; BUILD approach. If properly handled, this will bring ACP through to a timely, economical and strife-free conclusion to the Water Management System, around the year 2026. It is possible.</p>	Please refer to Amendment No. 3, for the updated requirements for the RFQ.
3	<p>ITEM 17 THE VANISHED NEW GATUN SPILLWAY- Tender No. 176224 This major new spillway project was the subject of intensive tender preparation efforts during 2019, with the Tender call issued on Feb. 8, 2019 and coming to a quiet end, just before Christmas 2019, 9 or 10 addenda later, numerous bid date delays later, then it just died. Quite an ambitious project- 7,000,000 m3 of excavation; 130,000 m3 of concrete; 14 spillway gates, each of 40 ft. width; etc., with a cost said to be in excess of USD 300,000,000. The Water Management System, in the 78 page RFQ document currently under review, does not give one word to EXCESS water or any new means to deal with it. It is totally focussed on accumulating water, with no provision for increasing climate instability and the prospect of a major storm stalling over the Gatun watershed for days, with no new means of getting rid of that EXCESS water. Has ACP, with some new-found leger-de-main found a spillway-free way forward, or has the problem been set aside and then forgotten?</p>	The subject of this question refers to a previous solicitation. For this RFQ, please refer to Amendment No. 3.
4.1.1	<p>Tocumen Airport may reopen on Oct. 12th. (the currently scheduled date), and again, it may not reopen. Several previous re-opening dates have come and gone, including Oct. 2nd, the most recent date to fall at the wayside. The prudent and forward-looking thing to do now is to change the SOQ reply date to Jan. 8th, 2021, an advance of 8 weeks. It may be several weeks after Tocumen reopens that the airlines are able to re-establish their full flight schedules, following 6+ months of inactivity, with flight crew lay-offs, equipment checks, expiry of necessary certificates for personnel and equipment, etc.</p>	Please refer to Amendment No. 3, which grants an extension to the date for submittal of Statements of Qualifications.
4.1	How many potential tenderers submitted questions for Sept. 30th ?	Please refer to Paragraph 4.1 "Procurement Process", which states the ACP's intention to share all queries submitted without divulging the identity of the Tenderer that submitted each query. For the list of questions received, please refer to Amendment No. 3.
0	Ignoring duplications, approximately how many questions were asked of ACP?	For the list of questions received, please refer to Amendment No. 3.
3.3	<p>DOES ACP HAVE THE POWER OF EMINENT DOMAIN? This power may be required, to facilitate the capture and transmission of adjacent river flows to the Canal waters.</p>	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements", for the revised scope of work for this RFQ; Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
0	<p>EXPROPRIATION COSTS- WHO PAYS THESE COSTS? This includes all costs, such as : purchase; legal; notarial; registration; and all other property acquisition costs.</p>	This consideration will be addressed in the RFP.
4.1.1	The documents that shall form the basis for evaluation is sought in hard copies along with an USB format. If these can be considered, at this moment, to be acceptable by electronic form; we would be available with time to work on them.	As stated in the RFQ, one original and 3 printed copies of the SOQ, plus one electronic copy on a USB, must be submitted before the time and date established for receipt of SOQs.
0	Could we get a copy of the presentation later!	Due to changes in the RFQ the presentation will not be published as the scope of work has been revised.
4.1.1	Is deadline for Questions 15 calendar days or 15 business days before the RFQ Due Date?	Please refer to Amendment No. 3 for revised time tables.
5.1	From Section 5 (pg 21 of the RFQ): "The ACP's intent is to fully evaluate in the Statement of Qualification (SOQ) each Tenderer's qualification as an integrated and distinct entity." In regards to this statement, which of the requirements of Sections 5.1 and 5.2 are only applicable to the Prime contractor, and which are applicable to both the prime contractor and all subcontractors?	Requisites included in Paragraphs 5.1 and 5.2 are applicable to the Tenderer submitting the SOQ.
5.1.1.4	Please clarify if the work to be performed by Contractor is meant as 70% of the Project Value. (Section 5.1.1.4)	This is correct as stated in Section 5.1.1.4 and Section 5.3.2 which states that "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%)".
5.3.1	<p>From Section 5.3.1.2: The Tenderer shall submit all of the following items: 1. Tenderers shall submit evidence that they and any proposed major design or construction subcontractors 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 ten (10) years. 2. Tenderers shall submit evidence that they, the individual main contractor and subcontractor firms that comprise the proposed EPC team, have successfully worked together on at least two (2) projects of similar size, scope, and technical complexity in the past ten (10) years. Can you please clarify the distinction between these two points?</p>	Please refer to Amendment No. 3, which includes revisions to Paragraph 5.3.1.
5.3.2	Are the qualifications of the Project Managers (KP-2) intended to support design or construction? (Section 5.3.2.2.2)?	<p>Based on this scope of this RFQ and its amendments, the Tenderers shall be responsible for determining its resources to be submitted in their SOQs, provided the proposed key personnel fulfill RFQ requirements.</p> <p>Any sound and compliant specifics of Tenderer's organisational structure may be acceptable, provided the proposed key personnel fulfill RFQ requirements.</p>
5.3.2	Should separate Project Managers (KP-2) be provided for each Required Work Package (RWP)?	<p>Based on this scope of this RFQ and its amendments, the Tenderers shall be responsible for determining its resources to be submitted in their SOQs, provided the proposed key personnel fulfill RFQ requirements.</p> <p>Any sound and compliant specifics of Tenderer's organisational structure may be acceptable, provided the proposed key personnel fulfill RFQ requirements.</p>

5.3.2	Please confirm if the Designer of Record (KP-3) description is intended to read as Plural, given the multidiscipline aspect of the project. (Section 5.3.2.2.3)	It should be read as is, in singular. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	What type of accreditation is required for the Designer of Record (KP-3)? Is this accreditation specific to Panama or would an equivalent accreditation be acceptable?	At this RFQ stage, requirements for Designer of Record (KP-3) are those defined in Section 5.3.2.2.3.
5.3.2	Is it possible to split the role of the electro-mechanical engineer into two Key Personal positions: an electrical engineer and mechanical engineer?	Please note that requirement should be deemed to remain as is, key personnel is senior/principal electro-mechanical engineer. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.6	From Section 5.3.6.2: 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. Can you confirm that only relevant projects of similar scope should be listed in lieu of all projects, which might be extensive?	As stated in paragraph 5.3.6 EXPERIENCE: RELEVANT CONTRACTS COMPLETED, tenderers shall submit information to demonstrate the experience in the TSPs listed.
5.3.6	Can the same project be used to demonstrate experience in separate RWP's? (Section 5.3.6.2)	Please refer to Amendment No. 3. 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.
5.3.6	The minimum project size requirements to demonstrate qualifications for each of the Required Work Packages seem to be quite extreme in a number of cases. (For example we believe the world's longest tunnel is well under 100 km; only 1% of reservoirs meet the storage volume size; and identifying projects requiring 50Ha of ground improvement.) Will these be updated or should we simply submit our most applicable (and largest) projects – regardless of whether they individually meet the requirements? (Section 5.3.6.2.1-6).	Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
4.1.1	During the COVID-19 pandemic, the preparation of pre-qualification documents, notarization, and express delivery time will be greatly affected, so we apply to postpone the deadline for submitting the pre-qualification materials.	Please refer to Amendment No. 3, which grants an extension to the date for submittal of Statements of Qualifications.
