

PREQUALIFICATION OF CONTRACTORS

EXPRESSION OF INTEREST FOR CONSTRUCTION WORKS

Procurement of:
CONSTRUCTION OF THE MINDELO CRUISE VESSELS TERMINAL

EOI No: 04/2020_IMS_PORTOS_SV

**Marine & Landside Works (Design & Build) for Construction of the Cruise
Vessels Terminal in Mindelo**

Client: Government of Cabo Verde, Ministry of Infrastructure.

Country: Republic of Cabo Verde

Issued on: 27th January, 2020

Invitation for Prequalification

Contractor Prequalification for Cruise Vessels Terminal in Mindelo Marine & Landside Works (Design & Build)

Employer: *Government of Cabo Verde, represented by Infraestruturas de Cabo Verde,*

Project: *Construction of Mindelo Cruise Vessels Terminal*

Contract title: *Marine and Landside Works for Mindelo Cruise Vessels Terminal*

Country: *Cabo Verde*

Grant No.: *ORIICV211*

Credit N°: *13318P*

The Government of Cabo Verde (GOCV) is co-financing, with ORIO (Government of the Netherlands) and the OPEC Fund For International Development (OPEC Fund), the project for the Construction of Mindelo Cruise Vessels Terminal, on the island of Sao Vicente in Cabo Verde, and intends to pre-select Contractors for the related Marine and Landside Works, to be launched as per a Design & Build-type contract. The works (“Works”) to be provided correspond to engineering and construction of the marine and landside works for the implementation of this project.

The Government of Cabo Verde intends to pre-select Applicants for the Procurement of Design and Build works for construction of Mindelo Cruise Vessels Terminal. The Request for Proposals is expected to be issued in March 2020.

The Marine Works will include the following:

- The construction of an approx. 400 m long cruise jetty with two berths,
- The reclamation of a land area (called “Land Bridge”) measuring approx. 2700 m²,
- Construction of an approx. 125 m long quay along part of the Land Bridge,
- Rehabilitation of an approx. 60 m-long section of the existing rock slope protection,
- Rehabilitation of approx. 240 m of the existing quay 9,
- Dredging of approx. 124,000 m³ in the port basin and access channel,
- Jetty and quay equipment,
- Auxiliary works.

The Landside Works will include the following:

- A building about 900m² in area called the “Visitor Welcome Centre building”,

- A land-side transportation area measuring approx. 6150 m² dedicated to parking for taxis and buses, landscaping, pavements, storm water drainage, lighting, fencing and equipment.

A complete set of Prequalification documents in English can be obtained from www.enapor.cv or by sending an email to infra.concursos@infraestruturas.cv, cc luis.sousa@infraestruturas.cv eliseu.silva@enapor.cv and= mindelo@arteliagroup.com .

Applications for prequalification shall be submitted electronically by email to Concursos.Procurement@enapor.cv and infra.concursos@infraestruturas.cv by 11:00 am on 28th February 2020 (Cabo Verde time). Late electronical applications will be rejected.

A paper copy of the prequalification documents (+CD-Rom) shall also be delivered by 11th March 2020 (Cabo Verde time) to the address below:

Ministério das Infraestruturas,
Ordenamento do Território e Habitação, Rua Judice Biker, Ponta Belém – Plateau,
Praia, Santiago, Cabo Verde
For the attention of Carlos Filipe Correia e Silva
Email: infra.concursos@infraestruturas.cv

There will not be a Pre-Application meeting.

The Implementation Period for the aforementioned project is expected to be as follows:

Prequalification process

- Notice of Invitation: 27th January 2020,
- Submission of applications: 28th February 2020,
- Notification of applicants: March 2020,

Design & Build tendering procedure

- Request for Proposals (for pre-selected Contractors only): March 2020
- Submission of proposals: May 2020
- Evaluation & selection of bidder: June 2020
- Negotiation & bidder final offer: July 2020
- Contract award: July – August 2020

Construction Phase & Execution of Works

- From August 2020
- Expected duration: 22 months.

Works Contractor Prequalification Document

Procurement of the Marine & Landside Works for Mindelo Cruise Vessels Terminal (Design & Build)

Employer: Government of Cabo Verde, represented by Infraestruturas de Cabo Verde,

Project: Mindelo Cruise Vessels Terminal

Contract title: Marine & Landside Works For Mindelo Cruise Vessels Terminal

Country: Cabo Verde

Grant No.: *ORIICV211*

Credit N°: *13318P*

Contractor Prequalification for the Marine & Landside Works for Mindelo Cruise Vessels Terminal

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Section I - Instructions to Applicants (ITA)

A. General

- 1. Scope of Application**
 - 1.1 In connection with the invitation for Prequalification, the Employer issues this Prequalification Document to select prospective Applicants interested in submitting Applications and then Proposals for the Design and Build Works described in Appendix A- Project Description & Scope of Employer's Requirement.
- 2. Source of Funds**
 - 2.1 ORIO, The OPEC Fund and GOCV (hereinafter called "the Financiers") are co-financing the implementation of the project.
- 3. Fraud and Corruption**
 - 3.1 The Financiers require compliance with the World Bank's Anti-Corruption Guidelines and its prevailing sanctions policies and procedures as set forth in the WBG's Sanctions Framework, as set forth in Section V, Fraud and Corruption.
 - 3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), Subcontractors, Subconsultants, service providers, suppliers, and personnel, to permit the Financiers to inspect all accounts, records and other documents relating to any Prequalification process, Proposal submission and contract performance (in the case of award), and to have them audited by auditors appointed by the Financiers.
- 4. Eligible Applicants**
 - 4.1 Applicants shall meet the eligibility criteria as per this Instruction.
 - 4.2 An Applicant may be a firm that is a private entity, a state-owned enterprise or any combination of such entities in the form of a Joint Venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the Prequalification process, Request For Proposal (RFP) process and during contract execution (in the event the JV is awarded the Contract).
 - 4.3 A firm is not permitted to participate for Prequalification both as an individual firm and as a part of a joint venture or as a

subcontractor. However, a firm may participate as a subcontractor in more than one Application but only in the capacity of a subcontractor. Applications submitted in violation of this procedure will be rejected.

- 4.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) are not permitted to submit more than one application for Prequalification, either individually, as a joint venture or as a subcontractor among them. Applications submitted in violation of this procedure will be rejected.
- 4.5 Applicants and proposed specialized sub-contractors or suppliers for any part of the Contract including related services shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest if they, or any of their affiliates, participated as a consultant in the preparation of the Employer's Requirement (other than a design to be carried out as part of this Works Design and Build contract) or have been hired or proposed to be hired by the Employer or Borrower as Engineer for implementation of the Works Design and Build contract forming the subject of this Prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with professional staff of the Borrower (or of the project implementing agency, or of a recipient of a part of the loan) who: (i) are directly or indirectly involved in the preparation of the Prequalification Document or Request for Proposals (RFP) Document or specifications of the Contract, and/or the Proposal evaluation process of such Contract; or (ii) would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Financiers throughout the procurement process and execution of the Contract.
- 4.6 An Applicant that has been sanctioned by the Financiers shall be ineligible to be prequalified.
- 4.7 An Applicant shall provide such documentary evidence of eligibility satisfactory to the Employer as the Employer shall reasonably request.
- 4.8 Applicants that are state-owned enterprises or institutions in the Employer's Country may be eligible to be initially selected, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable to the Financiers, that they (i) are legally and financially autonomous (ii) operate under

commercial law, and (iii) are not under supervision of the Employer.

