



ISLAMIC EMIRATE OF AFGHANISTAN
Ministry of Public Health
Public Private Partnership Directorate
QUALIFICATION DOCUMENTS

Provision of Diagnostic Imaging services at Wazir
Mohammad Akbar Khan Hospital

Prequalification Notice reference [MOPH/PPP/BOT/1402/002]
number:

Description of Public-Private Partnership Project: For a private health sector service organization to provide select diagnostic imaging services at Wazir Akbar Khan Hospital through a Build-Operate-Transfer Public-Private Partnership.

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PART A - INVITATION

Ministry of Public Health (MoPH), the Government of Islamic Emirate of Afghanistan, (the Entity) is seeking responses to this Prequalification Document hereby formally requests statements of qualifications from eligible firms that demonstrate the legal, technical, and financial capacity required to participate in a competitive tender procedure to for a proposed Public- Private Partnership Project to provide select diagnostic imaging services at Wazir Akbar Khan Hospital through a Build-Operate-Transfer contract as more fully described in Part D of this Prequalification Document, through a competitive process that is in compliance with the PPP Law and other applicable laws.

The Public-Private-Partnership is envisioned to take the form of a 12 year Build-Operate-Transfer (“BOT”) contract and will involve both (i) to refurbish, equip, operate and hand back an auxiliary building at Wazir Akbar Khan Hospital and (ii) provide operation and maintenance services for the diagnostic imaging services over a fifteen-year period as specified. This PPP is also intended to ensure the highest-quality of standards for diagnostic imaging with the available resources, placing emphasis on overall performance and patient safety.

The Project will be structured on the basis of the PPP contract formalized between the Ministry of Public Health (MoPH) of the Government of Islamic Emirate of Afghanistan and a Project Company - Special Purpose Vehicle (“SPV”) to be formed by the Selected Bidder under the laws of the Islamic Emirate of Afghanistan.

A prequalification meeting with the Entity will be held at All prospective Applicants are invited to attend in order to be briefed on the project and the prequalification process].

PART B - INTRODUCTION AND GENERAL INFORMATION

B1 - LEGAL NOTICE

This Request for Qualifications (“RFQ”) tender dossier is being issued by the Ministry of Public Health (MoPH) of the Government of Islamic Emirate of Afghanistan, (hereinafter referred as Entity) in accordance with Public Private Partnership (PPP) Law of Islamic Emirate of Afghanistan of 5th October, 2016, and this RFQ is the first part of a two-stage public procurement procedure for a Public-Private-Partnership.

Neither the IEOA, the MoPH, nor any of their respective agents, representatives, advisors or consultants make, will make, or will be deemed to have made, any representation or warranty, express or implied, as to the accuracy, reliability or completeness of the information contained herein or any information otherwise provided, whether orally or in writing, other than such representations or warranties expressly stated as such in duly promulgated tender documents or in a definitive contractual agreement executed between the MoPH/IEoA and a Selected Bidder. Neither the receipt of this RFQ, nor any information contained herein or supplied herewith or subsequently communicated to any Person, whether orally or in writing, in connection with a proposed project involving the MoPH, IEOA, MoF, or their representatives, advisors, or consultants shall constitute, or be interpreted as constituting, the giving of financial, legal, technical or other advice.

If a Bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this Pre-qualification Document or any other information provided by the Entity (other than minor typographical matters), the Bidder must promptly notify the Entity in writing under **clause 3.2** of such discrepancy, ambiguity, error or inconsistency to give the Entity an opportunity to consider what corrective action is necessary (if any).

None of the information set forth herein constitutes a formal offer to enter into a Public-Private-Partnership to provide select diagnostic imaging services at Wazir Akbar Khan Hospital through a Build-Operate-Transfer, nor does this RFQ oblige the IEOA, MoPH, MoF, or any other related entity to proceed with the project of reference.

Neither the IEOA, MoPH, MoF, nor any of their agents, representatives, advisors or consultants shall be held liable or responsible to any economic operator for any cost or expense incurred in responding to this RFQ or in any investigation or transaction, whether or not consummated, which may follow

This RFQ does not purport to contain all the information that an interested party or Prospective Bidder may need or desire to make an investment decision. Respondents should conduct their own investigations and analysis of the information set forth in this RFQ.

B2 - CONTRACTING AUTHORITY

For the purposes of this RFQ and related tender procedures, the Contracting Authority shall be the MoPH as authorized by paragraphs **XX** of Public Private Partnership (PPP) Law of Islamic Emirate of Afghanistan of 5th October 2016. The (PPP Unit) of the Ministry of Public Health is acting on behalf of the Contracting Authority to publicly tender this project in accordance with aforementioned Law.