5.3.2	In the key personnel part, there is almost no difference between the requirements of Program Manager and Project Managers. Please explain the specific differences between Program Manager and Project Managers. We will arrange the most qualified personnel according to your explanation.	Tenderers are referred to revised requirements in corresponding RFQ amendment.
5.3.2	In the key personnel part, what is the specific number of Project Managers? We will arrange the most qualified personnel according to your clarification.	As many as deemed necessary by the Tenderer to fulfill RFQ requirements.
5.3.2	Regarding the requirements of environmental managers, is it necessary to have both Spanish and English proficiency? Or just have one?	Yes, it is necessary to have both Spanish and English proficiency. Please refer to Paragraph 5.3.2.2.11, which lists the requirement for the Environmental Managers.
5.3.1	Regarding the part of structure and organization, is it required to submit the company's organizational chart or its established for the project?	Please refer to paragraph 5.1.1.4 Organisational Structure, which requires for the Tenderers to submit the structure for the RFQ.
3.2	RFQ 3.1.2.1 mentions 'Contractor's run-of-river solution(s) shall provide a minimum additional tributary inflow estimated around 1.400 million-cubic-meters per year. RFQ 3.1.2.2 mentions 'Panama Canal operations water demand estimated around 3.700 million-cubic-meters per year for year 2034' Question: Is it correct then to say that the current Panama Canal operations water demand is now around 2.300 million-cubic-meters per year (3.700 minus 1.400)?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements", which states a revision of the scope of work for this RFQ. Rough approximations provided for reference and information purposes only. Final functional and performance requirements shall be set out in the Employer's Requirements. Tenderers are referred to revised scope and requirements in corresponding RFQ amendment
5	Only single companies are allowed to present the SOQ and so that one company has to comply with all the qualification and evaluation criteria? It is not allowed for companies to present jointly the SOQ so that the qualification and evaluation criteria of more than 1 company can be joined to meet the qualification and evaluation criteria? The criteria seem to be very demanding for 1 company being able to comply alone.	No, joint ventures will not be allowed.
4.3	RFQ 4.3 bullet 4. mentions 'A cash equivalent performance security with an uncapped make-good obligation to achieve guaranteed minimum performance requirements'. Question: An uncapped make-good obligation for such an large scale project is difficult to accept. Can this be revised?	No, the contractor's obligation to perform the scope of work so as to achieve the guaranteed minimum performance requirements will not be subject to a cap on liability. Details of the guarantees will be provided in the RFP.

4.4	RFQ 4.4. bullet a. mentions "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 costs obligations or liabilities: Question: Will clause 4.1.4. (STIPENDS) apply in case of cancellation by ACP?"	No, conditions in which stipends will be paid are established in paragraph 4.1.4 Stipends in the RFQ.
5.3.6	RFQ 5.3.6.2 mentions on pages 33 and 34 minimum values of the preferred packages. Question: Can these values be considered as an estimate of the value of the works for this Project for each package?	Preferred minimum package values are requirements for each Required Work Package. Rough approximations provided for reference and information purposes only.
0	Do you know if the pre-bid meeting will be recorded and if we will have access to it at a later date?	The pre-bid meeting (virtual public meeting) was not recorded for public distribution.
5	In Section 5 is stated "No joint Ventures will be allowed for this RFQ" and in section 4.2 "Changes to Tenderer's Organisation" is stated that ACP can authorize a partnership after RFQ submittal. Please, be so kind to consent a Joint Venture at this PQ stage, in order to increase and improve Technical and Financial Qualifications. Therefore the addition of some requirements could be achieved by any member of the JV or the addition of them.	No, joint ventures will not be allowed. Paragraph 4.2 refers to changes in the tenderer's organization, it does not refer to partnerships outside from the tenderer's organization.
5.3.6	Please, could you confirm that in the TSP requirements in Section 5.3.6.2, these could be supported by nominated subcontractors? Please confirm that in each TSP could be included more than one project, as needed and desired by the Tenderer. If so please confirm that these TSP requirements could be obtained by the addition of all these Projects for each TSP to comply with every RWP	RFQ does not mention such term "nominated subcontractors". 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. The Tenderers shall consider the definition of "Tenderer's Team": The Tenderer and any proposed subcontractor. Tenderers shall submit five (5) project portfolios (as amended in Amendment No. 3), 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.
3.3	Please, confirm the estimated duration for the RFP stage, from its initial issue until submittal date. Thus because a long and thorough work has to be done not only regarding Design but also site surveys, calculations and reports, in order to submit a strong and highly competitive proposal.	Please refer to Amendment No. 3, Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposal", which indicates that sufficient time will be allowed for the preparation of the bid proposal.
5.3.6	There are some contradictions in the RFQ document regarding this subject (page 32, Experience Requirements: "... either individually or as a teams,") Will be allowed any kind of consortium or split-scope consortium? Will be allowed JV in this RFQ?	No, joint ventures will not be allowed. Paragraph 5.3.6.2 (Requirements) refers to the participation of the tenderer in other projects being part of a team.
5.3.3	"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%)" Without overpassing the maximum of 30% allowance for subcontracting, could we engage more than one (1) subcontractor?	Yes, more than one subcontractor is allowed
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Program Manager (KP-1). Reduce from "... minimum of four (4) examples of successfully completed programs ..." to a "minimum of one (1) example of successfully completed program..." Our proposal is based on the size, scope, and technical complexity of the program because is very difficult to find several programs to share that similarities in the las 20 years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Project Manager (KP-2). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Designer of Record (KP-3). Reduce from "... minimum of four (4) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..."	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Principal/Senior Electro-Mechanical Engineer (KP-4). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of one (1) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.

5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Principal/Senior Geotechnical/Geological Engineer (KP-5). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Principal/Senior Hydraulic Engineer (KP-6). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Quality Assurance/Quality Control Manager (KP-7). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Project Controls Manager (KP-8). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Project Controls Manager (KP-8). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Health & Safety Manager (KP-10). Reduce from "... minimum of three (3) examples of successfully completed programs ..." to a "minimum of two (2) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from fifteen (15) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Environmental Manager (KP-11). Reduce from "... minimum of two (2) examples of successfully completed programs ..." to a "minimum of one (1) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from ten (10) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.2	We would like to propose the modification of the requirement on the experience required to the Key Personnel - Water Control System Manager (KP-12). Reduce from "... minimum of two (2) examples of successfully completed programs ..." to a "minimum of one (1) example of successfully completed program..." We would also like to request an increase in the number of valid years to prove the experience, from ten (10) years to twenty (20) years.	Requirements for key personnel remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
5.3.5	We would like to propose expand the list of countries for the accomplishment of this requirement, including all in the Latin America and Caribbean (LAC) region, United States and Canada.	The purpose of this requirement is to evaluate the experience of the contractor in the Latin America and Caribbean areas, which are considered similar to the place where the project will be performed.
5.3.6	Reference: Section 5 Qualification - 5.3.6 Experience: Relevant contracts completed – 5.3.6.2 Requirements: Could the experienced years can be extend from fifteen (15) years to twenty (20) years?	Requirements for 5.3.6 Experience: Relevant contracts completed – 5.3.6.2 Requirements remain as defined in this RFQ and its amendments.