4.9 An Applicant shall not be under suspension from bidding or submitting proposals by the Employer as the result of execution of a Bid or Proposal–Securing Declaration.

4.10 An Applicant shall provide such documentary evidence of eligibility satisfactory to the Employer as the Employer shall reasonably request

5. Eligibility

5.1 Firms and individuals may be ineligible if they are nationals of ineligible countries.

B. Contents of the Prequalification Document

6. Sections of Prequalification Document

6.1 This Prequalification comprises the sections indicated below:

- Section I - Instructions to Applicants (ITA)
- Section II – Prequalification Data Sheet (PQDS)
- Section III – Prequalification Criteria and Requirements
- Section IV - Application Forms
- Section V – Fraud and Corruption
- Appendix A: Project description & Scope of Employer’s Requirement

6.2 The Applicant is expected to examine all instructions, forms and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

7. Clarification of Prequalification Document

7.1 Applicants requiring any clarification of the Prequalification Document shall contact the Employer in writing by Email at the Employer’s Email address indicated. They will receive a response in writing by Email (or via the web site) to any request for clarification provided that such request is received no later than ten (10) days prior to the deadline for submission of the applications. The response will be forwarded to all prospective Applicants who have obtained the Prequalification Document directly from the Employer.

8. Amendment of Prequalification Document

8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Document by issuing an Addendum.

8.2 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications.

C. Preparation of Applications

- 9. Cost of Applications** 9.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Employer will in no case be responsible or liable for these costs, regardless of the conduct or outcome of the Prequalification process.
- 10. Language of Application** 10.1 The Application as well as all correspondence and documents relating to the Prequalification exchanged between the Applicant and the Employer shall be written in the language specified in the Instructions. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified in the PQDS, in which case, for purposes of interpretation of the Application, the translation shall prevail.
- 11. Documents the Application** 11.1 The Application shall comprise the following:
- (a) **Application Submission Letter;**
 - (b) **Eligibility:** documentary evidence establishing the Applicant's eligibility;
 - (c) **Qualifications:** documentary evidence establishing the Applicant's qualifications; and
 - (d) any other documents required in the PQDS.
- 12. Application Submission Letter** 12.1 The Applicant shall complete an Application Submission Letter as provided in Section IV. This Letter must be completed without any alteration to its format.
- 13. Documents Establishing the Eligibility of the Applicant** 13.1 To establish its eligibility, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms provided in Section IV.
- 14. Documents Establishing the Qualifications of the Applicant** 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III – Prequalification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.

14.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the EUROS equivalent using the rate of exchange determined as follows:

- (a) for construction turnover or financial data required for each year - exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year are to be converted); and
- (b) value of single contract - exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available source identified in the PQDS. Any error in determining the exchange rates in the Application may be corrected by the Employer.

15. Signing of the Application and Number of Copies

15.1 The Applicant shall prepare the documents comprising the Application as described in ITA 11. The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. If the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and, so as to be legally binding on all the members, evidenced by a power of attorney signed by their legally authorized signatories.

Original documents sent by post (paper Application) must be identical to emailed original documents.

15.2 The Applicant shall submit the signed original Application in the number of copies specified in the PQDS.

D. Submission of Applications

16. Sealing and Marking of Applications

16.1 The Applicant shall enclose the paper version of the Application in a sealed envelope that shall:

- (a) bear the name and address of the Applicant;
- (b) be addressed to the Employer, in accordance with ITA 17.1; and
- (c) bear the specific identification of this Prequalification Process indicated in the PQDS 1.1.

17. Deadline for Submission of Applications

17.1 Applicants shall submit their Application by Email. Applications shall be received electronically by the Employer at the address and no later than the deadline indicated in the

PQDS. Applicants shall also send a paper application by post or have one delivered by courier.

17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Document, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

18. Late Applications

18.1 The Employer will not accept applications received after the deadline for submission of applications.

19. Opening of Applications

19.1 The Employer shall open all Applications on the date specified.

19.2 Applications submitted electronically will be opened in accordance with the procedures specified.

E. Procedures for Evaluation of Applications

20. Confidentiality

20.1 Information relating to the Applications, their evaluation and results of the Prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the Prequalification process until the notification of Prequalification results is made to all Applicants in accordance with the Instructions.

20.2 From the deadline for submission of Applications to the time of notification of the results of the Prequalification, any Applicant that wishes to contact the Employer on any matter related to the Prequalification process may do so only in writing by Email.

21. Clarification of Applications

21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing by Email.

21.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

22. Responsiveness of Applications

22.1 The Employer may reject any Application which is not responsive to the requirements of the Prequalification Document. If the information furnished by the Applicant is incomplete or otherwise requires clarification, and the Applicant fails to

provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.

23. Margin of Preference

23.1 Unless otherwise specified, a margin of preference for domestic Proposers¹ shall not apply in the RFP process resulting from this Prequalification.

24. Subcontractors

24.1 Unless otherwise stated in the PQDS, the Employer does not intend to execute any specific elements of the Works Design and Build by sub-contractors selected in advance by the Employer (so-called “Nominated Subcontractors”).

24.2 The Applicant shall not propose to subcontract the whole of the contract. The Applicant may propose subcontractors for certain specialized parts of the contract. Applicants planning to use such specialized subcontractors shall specify, in the Application Submission Letter, the parts of the contract proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

F. Evaluation of Applications and Prequalification of Applicants

25. Evaluation of Applications

25.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Prequalification Criteria and Requirements and the PQDS to evaluate the qualifications of the Applicants. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.

25.2 Subcontractors proposed by the Applicant shall be fully qualified for their parts of the contract. The subcontractor’s qualifications shall not be used by the Applicant to qualify for the contract unless the applicant designates them as “Specialized Subcontractors”, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation, if specified in PQDS.

25.3 N/A

25.4 With respect to Section III – Prequalification Criteria and Requirements, the Employer will select the number of contracts as requested.

¹ An individual firm is considered a domestic Proposer for purposes of the margin of preference if it is registered in the country of the Employer, is more than 50 percent owned by nationals of the country of the Employer, and does not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign contractors. JVs are considered as domestic Proposers and eligible for domestic preference only if the individual member firms are registered in the country of the Employer and more than 50 percent owned by nationals of the country of the Employer, and the JV shall be registered in the country of the Borrower. The JV shall not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign firms. JVs between foreign and national firms will not be eligible for domestic preference.

- 25.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than "Specialized Subcontractors") or any other firm(s) different from the Applicant shall not be considered.
- 26. Employer's Right to Accept or Reject Applicants**
- 26.1 The Employer reserves the right to accept or reject any Application, and to annul the Prequalification Process and reject all Applicants at any time, without thereby incurring any liability to the Applicants.
- 27. Prequalification of Applicants**
- 27.1 The range of Applicants that the Employer may prequalify is specified in the PQDS.
- 27.2 Prequalification of Applicants involves several steps, as follows:
- (a) **Step 1** - The first step of Prequalification Process involves evaluation against the methods, criteria and requirements described in Section III: Prequalification Criteria and Requirements (Table 1);
 - (b) **Step 2** - Applicants that do not substantially meet the Pre-Qualification criteria and Requirements in Table 1 will be eliminated from the Prequalification process;
 - (c) **Step 3** - Applicants that substantially meet the Prequalification criteria and requirements in Table 1 will be evaluated further;
 - (d) **Step 4** - Applicants are evaluated using Table 2 with the Rated Criteria and Requirements. This step involves scoring each Application against rated criteria using the scoring methodology described. The Applicants are ranked from the highest to the lowest total score;
 - (e) **Step 5** - In accordance with the minimum and maximum number of Applicants to be selected by the Employer as per the PQDS, a list of pre-qualified Applicants following the order of ranking will be selected by the Employer;
- 28. Notification of Prequalification**
- 28.1 The Employer shall notify all Prequalified Applicants in writing by Email that they have been preselected. In providing this notification the Employer shall include the names of all Applicants that have been preselected.
- 28.2 The Employer shall separately notify all other Applicants that they have not been prequalified, and that they have been eliminated from the process. Any Applicant that has been

eliminated from the process at this stage may request, in writing, the grounds on which they were eliminated.