B3 - TWO-STAGE PROCUREMENT PROCESS

In accordance with articles **XXX** of Public Private Partnership (PPP) Law of Islamic Emirate of Afghanistan of 5th October, 2016, this RFQ is the first part of a two-stage public procurement procedure for an envisioned Public-Private-Partnership for Wazir Akbar Khan Hospital.

The purpose of this RFQ is to pre-select economic operators and consortia of economic operators that demonstrate the legal, technical, and financial capacity required to participate in a competitive tender procedure to provide select diagnostic imaging services at Wazir Akbar Khan Hospital through a Build-Operate-Transfer.

All Qualified Respondents will be invited to submit proposals for the Public-Private-Partnership, in accordance with the relevant Request for Proposals (“RFP”) tender document.

B4 - DEFINITIONS

In this Prequalification Document, unless a contrary intention is apparent:

"Applicant" means a Person who is considering submitting a Prequalification Response or which submits a Prequalification Response pursuant to this Tender Process.

"Bid" means any bid to perform the Public-Private Partnership Agreement to be submitted to the Entity by a Bidder prequalified pursuant to this Prequalification Document.

"Contact Officer" means the person so designated in Item 2.

"Entity" means the entity issuing the Prequalification Document (the Ministry of Public Health, Public-Private Partnership Unit).

"Evaluation Panel" has the meaning given to it in clause 6.2.1.

"Intellectual Property Rights" includes copyright and neighboring rights, and all proprietary rights in relation to inventions (including patents) registered and unregistered trademarks (including service marks), registered designs, confidential information (including trade secrets and know how) and circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

"Person" or "Persons" shall include natural persons, individuals, firms, bodies corporate, unincorporated associations, partnerships, joint ventures, trusts or other entities or organizations of any kind.

"Prequalification Evaluation Criteria" means the criteria set out in Part E.

"Prequalification Document" means this document (comprising each of the parts identified in clause 2.1) and any other documents so designated by the Entity.

"Prequalification Response" means any application to prequalify to be submitted or which has been submitted by an Applicant to the Entity pursuant to this Prequalification Document.

"Prequalification Response Submission Date" means the date and time specified as such in Item 3 by which Prequalification Responses must be received.

"Proposed Public-Private Partnership Agreement" means the agreement proposed to be entered with respect to the Public-Private Partnership Project that this Prequalification Document relates to.

"PPP Law" means the PPP Regulation [5th Oct 2016, Issue No 1228] as amended from time from time including consolidations, amendments and replacements thereof.

"PPP Regulation" means the PPP Regulation [Pending for Cabinet Approval] as amended from time from time including consolidations, amendments and replacements thereof.

"Public Official" means a member of the public service or other Person employed by an Entity. "Public-Private Partnership Project" means the proposed project described in Part F.

"State" means the government of the Islamic Emirate of Afghanistan.

"Tender Process" means the procurement process described in the Prequalification Document.

B5 - INTERPRETATION

In this Prequalification Document, unless expressly provided otherwise:

- ✓ a reference to a "clause", "Item" or "Part" is a reference to a clause, an Item or a Part, as the case may be, of this Prequalification Document;
- ✓ a reference to "include", "includes", "including" or "such as" is to be construed without limitation;
- ✓ a reference to "written" or "in writing" means any expression consisting of words or figures that can be read, reproduced and subsequently communicated and it may include information transmitted and stored by electronic means; and
- ✓ the term "may" when used in the context of a power or right exercisable by the Entity means that the Entity can, subject to the PPP Regulation, exercise that right or power in its absolute and unfettered discretion and the Entity has no obligation to the Applicants to do so.
- ✓ Capitalized terms used in this Prequalification Document have defined meanings which are set out in clause 1.1. Capitalized terms defined elsewhere in this Prequalification Document but not referred to in clause 1.1 have the same meaning wherever used throughout this Prequalification Document. Capitalized terms not defined in this Prequalification Document but defined in the Proposed Public-Private Partnership Agreement have the meaning given in the Proposed Public-Private Partnership Agreement.

B6 - APPLICATION OF CONDITIONS

The Applicant's participation in this Tender Process is subject to compliance with the conditions contained in this Part D and the applicable law, including the PPP Law and the PPP Regulation.

By submitting a Prequalification Response, all Applicants represent and agree that they accept the conditions contained in Part D.

The conditions contained in Part D apply to:

- a) this Prequalification Document and any other information given, received or made available in connection with the Prequalification Document, including any revisions or addenda;
- b) the Tender Process; and
- c) any communications (including any clarifications, presentations, meetings or negotiations) relating to the Prequalification Document or the Tender Process.