5.3.6	Reference: Section 5 Qualification - 5.3.6 Experience: Relevant contracts completed – 5.3.6.2 Requirements: ... We would like to propose the possibility to use one (1) Tenderer's Submitted Portfolios (TSP) to demonstrate applicable technical design and/or construction experience in performing work similar in scope, size, and complexity to those depicted in one or more Required Work Package (RWP), described in the RFQ. "Tenderers shall ensure that their TSPs cover one or more RWP"	Requirements for completed projects experience shall remain as defined in this RFQ and its amendments.
5.3.6	Reference: Section 5 Qualification - 5.3.6 Experience: Relevant contracts completed – 5.3.6.2 Requirements: ... Could we use as a reference those activities completed and finished in projects that are still ongoing?	Requirements for completed projects experience shall remain as defined in this RFQ and its amendments. Ongoing projects cannot be cited as reference for completed projects.
6.2.4 and 6.2.6	Could you further explain what you understand by "Highly Relevant", "Very Relevant", "Relevant", "Some Relevant" and "Not Relevant"?	Please refer to Paragraph 6.2.4 RESOURCES: PLANT, EQUIPMENT AND FACILITIES, and Paragraph 6.2.6 EXPERIENCE: RELEVANT CONTRACTS COMPLETED.
7.1	Is it correct the date "4 of September, 2020" in the Template A - Transmittal Letter?	Please refer to Amendment No.3, Template A.
5.1.1.1	Do the tenderers need to modify the "Template A - Transmittal Letter" putting the amendments in? Due to ordered in page 20 "Tenderer must execute (sign) the transmittal letter, with an acknowledgment of amendments."	Please refer to Amendment No.3, Template A.

4.1	In order of what page 14 said about, "All the information submitted shall be in the English language". Do the tenderers need to translate the following documents? - Documents of incorporation certificates as may be the case. - Certificate issued by Public Registry of Panama. - Certificates Must "Panamanian Official Translators" execute the translation?	Please refer to Amendment No.3, Paragraph 4.1 "Procurement Process", which states that documents originally issued in Spanish do not need to be translated, and that translations to the English language must be done by a certified translator.
4.1	... Just to clarify, It is not necessary to translate the audited annual financial statements. This is why the main information or data of them is described in the Templates C and D, and in the FIDIC Standard Prequalification Forms for Contractors (D - Financial Statement). Is it correct our understanding?	Please refer to Amendment No.3, Paragraph 5.2.1.2 "AUDITED FINANCIAL STATEMENTS", which states that 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 without translation.
5.2.1.2	In order of what page 22 and 50 said about, "Such audited annual financial statements shall be duly certified by the Chief Financial Officer of the Tenderer". It means that the Tenderer needs to submit a document in which the Chief Financial Officer of the Tenderer certify the annual financial statements audited previously by an international auditing firm. Is it correct our understanding?	Yes, Such audited annual financial statements shall be duly certified by the Chief Financial Officer, and audited annual financial statements must have been audited by one of the top twenty international audit firms.
7.3	In order of what page 50 said about, "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". Can the Tenderer get the foreign exchange rate from the webpage of the Federal Reserve of USA or from another online database? If that is correct, please indicate the link of that webpage from which the Tenderer can get the foreign exchange rate.	Please refer to Amendment No.3, Template C.
3.3.2	Which is going to be RFP evaluation criteria?	Please refer to Amendment No. 3, Paragraph 3.3.2 "Evaluation and Selection Criteria for Bid Proposals".
3.3.1	Which is going to be the expected RFP schedule?	Please refer to Amendment No. 3, Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposals".
0	Which is going to be the expected award date and starting date?	The expected award date for the RFP will depend on the date it is issued, the time given for the submittal of proposals, and the evaluation time of those proposals.
3.3	Could you further explains, who is going to be responsible for land permitting/ownership, environmental permitting, geotechnical analysis, aboriginal/local management, etc? Not only permit application but also permit issuance and compliance.	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements", which includes the revised scope of work for this RFQ; and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.3	Within Canal Panama jurisdictional footprint who is going to be responsible for environmental/navigational/local/aboriginal permitting?	Please refer to Amendment No. 3, Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.3	Are you going to provide all the preliminary studies or feasibility studies, if any, related to this scope of services?	Please refer to Amendment No. 3, Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposals".
0	Who will be responsible for not achieving the performance required if there is no rain in the period because the hydrology parameters/assumptions stated in the approved project are not meet?	This RFQ seeks for Statements of Qualifications. Performance requirements and design criteria will be set out in the Employer's Requirements to be issued with the RFP to prequalified Tenderers. At RFP stage, risk allocation shall be set out in the contract. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No.3.
0	Type of solution: Which is the project type or which is the solution that you are expecting: several dams, weirs, dykes, channels, pipelines, desalination plants, a mixed solution, etc?	This RFQ seeks for Statements of Qualifications. This RFQ defines the high-level functional requirements for the Contractor's solutions, i.e., the solutions to be proposed by the prequalified Tenderers after the issuance of the RFP.
3.3	Which solution will be highly scored: the best technical solution, the cheapest, the lowest to manage, operate and maintain, the fastest to build?, How are you planning to score technical solutions? , Which will be the potential score for the best technical solution?	Performance requirements will be set out in the Employer's Requirements to be issued with the RFP to prequalified Tenderers. Evaluation and selection criteria for the proposals shall be duly defined in the RFP. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3, Paragraph 3.3.2 "Evaluation and Selection Criteria for Bid Proposals".

5.3.4	Where are you planning to locate all required facilities? Once the equipment is linked to the type of solution given to the project, which are the fabrication facilities and equipment that we should expect to be required? (Annex A1 page 31)	<p>This RFQ seeks for Statements of Qualifications.</p> <p>This RFQ defines the high-level functional requirements for the Contractor's solutions, i.e., the solutions to be proposed by the prequalified Tenderers after the issuance of the RFP.</p> <p>Performance requirements will be set out in the Employer's Requirements to be issued with the RFP to prequalified Tenderers.</p> <p>The Tenderer shall be responsible for determining its means and methods to perform the Works in compliance with the Contract Documents.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p> <p>Required facilities, fabrication facilities, and equipment requirements are to be located according to Shortlisted Tenderer's proposed solutions.</p>
3.3	How are you going to evaluate water flow, quantity and quality?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements", which includes a revised scope of work for this RFQ, and Paragraph 3.3.2 "Evaluation and Selection Criteria for Bid Proposals".
0	Just for clarification, estimated water needs for the year of 2034 (900 hm3 +3,700 Hm3) by enhancing existing sources, is an additional flow to increase the 1,400 Hm3 required from tributary transference? (Annex A1 page 10)	Rough approximations provided for reference and information purposes only.
0	Evaluation for minimum storage capacity? Should it permanently be stored as a minimum capacity for exceptional reasons or is a potential storage capacity to be use? (Annex A1 page 11)	Final functional and performance requirements shall be set out in the Employer's Requirements of the RFP.
0	Which is the construction Schedule expected? Milestones? Which will be the estimated completion date?	Requirements for programing, time schedules, milestones and completion times will be set out in the Employer's Requirements to be issued with the RFP to prequalified Tenderers.
4.1.4	Which is the stipend that you are planning to define during RFP?	The amount of the stipend will be included in the RFP.
5.1.1.5	Confirm that you are planning to request an uncapped performance bond?	No, the required amount of the performance security will be specified in the RFP, but it will not be uncapped.
5.1.1.5	Are you expecting to request a bid bond? In case affirmative, which is the bid bond you are going to required?	Bonds will be addressed in the RFP.