29. Request for Proposals

29.1 Promptly after the notification of the results of the Prequalification, the Employer shall invite Proposals (the RFP document) from all the Applicants that have been preselected.

29.2 Proposers may be required to provide a Proposal Security or a Proposal-Securing Declaration acceptable to the Employer in the form and an amount to be specified in the RFP document.

29.3 The successful Proposer shall be required to provide a Performance Security as specified in the RFP document-

29.4 -If applicable, the successful Proposer may also be required to provide a separate Environmental and Social (ES) Performance Security.

29.5 Proposers shall be required to provide a Code of Conduct which will apply to their employees and sub-contractors and include the minimum requirements specified in the RFP document. Proposers shall be required to submit management strategies and implementation plans that address key Environmental and Social (ES) risks (including Sexual Exploitation and Assault (SEA)).

29.6 If required in the RFP document, the successful Proposer shall provide additional information about its beneficial ownership using the Beneficial Ownership Disclosure Form included in the RFP document.

30. Changes in Qualifications of Applicants

30.1 Any change in the structure or formation of an Applicant after being initially preselected and invited to submit a Proposal (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor) shall be subject to the written approval of the Employer by Email prior to the deadline for submission of Proposals. Such approval shall be denied if (i) an initially selected applicant proposes to associate with a disqualified applicant or, in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III – Prequalification Criteria and Requirements Table 1; or (iii) no longer continues to be in the list of preselected Applicants as a result of the Employer’s re-evaluation; or (iv) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such

change should be submitted to the Employer not later than fourteen (14) days after the date of the Request for Proposals.

- 31. Procurement Related Complaint** 31.1 The procedures for making a Procurement-related Complaint are as specified in the PQDS.

Section II - Prequalification Data Sheet (PQDS)

A. General	
ITA 1.1	<p>The identification of the Invitation for Prequalification is: 04/2020_IMS_PORTOS_SV PQ name & number: to be completed</p> <p>The Employer is: Government of Cabo Verde, represented by Infraestruturas de Cabo Verde</p> <p>Ministério das Infraestruturas, Ordenamento do Território e Habitação, Rua Judice Biker, Ponta Belém – Plateau, Praia, Santiago, Cabo Verde</p> <p>Authorized Representative: Carlos Filipe Correia e Silva</p> <p>The contract is: Marine and Landside Works for the construction of Mindelo Cruise Vessels Terminal</p>
ITA 2.1	<p>The project is co-financed by Government of Cabo Verde (GOCV), ORIO (Government of the Netherlands), and The OPEC Fund</p> <p>The name of the Project is: Construction of Mindelo Cruise Vessels Terminal</p>
ITA 4.2	<p>The maximum number of members in a JV is not limited</p>
B. Contents of the Prequalification Document	
ITA 7.1	<p>For clarification purposes, the Employer's address is:</p> <p>Email:</p> <ul style="list-style-type: none"> • Concursos.Procurement@enapor.cv, • infra.concursos@infraestruturas.cv • mindelo@arteliagroup.com . <p>All the addresses</p> <p>No Pre-Application Meeting will be held.</p>
C. Preparation of Applications	

ITA 10.1	This Prequalification document has been issued in the English language. All correspondence exchanged shall be in the English language. The Application as well as all correspondence shall be submitted in English. The language for translation of supporting documents and printed literature is English.
ITA 14.2	The source for determining exchange rates is: <i>www.bcv.cv</i>
ITA 15.2	In addition to the electronic application, one (1) original paper Application shall also be submitted

D. Submission of Applications

ITA 17.1	<p>The deadline for electronic Application submission is:</p> <p>By Email at the following address: infra.concursos@infraestruturas.cv , Concursos.Procurement@enapor.cv</p> <p>Date: 28th February 2020</p> <p>Time: 11:00am (Cabo Verde Time)</p> <p>Applicants shall submit their Applications electronically. Late electronic applications will be rejected.</p> <p>The electronic Application opening procedure shall be carried out by the procurement department of ENAPOR and immediately by order of entrance of Applications; Applications will be forwarded to infra.concursos@infraestruturas.cv and mindelo@arteliagroup.com,</p> <p>The paper version of the prequalification documents (+ one (1) copy on CD-Rom) shall also be delivered by 11th March 2020 to the address below: Ministry of Infrastructure, Ordenamento do Território e Habitação, Rua Judice Biker, Ponta Belém – Plateau, Praia, Santiago, Cabo Verde For the attention of Carlos Filipe Correia e Silva</p>
ITA 18.1	Late Applications will remain unopened.
ITA 19.2	Electronic opening of the Applications shall take place on 28 th February 2020 at 12:00am (Cabo Verde time)
E. Procedures for Evaluation of Applications	
ITA 25.2	The relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation as indicated in Section II – Prequalification Criteria and Requirements.
ITA 27.1	<p>The Employer intends to Prequalify the following number of Applicants:</p> <p>Minimum Prequalified Contractors: (3)</p> <p>Maximum Prequalified Contractors: (8).</p>

Section III – Prequalification Criteria and Requirements

This section contains all the methods, criteria, and requirements that the Employer shall use to evaluate Applications. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the respective Application Forms.

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Table 1 – Prequalification Criteria and Requirements**1. Eligibility**

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
1.1	Nationality	Nationality in accordance with ITA	Must meet requirement	Must meet requirement	Must meet requirement		Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 4.5	Must meet requirement	Must meet requirement	Must meet requirement		Application Submission Letter
1.3	Financiers Eligibility	Not having been declared ineligible by the Financiers, as described in ITA 5.1	Must meet requirement	Must meet requirement	Must meet requirement		Application Submission Letter
1.4	Borrower's country law	Not having been excluded as a result of prohibition in the Borrower's country laws or official regulations against commercial relations with the Applicant's country, both in accordance with ITA 5.1 and Section IV.	Must meet requirement	Must meet requirement	Must meet requirement		Forms ELI – 1.1 and 1.2, with attachments

Table 1 – PreQualification Criteria and Requirements**2. Historical Contract Non-Performance**

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
2.1	History of Non-Performing Contracts	Non-performance of a contract ¹ did not occur as a result of contractor's default since 1 st January 2010.	Must meet requirement ¹	Must meet requirements	Must meet requirement ²		Form CON-2
2.2	Suspension Based on Execution of Bid or Proposal Securing Declaration by the Employer	Not under suspension based on execution of Bid or Proposal Securing Declaration pursuant to ITA 4.9.	Must meet requirement	Must meet requirement	Must meet requirement		Application Submission Letter
2.3	Pending Litigation	Applicant's financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement		Form CON – 2
2.4	Litigation History	No consistent history of court/arbitral	Must meet requirement	Must meet requirement	Must meet requirement		Form CON – 2

¹ Nonperformance, as decided by the Employer, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Employer's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

² This requirement also applies to contracts executed by the Applicant as JV member.

