

Section III: Evaluation and Qualification Criteria - ECEPP

TABLE OF CONTENTS

1. Evaluation Criteria and Methodology	2
Qualification Criteria	4
2. Qualification Tables.....	5
Table 2.1 Eligibility.....	5
Table 2.2 Historical Contract Non-Performance	6
Table 2.3 Financial Situation	7
Table 2.4 Experience.....	8

This Section contains all the criteria that the Purchaser shall use to evaluate tenders and qualify Tenderers. In accordance with ITT 30.1, no other factors, methods or criteria shall be used. The Tenderer shall provide all the information requested in the forms included in Section IV, Tender Forms.

1. Evaluation Criteria and Methodology

13 Alternative Tenders

- 13.1 **Technical Alternative Proposals –If alternative priced offers are submitted, these must be entered into the ECEPP Letter of Tender and the Tender Form Pricing data entry record. Failure to enter the Alternative price into the ECEPP data field will mean that the alternative offer cannot be considered. Nb - ECEPP can handle only one alternative tender price.**

Tenderers wishing to offer technical alternatives to the requirements of the tender documents must first price the Purchaser's technical specifications as described in Section VI, Supply Requirements and shall further provide all information necessary for a complete evaluation of the alternative by the Purchaser, including, as appropriate, drawings, design calculations, Technical Specifications, breakdown of prices, and other relevant details. Technical alternatives which comply with the performance specifications for the Goods shall be considered by the Purchaser on their own merits.

- 13.2 **Alternative Time for Delivery or Completion Schedule**

Alternative Time for Delivery or Completion Schedule exceeding the delivery time specified in the Supply Requirements **shall not** be permitted.

However shorter alternative Times for Delivery are acceptable. No benefits will be given for early alternative Times for Delivery.

14 Discounts

The Purchaser will adjust the Tender Price, using the methodology prescribed by the Tenderer in its Letter of Tender, to take account of the Discounts offered by the Tenderer as recorded during the Tender Opening.

In the event of any ambiguity in the Tenderer's methodology, the benefit of the doubt shall be given to the Purchaser. If a Tenderer does not accept the Purchaser's determination, its tender shall be declared non-responsive and its Tender Security shall be forfeited.

28 Determination of Responsiveness

ADDITIONAL CLAUSE

- 28.6 **Quantifiable Nonmaterial Nonconformities**

Non-substantive deviations or omissions (commercial and technical) in the tender will not constitute cause for rejection but shall be reflected in the evaluation wherever practicable and appropriate. The cost of all quantifiable deviations or omissions will be added to the tender price in question. A reasonable estimate of the cost will be made by the Purchaser, taking into consideration the corresponding quotations of other responsive Tenderers or other appropriate market prices. Such costs will be at the Purchaser's sole discretion. A tenderer will not be requested or permitted to offer a price adjustment for rectifying such deviations or omissions.

Deviations and other factors that are in excess of the requirements of the tender documents or otherwise result in unsolicited benefits for the Purchaser shall not be taken into account in tender evaluation.

30 Evaluation of Tenders and Correction of Arithmetical Errors

30.1 Evaluated Tender Price Formula**Add at the end of the clause:**

The evaluated tender price shall be calculated as follows:

$$ETP = ROP - D + QNN + CME + A$$

Where:

ETP – is the evaluated tender price

ROP – is the read out price as indicated in the Letter of Tender and in PRICE SCHEDULE SUMMARY

D – is the discount offered, calculated as per ITT 14 above

QNN – is the adjustment to the tender price for Quantifiable Nonmaterial Nonconformities, calculated as per ITT 28.6 above

CME – is the adjustment to the tender price for Correction of Mathematical Errors, calculated as per ITT 30.2 below

A - is the tender adjustment, calculated as per ITT 32 below

30.2 Correction of Arithmetical Errors

- (a) Where there are errors between the total of the amounts given under the column for the price breakdown and the amount given under the Total Price, the former shall prevail and the latter will be corrected accordingly;
- (b) If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected, unless in the opinion of the Purchaser there is an obvious misplacement of the decimal point in the unit price, in which case the total price as quoted shall govern and the unit price shall be corrected;
- (c) If there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and
- (d) If there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail subject to (a) and (b) above.

31 Conversion to a Single Currency**Tenders shall only submit tender denominated into Romanian Lei (RON)**

Where Euro is not used, for the purposes of data reconciliation in ECEPP only, all prices will be converted to Euro.

32 Tender Adjustments

- 32.1 The Purchaser's evaluation of a tender will exclude and not take into account: ***the VAT payable in the Purchaser's country.***

ADDITIONAL CLAUSE

- 32.2 The adjustment shall be made using the following methodology:

In evaluating each tender, the Purchaser will determine for each tender the evaluated tender price by adjusting the tender price using the following factors and methodology:

$$A = EvC$$

Where:

A = is adjustment

EcV = is the cost of operational lifetime energy and environmental impact, calculated as the methodology in Annex no. III, Section IV: Other Tender Forms: The operational lifetime energy and environmental impacts cost.

Qualification Criteria

- 33.1** To be qualified for Contract award in accordance with ITT 33.1, the Tenderer must demonstrate to the Purchaser that it substantially satisfies the requirements regarding eligibility, experience, equipment, financial position and litigation history, specified in the following Qualification Tables 2.1, 2.2, 2.3, and 2.4.