0	Which will be the dredging system allowed: cutter dredger, TSHD (Trailing Suction Hopper Dredger)? Will overflow be allowed?	<p>This RFQ seeks for Statements of Qualifications.</p> <p>The Tenderer shall determine its means and methods.</p> <p>Performance requirements for dredging and reclamation works will be set out in the Employer's Requirements to be issued with the RFP to prequalified Tenderers.</p> <p>The Tenderer shall be responsible for the design and execution of the Works in compliance with the Contract Documents.</p>
0	Will it be available disposal areas to locate dredging material?	<p>Yes, there will be available disposal sites for dredged material.</p> <p>Relevant technical information, site data and items of reference will be made available to Shortlisted Tenderers in the RFP. Please refer to Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposal".</p>
5.1.1.3	We would like to know if it is possible that the proponent's parent Company, which does not participate in the prequalification, is allow to issue the bank reference letters requested on behalf of the proponent. It is important to point out that the parent company is controlling 100% of the shares of the proposing company and all the credit lines with the financial institutions of the proponent are implemented through the parent company.	No, reference letters shall be issued to the name of the Tenderer.
3.2.2.3	Due to the lack of knowledge of the location of the water intakes for future plants, it seems to us more pertinent than the actions, recommendations of more suitable places for its capture will emerge. Please confirm.	<p>This RFQ seeks for Statements of Qualifications.</p> <p>Final functional and performance requirements shall be set out in the Employer's Requirements of the RFP.</p>
4.3	Will the Environmental Impact Studies that support the new solutions be in charge of the Contractor?	<p>This RFQ seeks for Statements of Qualifications.</p> <p>Final requirements for environmental matters shall be set out in the Employer's Requirements of the RFP.</p>
3.3.2.2	When you refer to the physical version in scale, are you referring to the new structures that the Contractor will propose? Please confirm.	RFQ refers to Panama Canal Basin and new infrastructures. Please refer to Paragraph 3.2.2.2 "3.2.2.2 PERFORMANCE CRITERION: CONTRACTOR'S SOLUTION(S) SHALL ACHIEVE AN OPTIMAL CONTROL OVER THE PREVIOUS TWO COMPONENTS OF THE PROGRAM".

0	What would be the measurable parameters that would be required to achieve a "solution to solve the problem" in terms of additional storage capacity for both human consumption and transits, increase of water quality, etc? A quantifiable objective would allow the bidders to provide solutions in line with the objectives avoiding proposals including solutions under/over estimating ACP's target.	This RFQ seeks for Statements of Qualifications, and this RFQ defines the high-level functional requirements for the Contractor's solutions, i.e., the solutions to be proposed by the prequalified Tenderers after the issuance of the RFP. Hence, evaluation and selection criteria for the proposals shall be duly defined in the RFP. Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.
0	Will ACP make a detailed presentation of the project (technical expectations and specificities, project footprint and impacted areas....) ?	This RFQ seeks for Statements of Qualifications. Detailed information will be provided to Shortlisted Tenderers in the RFP.
0	The problem of salt water intrusion in Gatun Lake through New Locks especially is not quoted in the RFQ, will it be part of the study to be carried out ?	This RFQ seeks for Statements of Qualifications, and this RFQ defines the high-level functional requirements for the Contractor's solutions. Performance requirements and design criteria will be provided to Shortlisted Tenderers in the Employer's Requirements of the RFP.
0	Will it be possible to recover the list of all the attendees ?	Please refer to Amendment No.3.
4.1.1	Given the sanitary conditions, would it be possible to make only an electronic submission of the SOQ ?	The submittal method of documentation remains unchanged.
5.3	Being such a Multidisciplinary project, still with a lack of detail on its definition, what is ACP's expectation in regards of not allowing Joint Ventures for this RFQ considering that the marking system for some elements of the evaluation criteria requires a company to be 100% compliant with all RWP's.	The requirements of Tenderers Organisation remain unchanged.
5.3.6	Can you please reconsider this point or adapt the criteria for the points given under 5.3.6 EXPERIENCE: RELEVANT CONTRACTS COMPLETED so one is not penalised if an individual score of 6 is not achieved in one of the RWP's?	Requirements remain as defined in this RFQ and its amendments.
5.3.9	Can you please clarify how section 5.3.9 LITIGATION AND ARBITRATION HISTORY will be evaluated? Although the overall heading has a 25% weight, which is clear, the sub headings (5.3.9.2.1 Criterion: History "No litigation, no arbitration", 5.3.9.2.2 Criterion: Ratio "Against-to-All" and 5.3.9.2.3 Criterion: Ratio "Pending-to-Net Worth") have a 25%, 10% and 10%. We are not sure if 45% is a total of the overall 25% or the subheadings contributions need to be re-considered.	Please refer to 6.2 Engineering and Technical Requirements. The table indicates that the Litigation and arbitration history criteria represents 25% of the overall Engineering and Technical Requirements. Therefore, the columns shows the score and the corresponding percentage. The maximum is 25% which can only be achieved by Tenderer that has been involved neither litigation nor arbitration during the last 6 years.
5.3.2	We assume that if professionals from an English Speaking country do not have to prove an adequate English Language Proficiency? Please confirm this will be the case.	Please refer to Amendment No.3, Paragraph 5.3.2.2 "Requirements", which states that 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.
5.1.1.4	At this point in time it is difficult to determine the amount of work that will be subcontracted and its values. Please clarify how you expect Main Contractors to undertake such assessment at this stage in order for the ACP to be able to compare on a same benchmark all submissions.	On the basis of the information provided in this RFQ, e.g., including but not limited high-level functional requirements, key personnel, and required work packages, the Tenderer shall: - Indicate the likely source of the labour force required to undertake the work. -State the type of work the Tenderer foresees 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.
5.1.1.4	Please clarify what is for ACP subcontracted work. The amount of labour (and other specialised trades) most likely needed for a project of such dimensions will be significant even within core business scope. Up to what tier is Subcontracting being considered?	Subcontracted work is that to be executed by any proposed subcontractor as stated in Subparagraph 5.1.1.4, Organisational Structure.
5.3.4	On Section 5.3.4.2 Requirements, will the scoring of this item be based on whether the equipment is owned, purchased or hired? Or will it be based solely on the description on the main equipment considered for each RWP?	Assessment should be based upon the Tenderer's 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. Assessment criteria should be as they have been defined in Section 6.2.4
5	Once the RFQ process is concluded, and if shortlisted, will it be possible to join as a Joint Venture Partner with other shortlisted Tenderers?	No, joint ventures will not be allowed.
5	Once the RFQ process is concluded, and if unsuccessful to be shortlisted, will it be possible to join as a Joint Venture Partner with other shortlisted Tenderers?	No, joint ventures will not be allowed.
4.2	Once the RFQ process is concluded, and if unsuccessful to be shortlisted, will it be possible to join as a Sub-Contractor with other shortlisted Tenderers?	Yes, if not shortlisted, any former RFQ tenderer may join as a subcontractor to other shortlisted tenderer. However, please note that paragraph 4.2, Changes to Tenderers Organization, states the steps to be followed in case a shortlisted tenderer changes its proposed organization.

4.3	Please confirm, that the Tenderers and the Contractor shall comply with the terms of the Law 15 of 26 January 1959 with its amendments "Whereby is regulated the exercise of the engineering and architecture professions" and the Law 22 of 27 June 2006 with the approved reforms which regulates the Public Procurement.	Yes, Tenderers shall comply with Law 15 of 26 January 1959 whenever exercising these professions in Panama. Law 22 of 27 June 2006 does not apply.