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
		award decisions against the Applicant ³ since 1 st January 2010					
2.5	Declaration: Environmental and Social (ES) past performance	Declare any civil work contracts that have been suspended or terminated and/or for which the performance security was called by an employer for reasons related to non-compliance with any environmental or social (including Sexual Exploitation and Assault or gender-based violence) contractual obligations in the past five years.	Must make the declaration. Where there is Specialized Sub-contractor/s such Specialized Sub-contractor/s must make the declaration.		Each must make the declaration. Where there is Specialized Sub-contractor/s such Specialized Sub-contractor/s must make the declaration.		Form CON-3 ES Performance Declaration

³ The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

Table 1 – Prequalification Criteria and Requirements**3. Financial Situation and Performance**

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the cash flow requirements estimated as five (5) million Euros (€) for the subject contract net of the Applicants other commitments.	Must meet requirement		-	Lead-Member must meet requirement	Form FIN – 3.1, with attachments
		(ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on contracts currently in progress and for future contract commitments.	Must meet requirement			Lead-Member must meet requirement	
		(iii) The financial statements for the last <i>five (5)</i> years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term	Must meet requirement		Must meet requirement		

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
		profitability. These shall show at least 5 years of positive results, a positive cash flow and a validated balance sheet showing strong company finances able to bear the financial risks of the Project					
3.2	Average Annual Turnover	Minimum average annual turnover in construction of sixty (60) million Euros(€), calculated as total certified payments received for contracts in progress and/or completed within the last <i>five (5)</i> years, divided by <i>five (5)</i> years.	Must meet requirement			Lead Member must meet requirement	Form FIN – 3.2
3.3	Insurance	Details of liability insurance (public, employer's, indemnity)	Must meet requirement	Must meet requirement			

4. Experience

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
4.1	General Experience	Experience in construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last <i>ten (10)</i> years, starting 1 st January 2010.	Must meet requirement		Must meet requirement		Form EXP – 4.1
4.2	Specific Experience	A minimum number of <i>three (3)</i> similar contracts specified below, each with a minimum value of twenty (20) million Euros € (Excluding taxes), that have been satisfactorily and substantially ⁴ completed as a prime contractor, or joint venture member ⁵ between 1st January 2010 and Application submission deadline: <ul style="list-style-type: none"> - similar marine multidisciplinary works contracts, including mainly civil/marine works, and possibly dredging and building construction; - At least one of the three contracts must have concerned Design & Build Works, 	Must meet requirement	Must meet requirement ⁶			Form EXP 4.2
4.3	Experience of the	Track records over the last 10 years on Works Contracts and/or projects	Each Specialized		Each Specialized		

⁴ Substantial completion shall be based on 80% or more of the contract completed.

⁵ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's role and responsibilities shall be considered to meet this requirement.

⁶ In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by members, each of value equal to or greater than the minimum value required, shall be aggregated. In the case of only one Member combine the three experience, this Member shall be the leader of the Joint Venture.

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
	Specialized Sub-contractor	completed	Subcontractor must meet requirement		Subcontractor must meet requirement		

Table 2 – Rated Criteria and Requirements**1. Past Performance**

Requirement	Scoring		Documentation																																
	Maximum score	Remark	Submission Requirement																																
<p><i>Number of satisfactorily and substantially completed Works contracts performed in the past 10 years that equals or exceeds the number specified in Table 1, Sub-Factor 4.2:</i></p> <p>Scoring methodology:</p> <table border="1"> <thead> <tr> <th></th> <th colspan="3">Number of contracts</th> </tr> <tr> <th></th> <th>5 (max)</th> <th>4</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Experience in key activities</td> <td colspan="3">Number of points</td> </tr> <tr> <td>Construction of multidisciplinary marine works*</td> <td>15</td> <td>10</td> <td>5</td> </tr> <tr> <td>Construction of port infrastructure with quays or jetties at least 12 m total height and 200 m long</td> <td>20</td> <td>18</td> <td>15</td> </tr> <tr> <td>Construction of port infrastructure under Design & Build Contracts</td> <td>10</td> <td>8</td> <td>7</td> </tr> <tr> <td>Construction of buildings and landside facilities</td> <td>5</td> <td>4</td> <td>3</td> </tr> <tr> <td>Dredging & reclamation works</td> <td>10</td> <td>8</td> <td>5</td> </tr> </tbody> </table>		Number of contracts				5 (max)	4	3	Experience in key activities	Number of points			Construction of multidisciplinary marine works*	15	10	5	Construction of port infrastructure with quays or jetties at least 12 m total height and 200 m long	20	18	15	Construction of port infrastructure under Design & Build Contracts	10	8	7	Construction of buildings and landside facilities	5	4	3	Dredging & reclamation works	10	8	5	60	In case of JV, all members and Specialized Sub-Contractors combined will be evaluated.	Form EXP 4.2
	Number of contracts																																		
	5 (max)	4	3																																
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**These projects include projects other than those requested in the item below*

Table 2 – Rated Criteria and Requirements

2. Specific Experience

Requirement	Scoring		Documentation																								
	Maximum score	Remark	Submission Requirement																								
<p><i>Number of satisfactorily and substantially completed Works contracts performed in the past 10 years:</i></p> <p>Scoring methodology:</p> <table border="1"> <thead> <tr> <th></th> <th colspan="3"><i>Number of contracts</i></th> </tr> <tr> <th></th> <th><i>3 (max)</i></th> <th><i>2</i></th> <th><i>1</i></th> </tr> <tr> <th>Experience in key activities</th> <th colspan="3"><i>Number of points</i></th> </tr> </thead> <tbody> <tr> <td>Experience of Works completed in Cabo Verde*</td> <td>5</td> <td>4</td> <td>3</td> </tr> <tr> <td>Experience of Works completed in Portuguese-speaking countries</td> <td>5</td> <td>4</td> <td>3</td> </tr> <tr> <td>Experience with environmental monitoring</td> <td>10</td> <td>9</td> <td>8</td> </tr> </tbody> </table>		<i>Number of contracts</i>				<i>3 (max)</i>	<i>2</i>	<i>1</i>	Experience in key activities	<i>Number of points</i>			Experience of Works completed in Cabo Verde*	5	4	3	Experience of Works completed in Portuguese-speaking countries	5	4	3	Experience with environmental monitoring	10	9	8	20	In case of JV, all members and Specialized Sub-Contractors combined will be evaluated.	Form EXP 4.2
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Experience with environmental monitoring	10	9	8																								

* Or other comparable physical conditions in an international environment like an Island State as Cabo Verde