2. Qualification Tables

Factor	Table 2.1 Eligibility						
	Sub-Factor	Criteria	Requirement	Tenderer			Documentation Required
				Single Entity	Joint Venture, Consortium or Association		
					All partners combined	The Lead Partner	
2.1.1 Conflict of Interest	No- conflicts of interests as described in ITT 4.3.	Must meet requirement	N/A	Must meet requirement	Must meet requirement	Letter of Tender	
2.1.2 Bank Ineligibility	Not having been declared ineligible by the Bank as described in ITT 4.4.	Must meet requirement	N/A	Must meet requirement	Must meet requirement	Letter of Tender	
2.1.3 Government Owned Entity	Compliance with conditions of ITT 4.5	Must meet requirement	N/A	Must meet requirement	Must meet requirement	Form ELI-1 AND ELI-2 with attachments	
2.1.4 Ineligibility based on a United Nations resolution or Borrower's country law	Not having been excluded as a result of the Borrower's country laws or official regulations, or by an act of compliance with UN Security Council resolution, in accordance with ITT 4.7	Must meet requirement	N/A	Must meet requirement	Must meet requirement	Letter of Tender	

N/A DENOTES NOT APPLICABLE

Factor	Table 2.2 Historical Contract Non-Performance					
Sub-Factor	Criteria	Tenderer				Documentation Required
	Requirement	Single Entity	Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner	Each Other Partner	
<p>2.2.1 History of non-performing contracts</p>	<p><i>The Tenderer, or any partner in a JVCA, shall not have a consistent history of litigation and/or arbitration resulting in awards against the Tenderer, or any partner in a JVCA, within the last _ five (5) years.</i></p> <p><i>This determination shall be based solely on fully settled disputes or litigation. A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective Contract, and where all appeal instances available to the Tenderer have been exhausted.</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Form HIS - 1</i></p>
<p>2.2.2 Pending Litigation</p>	<p><i>All pending litigation shall in total not represent more than ten percent (10 %) of the Tenderer's net worth and shall be treated as resolved against the Tenderer.</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Form HIS - 1</i></p>

N/A denotes Not Applicable

Factor	Table 2.3 Financial Situation					
Sub-Factor	Criteria	Tenderer				Documentation Required
	Requirement	Single Entity	Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner	Each Other Partner	
2.3.1 Historical Financial Performance	<p><i>Submission of audited balance sheets, or if not required by the law of the Tenderer's country, other financial statements acceptable to the Purchaser, for the last five (5) years to demonstrate the current soundness of the Tenderer's financial position and its prospective long term profitability.</i></p> <p>a)The tender shall not:</p> <ul style="list-style-type: none"> - Be bankrupt, - Be subject of insolvency or winding-up proceedings, - Have its assets administered by a liquidator or by the court, or - Have business activities suspended or it is in any analogous situation arising from a similar procedure under national laws and regulations. 	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Form FIN – 1 with attachments</i></p> <p><i>Attach any document issued by relevant authority in the country were the Tenderer business is registered which proves that the Tenderer is not in one of the situations mentioned at point a). The document shall not be older than three (3) months prior to deadline for submission of</i></p>

Factor		Table 2.3 Financial Situation				
Sub-Factor	Criteria	Tenderer			Documentation Required	
	Requirement	Single Entity	Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner		Each Other Partner
2.3.2. Average Annual Turnover	<i>Minimum average annual turnover of one hundred seventy million Romanian Lei (RON 170mil), calculated as total certified payments received for contracts in progress or completed, within the last [five(5) years.</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>The leader/ partner in charge of the JVCA must meet at least fifty percent (50%) of the requirement</i>	<i>Must meet at least ten percent (10%) of the requirement</i>	Form FIN – 2
2.3.3. Financial Resources	<i>The Tenderer must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet: (i) the following cash-flow requirement: forty million Romanian Lei (RON 40 mil) and (ii) the overall cash flow requirements for this Contract and its current commitments.</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>The leader/ partner in charge of the JVCA must meet at least fifty percent (50%) of the requirement</i>	<i>Must meet at least ten percent (10%) of the requirement</i>	Form FIN – 3 Form FIN – 4 <i>Attach documents issued by banks or other equivalent financial institutions to demonstrate the compliance with the requirement</i>

N/A denotes Not Applicable

Factor		Table 2.4 Experience				
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Sub-Factor	Criteria					Documentation Required
	Requirement	Tenderer				
		Single Entity	Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner		
2.4.1 Experience	<p><i>Experience as Supplier, in at least three (3)) contracts within the last five (5)) years, that have been successfully and substantially completed and that are similar to the proposed Goods and meet the specific experience requirements indicated below.. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Supply Requirements.</i></p> <p>Specific Experience: The cumulated number of city buses equipped with Diesel EURO V or EURO VI compliant engines supplied, as reflected in all the contracts indicated as reference for the experience as a Supplier of similar goods, shall be the following minimum numbers: Midibus: 50 units Standard 12 m buses: 70 units Articulated 18 m buses: 60 units</p> <p>The cumulate value of all these contracts shall be minimum two hundred million Romanian Lei (RON 200 million) equivalent.</p>	Must meet requirement	Must meet requirement	N / A	N / A	Form EXP - 1

Factor	Table 2.4 Experience					
Sub-Factor	Criteria					Documentation Required
	Requirement	Tenderer				
		Single Entity	Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner	Each Other Partner	
2.4.2 Experience	Availability of a service centre authorized by the manufacturer of the vehicle offered and by Romanian Automotive Register (R.A.R) which is situated within 200 KM from Brasov (calculated on the basis of the road distance).	<i>Must meet requirement</i>	<i>Must meet requirement</i>	N/A	N/A	The legal agreement with the service centre to stating that they will provide on demand the repair and maintenance of the products offered by the Tenderer.