4.3	In the Law No. 22 of 27 June 2006 (which regulates de Public Procurement and issues other Disposition), Chapter V, Art. 37, states that: "The offer shall be submitted by writing or, otherwise by means of e-mail when the entity is duly accredited in the Electronic System of 21 Public Procurements "PanamaCompra". The offer shall be in Spanish language, or translated into this language and duly authenticated...". At the same time, in the Executive Decree No 366 of 28 December 2006 (whereby the Law 22 of 27 June 2006 is reglamented, which regulates the Public Procurement and issues other Disposition), Section V, Art. 60, states that: "The offer shall be in Spanish language, or translated into this language and duly apostilled or authenticated...". But in accordance with the Section 4.1 PROCUREMENT PROCESS: "All the information submitted shall be in the English language..." Please, explain: Why the Request for Qualification and all communications during this process, should be in English language according to this point?	The Panama Canal has its own Acquisition Regulations which allows for issuance of tenders in languages other than Spanish. Law 22 of 27 June 2006 does not apply.
5	The participation of "Joint Ventures" which will be part of the same "Holding", is it admitted? In any case, we ask to reconsider this restriction and to allow Join Ventures to participate. The question is that a lot of specialized companies they are powerful in certain aspects, but do not have enough experience and qualification in others. To have the possibility of joining and to participate jointly as Joint Ventures, it enables to expand the spectre of proposals received and the technical solutions for posed tasks, which means that after all can be useful for the Client.	No, joint ventures will not be allowed.
5.1.1.5	Is there special form for commercial reference letters (as for financial references), or the Tenderer can use any form?	No, there is no special form for commercial reference letters.
5.1.1.5	Each of (3) financial institution reference letters shall be in the amount no less than USD 950 million, or the total amount of the all three financial institution reference letters shall be the amount no less than USD 950 million?	Please refer to Amendment No.3, Paragraph 5.1.1.5.
5.1.1.5	This issuance condition of (3) financial institution reference letters, is it necessary for the confirmation that is ready for the issuance of contractual guaranties by successful Tenderer?	Bonding requirements will be defined in the RFP. 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.
5.3.2	If this personnel will be foreign personnel, which does not have suitability (idoneidad) in Panama, according to the Law 15 "Whereby it regulates the practice of professions of Engineering and Architecture" (see above the question number 1), then what will be the solution for this question? Is it possible some special solution, or an exception for them, so that they can work at the Project?	Tenderers shall comply with Law 15 of 26 January 1959 whenever exercising these professions in Panama.
5.3.2	The professionals, which will integrate the work team proposed by the Tenderer, may they be former ex-ACP officials?	Yes, as long as they have completed the limitation time established in our Procurement Regulations.
5.3.2	What is the number of professionals requested in the Section 5.3.2.2.2 (Project Managers)? Shall each of these professionals obtain points separately, or shall be pondered 10 between all professionals and in which way?	As many as deemed necessary by the Tenderers to fulfill RFQ requirements.
5.3.2	Please specify: What do you mean with "...projects of similar size, scope, and technical complexity..."? And please determine what is the similar size and similar complexity.	Tenderers are referred to Chapter 2. Definitions. "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.
5.3.6	Is requested: "... 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..." (The underlined it is our); please indicate, how many structures may be submitted to complete the total of ten millions cubic meters (10'000,000.00 m3)?	Tenderers may submit as many projects as deemed necessary by the Tenderers, provided such projects shall fulfill RFQ requirements.
5.3.6	Confirm that is required to submit the experience just of one (1) dam. That the minimum characteristics for these dams is: 20 meters (20 m) of height and two hundred millions of cubic meters (200'000,000.00 m3). Please specify the maximum age of these projects.	Tenderers may submit as many projects as deemed necessary by the Tenderers, provided such projects shall fulfill RFQ requirements.
5.3.6	Is requested "... 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 ..." (the underlined is our); please indicate how many hectares may be submitted to complete the total of fifty Hectares (50 Ha). Please specify the maximum age of these projects	The requirement has been stated as fifty (50) hectares of foundation area.
5.3.6	Please clarify that the required length is three hundred kilometres (300km) and that this amount must be met by one (1) Project	Tenderers are referred to revised scope and requirements in corresponding RFQ Amendment No. 3.

4.3	<p>It has come to our attention a possible inconsistency between the tender documents at Section 4.3 and the letter of reference at Section 7.2, in the sense that the first, does not include the possibility of traditional Performance Bonds as allowed under ACP's Acquisition Regulation to guarantee the Contractors obligations under the contract. Can we please clarify this subject during the virtual public meeting...?</p> <p>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 an 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 limitations: ... 5. A cash equivalent performance security in the form of an on-demand bank bond to secure Contractor's performance of the Project. Dep</p>	Please refer to Amendment no.3, Paragraph 4.3, item 5.
4.3	Inicialmente quisiera llamar su atención a la Pag. 17 del Pliego la cual en su punto 5 le especificamente. Igualmente, la Pagina 21 la cual detalla sobre Cartas de Referencias. Favor ver la información resaltada en amarillos.	Please refer to Amendment no.3, Paragraph 4.3, item 5.
3	Why is the ACP not considering doing a feasibility and engineering study of alternatives to be carried in collaboration with the ACP and other agencies responsible for human consumption water needs, in order to determine the most suitable projects to undertake in terms of cost and yield? After said study is done, then an EPC procurement to design and build the project(s) would follow. This would make the study and EPC more cost effective for the ACP.	The objective of the program is cited in the RFQ in Section 3 "SCOPE OF WORKS AND FUNCTIONAL REQUIREMENTS".
0	The RFQ does not identify a definite project or program. It seeks a lump sum design and construction solution for the Canal's operation needs in terms of water supply and also meet human consumption needs. It does not give any preference on alternative to design and price	The RFP will include the evaluation criteria for the solutions proposed by each Tenderer.
0	It seems the project is crucial for the long-term sustainability of ACP, pursuing a "low price bid" could mean more risk for the ACP in the long run with performance and even claims.	The RFP will include the evaluation criteria for the technical and price proposal for the solutions proposed by each Tenderer.
5.1.1.5	There are substantial performance guarantees for construction bonding and long term performance of the system. Guarantees without strong financial return on tied up money and a better understanding of the project may be a challenge to obtain and would definitely increase the total project cost	The requirements for performance security will be addressed in the RFP.
3.3	Contractors are asked to be responsible for suitability of the sites. Some of them are outside ACP's jurisdiction and the agencies may have different priorities for them. How will this be addressed?	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements"; Paragraph 3.3.1 "Sufficiency of Time and Site Data for Bid Proposals"; and Paragraph 3.3.3 "Contractual Risk Allocation for Bid Proposals".
3.2.2.1	Contractor is expected to guarantee "safe navigation" in the Canal. This appears to be an uninsurable risk. If it is, the costs would be extremely high and this would in turn increase the cost of the project. Has the ACP considered these costs driving up the total cost of the project?	The requirements for project guarantees will be addressed in the RFP.
0	The Contractor is expected to guarantee performance no matter what should occur. This automatically makes the Contractor responsible for anything that could happen, even climate change or natural disasters. This could also increase the total project cost.	The requirements for performance guarantees will be addressed in the RFP.