3. Contract Implementation and Management Capability

Criteria	Scoring		Documentation																																							
	Requirement	Maximum score	Remark																																							
<p><i>Contract implementation/project management capability in the following key areas:</i></p> <ol style="list-style-type: none"> 1. <i>Description of Applicant's project management system(s) and how it/they will be applied</i> 2. <i>Description of the Applicant's quality assurance system and quality control system,</i> 3. <i>List of Applicant's Quality-related accreditations</i> 4. <i>Description of the equipment (nautical & terrestrial), material and all other means available to the Applicant for the completion of similar Works contracts.</i> 5. <i>Description of the environmental management measures that the candidate may apply during execution of the contract.</i> 6. <i>Description of the activities to be performed by each Member of the JV along with the activities of the Sub-contractors</i> 7. <i>Indication of the educational and professional qualifications of the executive staff of the Applicant and its Specialized Sub-Contractor(s) who may be called on to perform the work, and in particular those responsible for carrying out works of the same nature and quality control</i> 8. <i>Indication of engineering capabilities in marine projects, reclamation development and building construction</i> <p>Scoring methodology:</p> <table border="1"> <thead> <tr> <th rowspan="2">Key aspects:</th> <th colspan="3">Number of points</th> </tr> <tr> <th>Very Satisfactory</th> <th>Satisfactory</th> <th>Correct</th> </tr> </thead> <tbody> <tr> <td>1. Project management</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td>2. QA/QC</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td>3. Accreditations</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>4. Equipment</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td>5. Environment management</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>6. Works per Member & Sub-Contractor</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>7. Qualifications of the executive staff</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>8. Value Engineering</td> <td>3</td> <td>2</td> <td>1</td> </tr> </tbody> </table>	Key aspects:	Number of points			Very Satisfactory	Satisfactory	Correct	1. Project management	3	2	1	2. QA/QC	3	2	1	3. Accreditations	2	1	0.5	4. Equipment	3	2	1	5. Environment management	2	1	0.5	6. Works per Member & Sub-Contractor	2	1	0.5	7. Qualifications of the executive staff	2	1	0.5	8. Value Engineering	3	2	1	20		Maximum thirty (30) A4 pages
Key aspects:		Number of points																																								
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7. Qualifications of the executive staff	2	1	0.5																																							
8. Value Engineering	3	2	1																																							

4. Health, Safety Security and Environment (HSSE)

Criteria	Scoring		Documentation																												
	Requirement	Maximum score	Remark																												
<p><i>Contract implementation/project management capability in the following key areas:</i></p> <ol style="list-style-type: none"> 1. <i>Description of the Applicant’s HSSE plans and policies providing details of policy on HSSE auditing.</i> 2. <i>List of Applicant’s environmental and safety accreditations</i> 3. <i>Description of the procedure adopted for assessing the suitability of Subcontractors</i> 4. <i>Description of risk management process in place.</i> 5. <i>Safety & Environmental Performance</i> <p>Scoring methodology:</p> <table border="1"> <thead> <tr> <th></th> <th colspan="3">Number of points</th> </tr> <tr> <th>Key aspects:</th> <th>Very Satisfactory</th> <th>Satisfactory</th> <th>Correct</th> </tr> </thead> <tbody> <tr> <td>1. HSSE plans and policies</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>2. Environmental & safety accreditations</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>3. Suitability of Subcontractors</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>4. Risk management</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> <tr> <td>5. Safety & Environmental Performance</td> <td>2</td> <td>1</td> <td>0.5</td> </tr> </tbody> </table>		Number of points			Key aspects:	Very Satisfactory	Satisfactory	Correct	1. HSSE plans and policies	2	1	0.5	2. Environmental & safety accreditations	2	1	0.5	3. Suitability of Subcontractors	2	1	0.5	4. Risk management	2	1	0.5	5. Safety & Environmental Performance	2	1	0.5	10		Maximum three (3) A4 pages
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5. Safety & Environmental Performance	2	1	0.5																												

5. Employer’s Requirements

Criteria	Scoring		Documentation																
Requirement	Maximum score	Remark	Submission Requirement																
<p><i>Understanding of the Employer’s Requirements through an outline of the following:</i></p> <ol style="list-style-type: none"> 1. <i>Approach to the contract including the environmental context;</i> 2. <i>Program of the main design and works activities</i> 3. <p>Scoring methodology:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th colspan="3" style="text-align: center;"><i>Number of points</i></th> </tr> <tr> <th style="text-align: left;">Key aspects:</th> <th style="text-align: center;"><i>Very Satisfactory</i></th> <th style="text-align: center;"><i>Satisfactory</i></th> <th style="text-align: center;"><i>Valid</i></th> </tr> </thead> <tbody> <tr> <td>1. Approach to the contract</td> <td style="text-align: center;">5</td> <td style="text-align: center;">4</td> <td style="text-align: center;">3</td> </tr> <tr> <td>2. Program D&B works activities</td> <td style="text-align: center;">5</td> <td style="text-align: center;">4</td> <td style="text-align: center;">3</td> </tr> </tbody> </table>		<i>Number of points</i>			Key aspects:	<i>Very Satisfactory</i>	<i>Satisfactory</i>	<i>Valid</i>	1. Approach to the contract	5	4	3	2. Program D&B works activities	5	4	3	<i>10</i>		Maximum five (5) A4 pages
	<i>Number of points</i>																		
Key aspects:	<i>Very Satisfactory</i>	<i>Satisfactory</i>	<i>Valid</i>																
1. Approach to the contract	5	4	3																
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Section IV - Application Forms

Table of Forms

Table of Forms

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Application Submission Letter

Date: *[insert day, month, and year]*

PQ No. and title: *[insert PQ number and title]*

To: Infraestruturas de Cabo Verde
Attn: Mr. Carlos Filipe Correia e Silva

We, the undersigned, apply to be prequalified for the referenced Request for Proposal (RFP) and declare that:

- (a) **No reservations:** We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s) issued in accordance with ITA 8: *[insert the number and issuing date of each addendum]*.
- (b) **No conflict of interest:** We have no conflict of interest in accordance with ITA 4.5;
- (c) **Eligibility:** We (and our subcontractors) meet the eligibility requirements as stated in ITA 4, we have not been suspended by the Employer based on execution of a Bid-Securing Declaration or Proposal-Securing Declaration in accordance with ITA 4.9;
- (d) **Suspension and Debarment:** We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Financiers or a debarment imposed by the Financiers in accordance with the Agreement for Mutual Enforcement of Debarment Decisions between the Financiers and other development banks. Further, we are not ineligible under the Employer's country laws or official regulations;
- (e) **State-owned enterprise or institution:** *[select the appropriate option and delete the other]*
[We are not a state-owned enterprise or institution] / [We are a state-owned enterprise or institution but meet the requirements of ITA 4.8];
- (f) **Subcontractors and Specialized Subcontractors:** We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following parts of the contract:

[Insert any part of the contract which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and US\$ equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application”]

- (h) **Not bound to accept:** We understand that you may cancel the Prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the initially selected Applicants to submit Proposal for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
- (i) **True and correct:** All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

Name *[insert full name of person signing the Application]*

In the capacity of *[insert capacity of person signing the Application]*

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

Applicant's Name *[insert full name of Applicant or the name of the JV]*

Address *[insert street number/town or city/country address]*

Dated on *[insert day number]* day of *[insert month]*, *[insert year]*

[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

Form ELI -1.1

Applicant Information Form

Date: *[insert day, month, year]*

RFP No. and title: *[insert RFP number and title]*

Page *[insert page number]* of *[insert total number]* pages

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation: <i>[indicate year of Constitution]</i>
Applicant's legal address [in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <ul style="list-style-type: none"> <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.4. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.2. <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 4.8 documents establishing: <ul style="list-style-type: none"> • Legal and financial autonomy • Operation under commercial law • Establishing that the Applicant is not under supervision of the Employer
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Form ELI -1.2

Applicant's JV Information Form

[The following form is additional to Form ELI – 1.1., and shall be completed to provide information relating to each JV member (in case the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this Initial Selection]

Date: *[insert day, month, year]*

RFP No. and title: *[insert RFP number and title]*

Page *[insert page number]* of *[insert total number]* pages

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 4.4. <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Employer, in accordance with ITA 4.8.
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Form CON – 2

Historical Contract Non-Performance, and Pending Litigation and Litigation History

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

Applicant's Name: *[insert full name]*
 Date: *[insert day, month, year]*
 Joint Venture Member's Name: *[insert full name]*
 RFP No. and title: *[insert RFP number and title]*
 Page *[insert page number]* of *[insert total number]* pages

Non-Performed Contracts in accordance with Section III, Table 1 Qualification Criteria, and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January 2010 specified in Section III, – Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January 2010 specified in Section III, – Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.1.			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and € Euros equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for nonperformance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Table 1 Qualification Criteria, and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.3 as indicated below.			

Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), € Euros Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert amount]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate “Employer” or “Contractor”]</i> Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	<i>[insert amount]</i>
Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements			
<input type="checkbox"/> No Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.4. <input type="checkbox"/> Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.4 as indicated below.			
Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), € Euros Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate “Employer” or “Contractor”]</i> Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

Form CON – 3 ES Performance Declaration

[The following table shall be filled in for the Applicant, each member of a Joint Venture and each Specialized Subcontractor]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member's or Specialized Subcontractor's Name: *[insert full name]*

RFP No. and title: *[insert RFP number and title]*

Page *[insert page number]* of *[insert total number]* pages

Environmental and Social Performance Declaration in accordance with Section III, Qualification Criteria, and Requirements			
<input type="checkbox"/> No suspension or termination of contract: An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental and Social (ES) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5.			
<input type="checkbox"/> Declaration of suspension or termination of contract: The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental and Social (ES) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below:			
Year	Terminated contract or Suspended portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and € Euros equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for suspension or termination: <i>[indicate main reason(s) e.g. for gender-based violence, sexual exploitation or assault breaches]</i>	<i>[insert amount]</i>
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for suspension or termination: <i>[indicate</i>	<i>[insert amount]</i>

		<i>main reason(s)</i>	
...	...	<i>[list all applicable contracts]</i>	...
Performance Security called by an employer(s) for reasons related to ES performance			
Year	Contract Identification		Total Contract Amount (current value, currency, exchange rate and € Euros equivalent)
<i>[insert year]</i>	<i>Contract Identification: [indicate complete contract name/ number, and any other identification]</i> <i>Name of Employer: [insert full name]</i> <i>Address of Employer: [insert street/city/country]</i> <i>Reason(s) for calling of performance security: [indicate main reason(s) e.g. gender-based violence, sexual exploitation or assault breaches]</i>		<i>[insert amount]</i>

Form FIN – 3.1 Financial Situation and Performance

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

Applicant's Name: *[insert full name]*
 Date: *[insert day, month, year]*
 Joint Venture Member Name: *[insert full name]*
 RFP No. and title: *[insert RFP number and title]*
 Page *[insert page number]* of *[insert total number]* pages

1. Financial data

Type of Financial information in (currency)	Historic information for previous 5 (five) years, (amount in currency, currency, exchange rate*, Euros € equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

* Refer to ITA 14 for the exchange rate

2. Sources of Finance

[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]

Specify sources of finance to meet the cash flow requirements on contracts currently in progress and for future contract commitments.

No.	Source of finance	Amount (Euros € equivalent)
1		
2		
3		

3. Financial documents

The Applicant and its parties shall provide copies of financial statements for 5 years pursuant to Section III, Table 1 – Qualification Criteria, and Requirements Sub-factor 3.1. The financial statements shall:

- (a) reflect the financial situation of the Applicant or JV member, and not an affiliated entity (such as parent company or group member).
- (b) be independently audited or certified in accordance with local legislation.
- (c) be complete, including all notes to the financial statements.
- (d) correspond to accounting periods already completed and audited.

Attached are copies of financial statements¹ for the 5 years required above; and complying with the requirements

¹ If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.

Form FIN - 3.2 Average Annual Construction Turnover

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

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

RFP No. and title: *[insert RFP number and title]*

Page *[insert page number]* of *[insert total number]* pages

Annual Construction Turnover Data			
Year	Amount Currency	Exchange rate*	Euros € equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

* Refer to ITA 14 for date and source of exchange rate.

** Total USD equivalent for all years divided by the total number of years. See Section III, Table 1 Qualification Criteria, and Requirements, 3.2.

Form EXP - 4.1 General Construction Experience

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]

Applicant's Name: *[insert full name]*
 Date: *[insert day, month, year]*
 Joint Venture Member Name: *[insert full name]*
 RFP No. and title: *[insert RFP number and title]*
 Page *[insert page number]* of *[insert total number]* pages

[As per Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 4.1. list contracts chronologically, according to their commencement (starting) dates.]

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Contracts performed by the Applicant: <i>[describe contracts performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and US\$ equivalent*]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Contracts performed by the Applicant: <i>[describe contracts performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and US\$ equivalent*]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Contracts performed by the Applicant: <i>[describe contracts performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and US\$ equivalent*]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>

* Refer ITA 14 for date and source of exchange rate.

Form EXP - 4.2 (a) Specific Experience

(Table 1, 4.2 and Table 2)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

RFP No. and title: *[insert RFP number and title]*

Page *[insert page number]* of *[insert total number]* pages

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		US\$ <i>[insert Exchange rate and total contract amount in US\$ equivalent]</i> *	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in US\$ equivalent]</i> *	
	<i>[insert roles and responsibilities]</i>			
Description of the similarity in accordance with Section III Table 1, 4.2				
Physical size of required contract items	<i>[insert physical size of items]</i>			
Complexity	<i>[insert description of complexity]</i>			
Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>			

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Employer's Requirements]</i>
Employer's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>

* Refer to ITA 14 for date and source of exchange rate.

Section V - Fraud and Corruption

(Text in this Section V shall not be modified)

1. Purpose

1.1 The Financiers' Anti-Corruption Guidelines and this annex apply with respect to procurement under Bank Investment Project Financing operations.

2. Requirements

2.1 The Financiers require that Borrowers (including beneficiaries of Financiers financing); bidders (applicants/proposers), consultants, contractors and suppliers; any sub-contractors, sub-consultants, service providers or suppliers; any agents (whether declared or not); and any of their personnel, observe the highest standard of ethics during the procurement process, selection and contract execution of Financiers -financed contracts, and refrain from Fraud and Corruption.

2.2 To this end, the Financiers:

- a. Define, for the purposes of this provision, the terms set forth below as follows:
 - i. "corrupt practice" is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - ii. "fraudulent practice" is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
 - iii. "collusive practice" is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
 - iv. "coercive practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - v. "obstructive practice" is:
 - (a) deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a Financiers investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - (b) acts intended to materially impede the exercise of the Financiers' inspection and audit rights provided for under paragraph 2.2 e. below.