PART C - PROJECT DESCRIPTION

C1 - BACKGROUND AND OBJECTIVES

Despite limited financial resources, the Government of the Islamic Emirate of Afghanistan (IEoA) places a high priority on public health. As such, the health system in Afghanistan has improved dramatically since 2002 (1381) with the creation and implementation of the basic package of health services (BPHS) and later the essential package of hospital services (EPHS). However, many health indicators for Afghanistan remain poor. For example, life expectancy remains less than 65 years, a recent measure of infant mortality showed it to be at 77/1,000 live births, and maternal mortality at 327/100,000 live births. Rates for many of the top ten causes of death (for example, ischemic heart disease at 8.1% of total deaths, stroke at 6.4%, pre-term birth complications at 5.2%, and road injuries at 2.6%) would most likely be lower if better diagnostic imaging services were more readily available within the public sector. Currently, these services are very limited within the public sector and when equipment is available, it is often out of service because of either a lack of funding for repairs or an absence of technical know-how in Afghanistan to service the equipment.

Additionally, nearly ten years ago, it was noted that approximately 60% of persons seeking health care went first to a private provider, nearly 70% went to private providers for their second visit, and more than 80% went to private providers for their third visit. More recent studies have shown that the majority of health services continue to be provided in the private sector. While the exact number of diagnostic centers is unknown, they, most likely, number in hundreds or thousands.

C2 - PUBLIC HEALTHCARE INFRASTRUCTURE IN KABUL PROVINCE

Afghanistan has a vast health care infrastructure that is broadly divided into the public and private (including non-governmental donor hospitals) sectors, depending upon their ownership. Kabul is the heart of Afghanistan's healthcare services and has the largest number of private and government facilities. In addition to Wazir Akbar Khan Hospital, Kabul city has an estimated 20 specialty hospitals and more than 100 private hospitals as per the MoPH Licensing Department. It is difficult to estimate how much of a total demand there is for diagnostic imaging services, but the table below provides some approximations based on rapid assessment conducted between November 2016 – March 2017 in a small number of public and private hospitals in Kabul.

Table E1: Approximate daily number of patients seen for selected diagnostic imaging equipment

Name	Ultrasound	X-ray	Echo-cardiogram	Computerized (axial) tomography (CAT/CT scan)	Magnetic resonance imaging (MRI)
Wazir Akbar Khan (Public)	30-35*/day	40-50*/day	10*/day	Not available	Not available
Ataturk (Public)	20-25*/day	25-30*/day	Not available	Not available	Not available
Ibne Sina Ajel (Public)	3-5*/day	10-20/day	Not available	Not available	Not available
CURE Hospital (Public-Private)	> 50/day	10-20*/day	3-5/day	Not available	Not available
Blossom Hospital (Private)	30/day	15/day	5/day	15-20/day	8-10/day
Jumhoriyat Hospital (Public)	50-60/day	70-75/day	Not available	20-30/day	Not available

Rabia Balkhi Hospital (Public)	45-50/day	5/day	6/day	Not available	Not available
Inbni Sina Sadri (Public)	Not available	20/day	22/day	Not available	Not available
Malalai Hospital (Public)	8/day	5/day	5/day	Not available	Not available
Istiqlal Hospital (Public)	40/day	9/day OPD 5/day	6/day	Not available	Not available
Indira Ghandhi (Public)	23/day	40-45/day	16/day	25-30/day	Not available
Sardar Mohamad Dawood Hospital (Military Hospital)	70-80/day	15 machines (unknown number of patients/day)	1-2/day	7-8/day	Machine available, but unknown number of patients/day
FMIC (Public-Private)	48/day	48/day	Not available	39/day	20/day

* Not all machines functional at the time of visit

C3 - OVERVIEW OF WAZIR AKBAR KHAN HOSPITAL

Wazir Akbar Khan Hospital is a 210-bed facility, which primarily provides services in the areas of internal medicine, surgery, and orthopedics. It is the largest teaching hospital in Afghanistan with also the largest residency training program in the country. It serves as the major referral and trauma center in Afghanistan, with approximately 600 patients admitted, 5,000 OPD consultations and 750 surgical procedures monthly. It is located in District #10 of Kabul City near the Ministry of Public Health at (Great Masood Square, Wazir Akbar Khan Watt).

The Wazir Akbar Khan Hospital has a semi-functional diagnostic imaging unit. As of March 2017, the hospital had the following diagnostic imaging equipment:

- Two x-rays (one portable and one fixed);
- Three ultrasounds;
- One echocardiogram (currently non-functional because it requires a software update);
- 10 functional ECG/EKG machines;
- Two fluoroscopes (not functional);
- One endoscope (semi-functional, upper endoscopy is not functional).