4.1.4	It is not clear that there will be a stipend paid and if so, of what amount. The cost of doing these studies will amount into millions of dollars for each Contractor participating. If the ACP should consider to carry out an approach of Study of alternatives and then bid out the final Design/Build it will certainly save a substantial amount.	The amount of the stipend and the conditions for payment will be included in the RFP. Please refer to paragraph 4.1.4 Stipends in the RFQ.
4.3	The Contractor must provide "A guaranteed minimum Project performance with an uncapped make-good obligation to achieve guaranteed minimum performance requirements." Regardless of climatic conditions. An uncapped obligation seems to be very risky.	The contractor's obligation to perform the scope of work so as to achieve the guaranteed minimum performance requirements will not be subject to a cap on liability. The required amount of the performance security will be specified in the RFP, but it will not be uncapped.
5.1.1.5	\$950M Performance Bond seems a very large amount for the project as it has a lot of uncertainty. Will this amount be reconsidered?	Please refer to Amendment No.3, Paragraph 5.1.1.5 "Reference Letters".
0	The winner of the bid would also be in charge of the operation and maintenance of the project when it is done?	No, the contractor will not be in charge of the maintenance or operation of the project.
0	What is the budget allocated for the project?	In accordance with ACP regulation, this information is confidential.
4.1.4	Do you have any idea on the amount for the stipends?	The amount for the stipend will be included in the RFP.
4.2	After the RFQ is approved can we change the personnel established in clause 5.3.2.2.	Please refer to Paragraph 4.2 which addresses changes in tenderer's organization and key personnel. "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 personal. 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."
0	Are you publishing all Q&A?	Yes, Q&A will be published through amendments. Please refer to Amendment No. 3.
	Regarding extension in date of submission of reply on RFQ Tender No 186071, for Engineering, Procurement and Construction of a Water Management System for the Panama Canal Ref. Tender No 186071. Regarding the RFQ submission for the Tender mentioned in reference, the process of compiling the response to the RFQ provided is being undertaken. However, on account of COVID19, some of the credentials essential, as mentioned in the RFQ, are taking more time than anticipated. Efforts are being put to expedite the same on a priority basis. Secondly, the documents along with the USB stick are required to be sent physically to your office, which has to undergo logistical support. Considering the factors as explained herein, request to extend the date of submission of the RFQ response by 10 to 12 weeks from exiting date of RFQ submission, 12 th November 2020.	Please refer to Amendment No. 3, which grants an extension to the date for submittal of Statements of Qualifications.
0	Will the presentation/summary and list of attendees be provided subsequent to this meeting?	Due to changes in the RFQ the presentation will not be published as the scope of work has been revised. For the list of attendees, please refer to Amendment No.3.
5.2	Are subcontractor required to meet the same financial criteria as the primes?	No, financial criteria, as stated in Paragraph 5.2, must be met by the Tenderer.
0	Since the meeting was virtual, we had no chance to see and engage the potential bidders on this opportunity. Consider that, would be possible to release the participants contacts and names and companies?	For the list of attendees, please refer to Amendment No.3.

5.1.1.4	Will be possible for a subcontractor to participate in more than one team?	Yes, subcontractors can be nominated by more than one tenderer.
0	A subcontractor could be a foreign based company or need to be a Panamanian registered	Yes, subcontractors could be foreign based companies.
0	Will the ACP entertain good faith efforts towards fulfilling requirements?	Contractors shall fulfill the requirements for the RFP.
4.1.4	Will the ACP fund engineering costs of the selected bidders?	Please refer to Paragraph 4.1.4 Stipends.
4.1.4	Will the ACP regard the engineering and concepts submitted by contractors as properties of the contractors and not shared with others without the submitters authorization?	Please refer to Paragraph 4.1.4.c Stipends.
4.3	Will the ACP entertain contacting a potential qualified bidder to negotiate a not-to-exceed contract?	The Contract will be on a lump-sum basis.
0	Will the ACP publish a list of the companies and/or personnel that were participants of the meeting?	For the list of attendees, please refer to Amendment No.3.
0	Where will updates, amendments, questions and answers be posted?	Updates, amendments (including questions and answers) can be accessed using the Tender Online System on the ACP website at https://pancanal.com/eng/procsales/buy.html .
0	This email has the purpose to kindly ask you if it is possible to publish the assistants list of the public meeting related.	For the list of attendees, please refer to Amendment No.3.
0	We would like to know if ACP (as part of the bidding process) will provide the presentation document of the virtual public meeting and the list of participants.	Due to changes in the RFQ the presentation will not be published as the scope of work has been revised. For the list of attendees, please refer to Amendment No.3.
0	I would like to know if you could please provide copy of the minute from the virtual meeting held on September 30th, 2020 at 10 AM as stated in the RFP procurement documents? Or if ACP is planning to upload it at the ACP's procurement website on the following days?	Due to changes in the RFQ the presentation will not be published as the scope of work has been revised. For the questions and answers, please refer to Amendment No.3.
0	I would like to know if you could please share the sign-in sheet with the Company names of the participants?	For the list of attendees, please refer to Amendment No.3.
0	Can you please provide a list of the participants to September 30th virtual public meeting?	For the list of attendees, please refer to Amendment No.3.
0	Please note that during the Virtual Public Meeting (and until now), our questions were not addressed. Kindly let me know when we'll get the answers.	Please refer to Amendment No.3.
4.3	Kindly inform how we can get access to the FIDIC Silver Book, amended for the ACP.	Paragraph 4.3 refers to the Contract that will be available for the Shortlisted Tenderer's during the RFP, therefore, is not available at this stage.
0	Can you detail whether there will be other tenders in the project related to the areas of engineering and/or consulting and/or supervision? If so, does participation in this RFQ disable a Tenderer from participating in such tenders?	The ACP reserves the right to outsource other services as required for the project. If any, such participation shall be subject to the particular requirements of each new tender.
5	Companies shall participate individually in the RFQ and later in the execution of the project, meaning no consortiums or any other form of association between two or more parties will be allowed. Is this understanding correct?	Yes, you are correct. Joint ventures will not be allowed.
5.3.3	On what criteria will be based the evaluation of the proposed subcontractors?	Please refer to Paragraph 5.3.3. Resources: Labour Force/Subcontractors in the RFQ.
5.3.6	Is it possible to meet the requirements of 5.3.5 EXPERIENCE: GEOGRAPHICAL, 5.3.6 EXPERIENCE: RELEVANT CONTRACTS COMPLETED and 5.3.7 EXPERIENCE: ALL CONTRACTS IN PROGRESS through the experience of a proposed subcontractor?	No, for these items only the experience of the tenderer will be considered.
0	What are the anticipated roles and responsibilities of the ACP during the execution of this program? While the RFQ is clear that the contractor shall be "solely responsible" for all aspects of the program, there is no mention as to any level of participation in what are typical government entity roles in areas such as land acquisition, agreements to mitigate social impacts, engagement with Panamanian and local government entities and jurisdictions, as well as inherently governmental roles as part of environmental clearances and permits	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements". Further details should be set out in the RFP.
4.12	We ask that ACP further describe in detail how this "communication and contact" will be conducted.	The communication will be done with the Shortlisted Tenderers during the RFP process and according to the ACP's Acquisition Regulation.