- b. Reject a proposal for award if the Financiers determine that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
- c. In addition to the legal remedies set out in the relevant Legal Agreement, may take other appropriate actions, including declaring misprocurement, if the Financiers determine at any time that representatives of the Borrower or of a recipient of any part of the proceeds of the loan engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices during the procurement process, selection and/or execution of the contract in question, without the Borrower having taken timely and appropriate action satisfactory to the Financiers to address such practices when they occur, including by failing to inform the Financiers in a timely manner at the time they knew of the practices;
- d. Pursuant to the Financiers' Anti-Corruption Guidelines, and in accordance with the Financiers' prevailing sanctions policies and procedures, may sanction a firm or individual, either indefinitely or for a stated period of time, including by publicly declaring such a firm or individual ineligible (i) to be awarded or otherwise benefit from a Financiers-financed contract, financially or in any other manner;¹ (ii) to be a nominated² sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Financiers-financed contract; and (iii) to receive the proceeds of any loan made by the Financiers or otherwise to participate further in the preparation or implementation of any Financiers-financed project;
- e. Require that a clause be included in request for bid/request for proposals documents and in contracts financed by a Financier's loan, requiring (i) bidders (applicants/proposers), consultants, contractors, and suppliers, and their sub-contractors, sub-consultants, service providers, suppliers, agents personnel, permit the Financiers to inspect³ all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the Financiers.

¹ For the avoidance of doubt, a sanctioned party's ineligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

² A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the particular bidding document) is one which has been: (i) included by the bidder in its pre-qualification Application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid; or (ii) appointed by the Borrower.

³ Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Bank or persons appointed by the Financier to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to: accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information.

APPENDIX A – Project description & Provisional Scope of Employer’s Requirement

1. Description of the Works (Design and Build)

Project description

ENAPOR has received funding from ORIO, OPEC Fund and the Government of Cabo Verde for the construction of Mindelo Cruise Terminal. The Works include:

- Design studies,
- Marine Works:
 - Construction of the approx. 400m-long cruise jetty with all the associated auxiliaries and civil works;
 - Dredging works for enlarging and deepening the navigation maneuvering areas and access channel to the new cruise jetty;
 - Reclamation of the “Land Bridge” and shore protection of this new reclaimed land;
 - Rehabilitation of the demobilized fishing quay (capping beam);
 - Providing and installation of the Navigation Aids;
 - Sourcing of the materials needed for the marine works;
- Landside works:
 - Demolition of some of the existing infrastructure in the project area (no buildings are concerned);
 - Construction of the “Visitors Welcome Centre” building,
 - Implementation of the adjacent ground transportation.

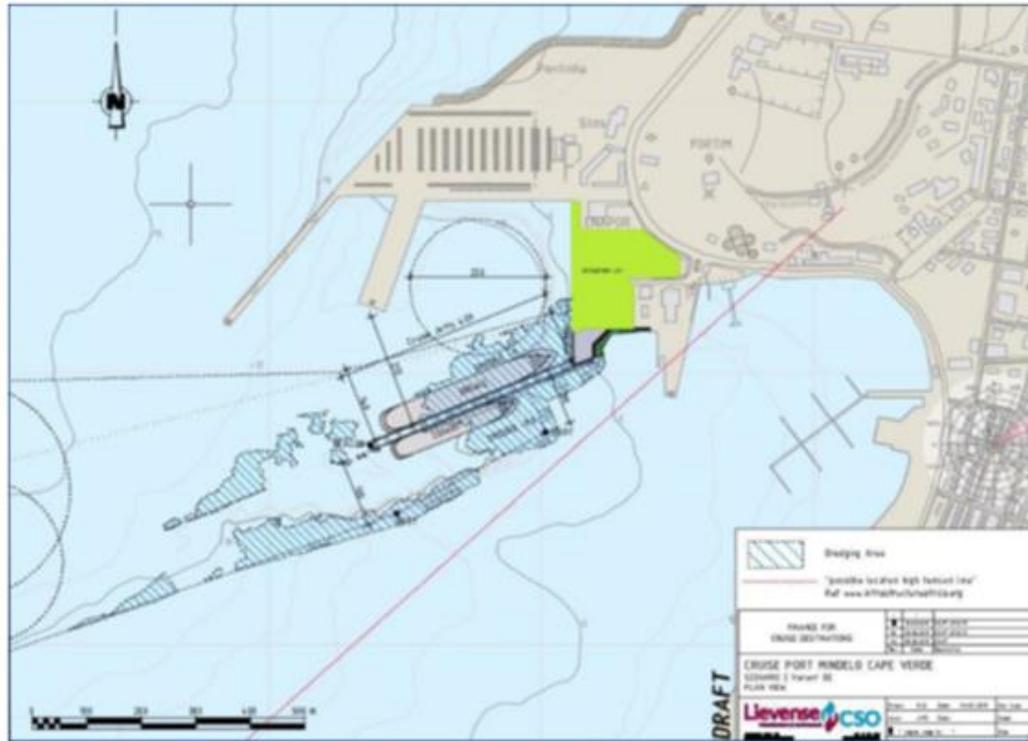


Figure 1. Layout of the marine works

Scope of Works

The Scope of Works for this project comprises the development of the marine and landside facilities for the new Cruise Vessels Terminal in Mindelo as a Design-Build (“Yellow Book”) contract. The Scope of Work includes the following:

1. Development of all technical studies required to produce the complete design of a valid solution for the layout, ensuring that all functional and design requirements are fulfilled.
2. Detailed engineering and construction of a jetty for the mooring of two cruise vessels.
3. Detailed engineering and dredging of an access channel and the vessels berthing space, to allow for safe entry into the harbor as well maneuvering once inside the sheltered area.
4. Engineering, procurement and reclamation of a new land bridge and common infrastructure areas, including any soil improvement methods that may be required.
5. Detailed engineering and construction of new quays suitable for the mooring of two cruise vessels.
6. The engineering, procurement and construction of slope protection for the reclaimed land bridge.
7. The engineering, procurement and installation of Navigational Aids.

8. Detailed engineering and construction of the landside Cruise Terminal building and infrastructure.
9. Any surveys and investigations necessary for the completion of the Works.
10. Provision, maintenance and operation of temporary construction facilities including fabrication shops, lay-down areas and storage areas, at all Work Sites as necessary to execute the Works.
11. Design and construction of any Temporary Works necessary for the completion of Works.
12. Compliance with environmental requirements per the environmental permit held by ENAPOR.

Works features

Marine Works

Jetty

- Length: 400 m
- Width: 12.00 m
- Depth: - 11.00 m CD
- Top level: + 3.00 m CD

Land bridge

- New reclamation area adjacent to the existing quayside (quay no. 9) and limited by new quay walls and protection slopes.
- Volume: 20,000 m³ (indicative)
- Area: approx. 2700 m² (as per drawings)
- Shape: as per Drawings

New quay walls

- Length: 125.00 m
- Depth: -9.50 m ZH
- Top level: + 3.00 m ZH

New protection slopes

- Length: approx. 60.00 m (as per drawings)
- Slope: 1.5H / 1.0V

Dredging

- Access channel is dredged to allow safe access for design vessels.
- Jetty North berth is dredged to -11.00 m ZH. Jetty South berth is dredged to -9.50 m ZH.
- Dredging operations in order to ensure bottom levels for jetty and new quay walls.
- Total Volume: 124,000 m³ (indicative)

Reuse of dredged materials

If suitable as fill materials, the dredged materials can be re-used in the reclamation areas. If not, the materials shall be disposed off-site in a place indicated by Employer.