3	We ask that ACP describe areas of flexibility on its delivery model and views on appropriately shared risk. Of particular interest, are areas where inherent roles of a government entity would make it appropriate for ACP to hold responsibility and risk for various elements of the program as it progresses. We ask that ACP indicate its willingness to modify the delivery model determined best for the success of this program, based on a transparent and formalized "Market Survey" process. We believe that ACP would greatly benefit from global industry knowledge and best practices for the successful execution of this program.	Please refer to Amendment No. 3, Section 3 "Scope of Work and Functional Requirements".
4.3	The RFQ references "maximum maintenance cost guarantee". Is it ACP's intention to allow the contractor to operate the constructed works as part of the contract for any period of time to deliver that guarantee? If not, what is ACP's view as to how a contractor would have control as to how the constructed works are operated and maintained in order to manage the risk of such guarantee?	There is no intention to include an operation period after the construction. The "maximum maintenance cost guarantee" from the contractor, is with the purpose of evaluating further costs which are also important to analyze the proposed solution.
4.1	Section 4.1 of the RFQ states that "all the information shall be in the English language". If the documents of incorporation and Power of Attorney of the Tenderer are issued in Spanish, it is required to include a certified English translation, or can these be filed in Spanish? The RFQ does not include express reference to translation of documents.	Please refer to Amendment No.3, Paragraph 4.1 "Procurement Process", which states that documents originally issued in Spanish do not need to be translated, and that translations to the English language must be done by a certified translator.
5.3.6	In all the document the following requirement is mentioned "projects of similar size, scope and technical complexity". This requirement is not easy to achieve since there is only one Panama Canal in the world. Can an equivalent size be described as projects such as dam projects, diversion projects, large dredging projects for navigation, water resources management in an individual way instead of one project combining them all?	Please refer to Paragraph 5.3.6.2 "Requirements".
4.1.1	We would formally request that serious consideration be given to an extension of time for the delivery period. Specifically 60 more days to fulfill all legal paperwork require from other countries.	Please refer to Amendment No. 3, which grants an extension to the date for submittal of Statements of Qualifications.

0	Besides experience and financial stability what else would you like to see?	Please refer to Amendment No. 3.
0	What format should we use for the submittal.	Please refer to Amendment No. 3.
0	Please confirm what you would like to see as proof of financial capability.	Please refer to Amendment No. 3.
0	Please confirm approximate date when shortlisted firm names will be released.	Please refer to Amendment No. 3.
0	Is there any additional information available on the project besides the announcement sent to us by the embassy?	Please refer to Amendment No. 3.
0	Where should we submit the qualifications?	Please refer to Amendment No. 3.
5.3.6	Reference: 5.3.6 EXPERIENCE: RELEVANT CONTRACTS COMPLETED Question: In all RWP, the preferred package value is requested. But for example, if the required scope is part of a project , which will be considered as the value, i) the total contract value or ii) the specific value of the required scope?	Preferred minimum package values are requirements for each Required Work Package. Tenderers shall notice that these requirements specifically refer to the extent, the scope, and the value of the applicable work package, submitted as part of any corresponding project(s) portfolio(s), i.e., the Tenderers' Submitted Portfolios (TSP).
5.3.6	For the experience you ask in clause 5.3.6, can you mention any other parameters that we can use such as total price of the project (Ex. 100 million USD to 1 Billion USD), duration (Ex. 5 or more years), etc.	Requirements for completed projects shall remain as defined in Section 5.3.6 of this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.
3.3	It is our understanding ACP will not be responsible for the accuracy of the information provided to Contractors. Has the ACP considered this will require Contractors to make their own studies, which will increase cost and time?	The Works shall consist of all studies, preliminary and detailed design, engineering, procurement, installation and construction works required to deliver the Project. ACP will provide sufficient time and information for the Tenderers to scrutinize and check the Employer's Requirements, and for the Tenderers to carry out their designs, risk assessment studies and price estimating.
4.1	To be eligible to receive the stipend the RFQ states the "proposal shall not be based on an existing concept design or study." There are already multiple studies of available basins, and any proposal would account for one or more of these potential sources, then the proposal would not be considered for reimbursement.	Please refer to Amendment No. 3, Paragraph 4.1.4 "Stipend".
3.3	The Contractor is responsible for subsurface conditions. And as per the RFQ, the information provided by ACP cannot be relied upon. Time, cost and logistic constraints could limit the extent of any exploration.	The Works shall consist of all studies, preliminary and detailed design, engineering, procurement, installation and construction works required to deliver the Project. ACP will provide sufficient time and information for the Tenderers to scrutinize and check the Employer's Requirements, and for the Tenderers to carry out their designs, risk assessment studies and price estimating.
5.3	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. Please consider changing this requirement of the specific profession to become eligible through staff with a general engineering degree with specialization. e.g.: Professional geotechnical / geological engineer by Civil Engineer with Master's Degree in Geotechnics; this applies to other similar requirements.	Requirements for key personnel shall remain as defined in this RFQ and its amendments. Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.
5.3	5.3.1.2 REQUIREMENTS The Tenderer shall submit all of the following items: a. Tenderers shall submit evidence that they and any proposed major design or construction subcontractors 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 ten (10) years. [fail = 0 points, pass = 3 points] b. Tenderers shall submit evidence that they, the individual main contractor and subcontractor firms that comprise the proposed EPC team, have successfully worked together on at least two (2) projects of similar size, scope, and technical complexity in the past ten (10) years. [fail=0 points, pass= 3 points] c. Tenderers shall submit organisational structure for studies, preliminary design, engineering, procurement, and construction teams demonstrating their planned contractual arrangements and clear lines of authority among key personnel including a well-structured, strongly focused engineering-procurement-construction team. [fail=0 points, pass= 2 points] d. Tenderers shall submit an organisational structure demonstrating how the members of the Tenderer's design-procurement-construction team will work together to achieve project objectives. [fail = 0 points, pass = 2 points] It is required that the Contractor and all major sub-consultants have successfully worked together in any responsible role under any project delivery system on at least 2 projects of similar size , scope, and technical complexity." Please consider changing this requirement from 2 to 1. Could a team present evidence of the Design and/or Build teams working together on projects of similar size, scope, and technical complexity in recent years, across the scope of all qualification requirements instead of it being as an EPC contract?	Tenderers are referred to revised scope and requirements in corresponding RFQ amendment. Tenderers shall demonstrate compliance with each and every requirement set out in this RFQ and its amendments by duly submitting the documentation required in this RFQ.

5.3	<p>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.</p> <p>As the pass /fail criteria is being applied in all the items (including engineering), please consider changing the following: Key personal with 2 projects required instead of 3. We further request that you consider altering the evaluation criteria away from dependant more on the contractor but believe more weight should be given in the overall evaluation process to the engineering design qualifications. A contractor without a good design team, whether internal or external will not generate good project results. Changing this criteria we believe would generate more participation and allow contractors access to very qualified engineering sub-consultants especially if the participation level for subs is raised to 40%.</p>	<p>Requirements for completed projects and Works by subcontractors shall remain as defined in this RFQ and its amendments.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>
5.3	<p>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. Preference will be given to Tenderers whose applications 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. Panamanian regulations apply; therefore, the Tenderers shall consider the Panamanian labour regulations For this proposal, the following items are required: - Designers - Redging works - Navigation works - Dams - Diversion works - Transmission systems - Special geotechnical requirements - Hydraulic control structures - Water management system - Water management system control and digital transformation The 30% criteria for subcontractors could be difficult to achieve with all these requirements, unless by very strong construction companies, with internal design teams, which we believe will limit competition. Since the document indicates that the contractor may not subcontract more than 30%, please consider changing the requirements to a 60% contractor/40% sub split so that more firms can compete.</p>	<p>Requirements for Works by subcontractors shall remain as defined in Section 5.3.3 of this RFQ and its amendments.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>
5.3	<p>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). This value is assumed to refer to projects under construction. What minimum percentage of these would be in projects with design scope?</p>	<p>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.</p>
6.2	<p>Evaluation plan in section: 6.2.8. [Weighting percentage = 15%, minimum score = 0 points, maximum score = 10 points] Evaluation plan in section: 6.2.9. [Weighting percentage = 25%, minimum score = 0 points, maximum score = 20 points] Can the weighting percentage from section 6.2.8 and 6.2.9 be changed as follows: The weighting percentage of 15% and 25% in each requirement for 10% and 10% respectively and distribute it in a balanced way in the contract and Staff requirements?</p>	<p>No, the percentages in 6.2.8 and 6.2.9 will remain as stated in the RFQ.</p>
0	<p>This email has the purpose to kindly ask you if it is possible to publish the assistants list of the public meeting related.</p>	<p>Please refer to Amendment No. 3.</p>
2	<p>Please confirm that SCADA, GIS, Flow and Leaks control indicators, as well as other collective data systems are examples of Smart Water Management.</p>	<p>For the purpose of this RFQ, "Smart Water Management", has been explicitly defined in Section 2 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..."</p> <p>Hence, the concept of Smart Water Management shall be construed within the context of integrated water resource management.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>
5.3	<p>Linear Scheduling Method (LSM). As LSM is commonly use on highway, buildings, pipelines and railways for being considered as linear or repetitive projects, other types of graphical scheduling methods should also be accepted as experience for the Project Controls Manager (KP-8). Please clarify if other methods will also be accepted.</p>	<p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment. Requirements for key personnel shall remain as defined in this RFQ and its amendments.</p>
5.2	<p>There is inconsistency between section 5.2.1.2 and FORM D, please confirm the copies of the audited financial statements are from the last THREE (3) years as section 5.2.1.2 states.</p>	<p>Please refer to Amendment No. 3, Paragraph 5.2.1.2.</p>
5.3	<p>Regarding the RWP-1 requirement, we understand that in order to accredit it, several types of projects must be presented, whether they are design and/or construction projects (pipelines, channels, tunnels, conduits, culverts, inlet/outlet structures) that combined result in a total of 300 kilometers in length. Please confirm if our interpretation is correct. If not, please indicate if each type of project (pipelines, channels, tunnels, conduits, culverts, inlet/outlet structures) must contain 300 km in length.</p>	<p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>
5.3	<p>Regarding the RWP-4 requirement, please clarify what type of structures could be considered as large structures. Also confirm if the required foundation area (50 hectares) would apply to the land occupation of the whole Project or to the construction coverage of the water management structure.</p>	<p>The required scope has been clearly defined as: Shall have been the design and/or construction of large structure(s), founded on soft, weak, and compressible soils, and with a minimum fifty (50) Hectares of foundation area.</p> <p>For clarification, such "minimum fifty (50) Hectares of foundation area" shall be construed solely as it is: a requirement for the corresponding Required Work Package in this RFQ.</p>
0	<p>In quantitative terms, please advise the intent and definition of the phrase "from NEARBY river basin into the Panama Canal Basin"? Due to the risk generated by climate change, the nearby river basins may not provide the required volumes being requested. As a result, additional works (such from the Pacific zone) may need to be done to acquire the volumes requested. Is it the intent of this section that this risk be assumed by the EPC contractor? How will this be addressed with the requirements of a fixed price/fixed date? Is the Canal Authority assuming responsibility if sufficient volume is not available from "Nearby Sources"? Will the Canal Authority be willing to institute a contractual mechanism to mitigate and compensate the EPC for this unanticipated work? Please confirm.</p>	<p>The final scope of the Works shall be defined in the General and Particular Conditions of the Contract.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>

0	<p>3.2.2.1 Performance criterion:</p> <ul style="list-style-type: none"> • Ensure safe navigation at optimum guaranteed Gatún Lake level for transiting vessels • Minimum guaranteed Gatún Lake level shall be fixed at 25 m PLD • Minimum draft for the Gatún navigational channel is fixed at 14.32 meters <p>Question: 1. For any additional works that may be required in order to ensure this criterion and as it relates to the definition of "nearby", is it to be assumed that the fixed contract price and fixed contract date provisions will not apply? Please confirm.</p>	<p>The final scope of the Works shall be defined in the General and Particular Conditions of the Contract.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>
5.1	<p>What is the commercial letters? 3 commercial letters stated in the RFQ doc without detail description and nor template attached</p>	<p>No, there is no special form for commercial reference letters.</p>
5.3	<p>For subcontracting structure and organisation, as well as key personnel (Program manager, project manager, design record), specified that the tender shall provide evidence. What kind of evidence? contract copy, appointment letter copy? or need any lawyer notary?</p>	<p>Tenderers shall demonstrate compliance with each and every requirement set out in this RFQ and its amendments by duly submitting the documentation required in this RFQ.</p>
5.3	<p>For the key personnel's qualification, 4 similar projects is required. I do not think it's reasonable as nobody stayed at the same position of project manager to do 4 such kind of projects for those who has strong knowledge and experience/capability to do such big project. Suggest change qualification criteria or allocate 2.5 score for every 1 project reference(4 project references=10 score) and cancel the criteria of less than 6 score deemed to be 0 score.</p>	<p>Requirements for key personnel shall remain as defined in this RFQ and its amendments.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>
5.3	<p>Plant, equipment and facility for the proposed project are needed to submit. My opinion is at this moment it shall not be necessary as the details of work scope not defined. Suggest the Employer move this item to RFP.</p>	<p>Requirements shall remain as defined in this RFQ and its amendments.</p> <p>Tenderers are referred to revised scope and requirements in corresponding RFQ amendment.</p>
5.3	<p>We did not have the reference for dredging project, shall we use our subcontractor's reference?</p>	<p>Please refer to Paragraph 5.3.6.2.1.</p>
3.3	<p>It's highlighted that local subcontractor and labour shall be preferred. Understood and acceptable for that, but may we know in Panama practice, is there a certain foreign labour team like supervisors/foreman/skilled workers to be allowed work for the proposed project? Because in order to well organize and supervise the local labour team, experienced supervisor/foreman are needed.</p>	<p>Please refer to Paragraph 3.3.4 PANAMANIAN LEGISLATION AND REGULATIONS.</p>
5.3	<p>Annex 2 Declaration by General Counsel. Is it a Declaration from Government General Counsel in Panama or from a independent lawyer?</p>	<p>Please refer to 5.3.9.1.</p>
3.3	<p>Will be any more information in regards the scope of work related to Geotechnical/Geological drilling investigation and Geophysical surveys (Seismic, MASW, Resistivity...)?</p>	<p>All relevant technical information, site data and items of reference in ACP's possession on the topography of the Site(s) and on sub-surface, hydrological, climatic, and environmental conditions at the Site(s) will be duly made available to the prequalified Tenderers for information with the issuance of the RFP and the Employer's Requirements.</p> <p>ACP will provide sufficient time and information for the Tenderers to scrutinize and check the Employer's Requirements, and for the Tenderers to carry out their designs, risk assessment studies and price estimating.</p> <p>The Works shall consist of all studies, preliminary and detailed design, engineering, procurement, installation and construction works required to deliver the Project</p>