Rehabilitation of approx. 240 m of the existing quay 9

Quay equipment

The quay equipment in the following minimum and non-exhaustive list shall be designed, provided and implemented by the Contractor:

- Fenders
- Bollards
- Safety ladders and handgrips
- Safety hand railing
- Handholds (either safety ladders or safety chains)
- Cable trenches
- Fire hydrant pits
- Light poles
- Water pits
- Electricity and data cables

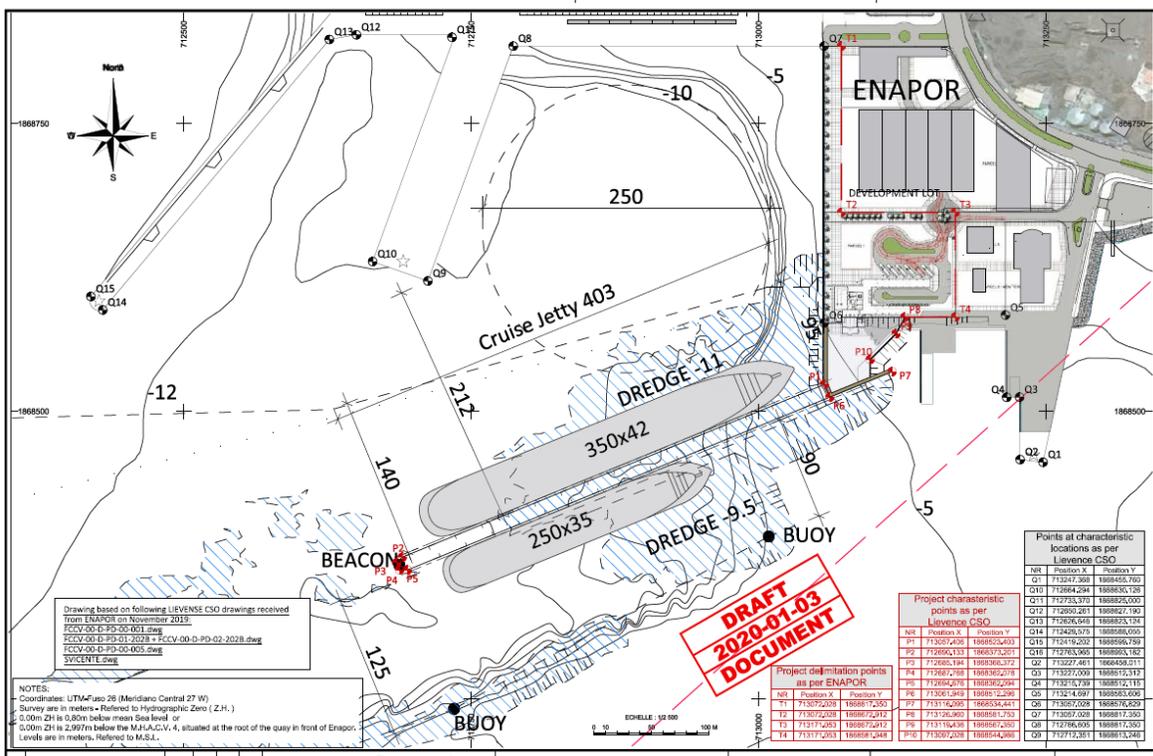
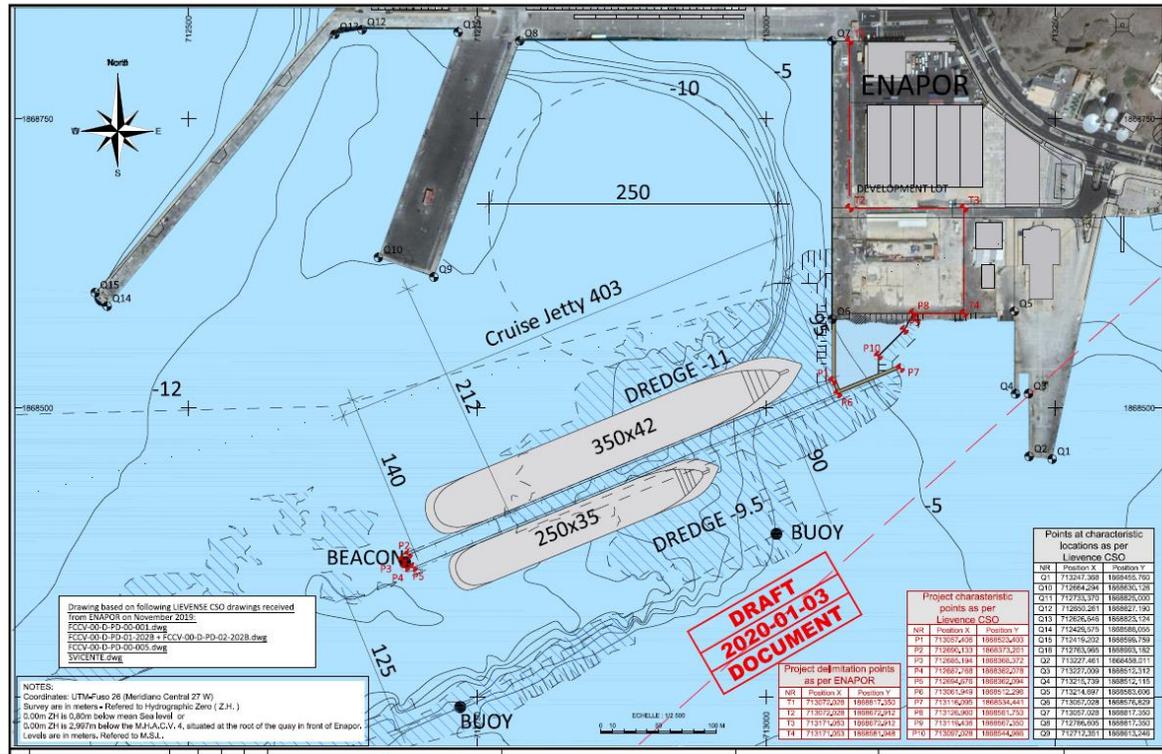
Navigation aids

Navigation aids shall be designed and provided by Contractor according to applicable standards.

Landside Works

- Welcome Center: 900 m²
- Transport Area Sunroof: 827 m² (indicative)
- Landscaped Secure Area: 700 m²
- Landscaping, pavement, stormwater drainage, lighting transportation area: 6150 m²
- Fencing
- Equipment

Overall layout



Environmental authorization

This Environmental authorization gives the Employer the right to carry out the project in accordance with environmental standards.

For the "Mindelo Cruise Terminal" project, an Environmental License was issued on June 7, 2017 (Process 303 / DNA / 2017) by DNA. This license has been extended for another two (2) years as per Article 20.

Previous existing studies undertaken in 2015-2016

The existing studies are:

- Basic Technical Design of Cruise Terminal – Marine Facilities – Volume 1 Main Report by Lievens-CSO (doc no156963 rev 1) – February 2016;
- Basic Technical Design of Cruise Terminal – Marine Facilities – Volume 2 Attachments by Lievens-CSO (doc no156963 rev 1) – February 2016, with
 - Attachment 1 – Site Conditions,
 - Attachment 2 – Topography;
 - Attachment 3 – Bathymetry;
 - Attachment 4 – Soils investigations;
 - Attachment 5 – Surface and sub-surface sediment survey;
 - Attachment 6 – Wave and Wind study;
 - Attachment 7 – Nautical simulations;
 - Attachment 8 – Fender and Mooring Analysis;
 - Attachment 9 – Basis of Design;
 - Attachment 10 – Preliminary Design;
- Cruise Terminal – Visitor Welcome Centre and Transportation Area – July 2015;
- Environmental Impact Assessment (EIA);