It has neither an MRI nor CAT/CT scan

Most of the operational costs for diagnostic imaging are currently covered by the Wazir Akbar Khan Hospital budget. Additional operational costs would be incurred if the more sophisticated MRI and CAT/CT scan equipment were to be purchased and installed (this would include a substantial investment in needed renovations). At present, the hospital management structure doesn't have sufficient capacity to ensure effective management of a fully equipped and staffed imaging/diagnosis unit to provide all the needed diagnosis services. The unit is understaffed, and the existing staff do not have the necessary technical skills needed to operate additional sophisticated equipment (MRI and CAT/CT scan).

C4 - PURPOSE OF THE PPP

In order to strengthen select diagnostic imaging services, the Government of the Islamic Emirate of Afghanistan through the Ministry of Public Health will enter into a Build-Operate-Transfer Public-Private Partnership for the provision of services as listed below in Section “Equipment/Services to be Provided” at the Diagnostic Imaging Unit at Wazir Akbar Khan Hospital. This PPP Project will serve Kabul province and is intended to strengthen healthcare services to the residents of Kabul and other Afghanistan provinces. Applicants to this RFQ should note that the current diagnostic imaging services at Wazir Akbar Khan Hospital will remain operational during the life of this PPP.

The overall purpose of the PPP Project is to build, equip, operate and hand back an available land at Wazir Akbar Khan Hospital. The PPP Project will include operation and maintenance services for the diagnostic imaging services over a twelve-year period as specified. This PPP is also intended to ensure the highest-quality of standards for diagnostic imaging with the available resources, placing emphasis on overall performance and patient safety.

The term of the Project Agreement will expire 12 years after the anticipated date of the award of the PPP Agreement. It is anticipated that the remodeling and refurbishment period for the Project will have duration of approximately 6 months.

C5 - ANTICIPATED TRANSACTION STRUCTURE

As currently envisioned, the transaction structure for the proposed Public-Private Partnership Project to provide select diagnostic imaging services at Wazir Akbar Khan Hospital is as follows:

- (i) **Contract Structure:** Build-Operate-Transfer (BOT).
- (ii) **Contract Duration:** Twelve (12) years.
- (iii) **Required Minimum Investment Plan:** At a minimum, the successful Applicant will be expected to construct the Diagnostic Imaging Unit at Wazir Akbar Khan Hospital such that the proposed equipment (see Table E2) will remain operational during the life of the project, and that patient services can be offered at the optimal quality. It is expected that the proposed construction will meet current international standards for the proposed equipment list and diagnostic imaging services.

The intended area for construction of imaging unit building is a flat area with width of 35 meters and a length of 18 meters located inside the Wazir Akbar Khan (WAK) Hospital yard longitudinally east-west direction, directly behind the WAK Hospital emergency auxiliary building. This area is surrounded by a wide green area in the west, with hospital yard walls in the north and east (approximately 20 meters distance) and the Emergency Department in the south. The building for diagnostics imaging services must be constructed based on the MoPH Planning and Design Standards or based on the parameters illustrated by the Afghanistan Building Codes (ABC) and the Afghanistan Architectural Code (AAC).

- (iv) **Equipment/ Services to be provided:** All purchased equipment must be new at time of purchase. Applicants will be expected to specify for each piece of equipment how the equipment will be maintained (e.g. on-site service technician, manufacturer service agreements, off-site serving, etc.) during the life of the project.

Note: the required services should be inserted, together with availability clause definition

Clauses; I prefer if the clauses shall be given in the RFP & Contract

The minimum required range of services for 12 Years				
No	Item	number of patient/year	Number of Patient/Day	Utilization Rate
1	MRI Suite		25	70%
2	X-RAY		40	75%
3	CT-Scan		35	80%
4	Ultra-Sound (Doppler)		40	90%
5	Echocardiogram		25	85%
6	ECG		20	95%

E2: The list of minimum number of equipment to be provided (additional details will be provided in the subsequent RFP)

No	Machine	Quantity
1	MRI	1
2	CAT/CT Scan	1
3	Echocardiogram	1
4	X-ray	2
5	Ultrasound	1
6	EKG/ECG	1

(v)

Communications: Healthcare at Wazir Akbar Khan Hospital as part of the public provision of health services, is free of charge. The introduction of a user fee at this site for diagnostic imaging services may be met with resistance by the patient population. Thus, the introduction of user fees has to be preceded by an information and communication campaign to explain the rationale for them.

(vi) **Financing responsibilities:** Applicants will be responsible for the, financing, construction, equipment, operating, and maintenance of the auxiliary unit at Wazir Akbar Khan Hospital. Financing for the Project, including debt and equity, will be the sole responsibility of the successful bidder.

(vii) **Revenue parameters and payment mechanism:** All services delivered at the auxiliary unit of Wazir Akbar Khan Hospital will be provided on a private patient commercial basis. The Private Operator will charge fees against its service delivery to patients. Price levels will be set competitively by the Private Operator based on an annual market survey at the local and regional market and negotiated annually with the MoPH taking into account changing market and overall macroeconomic conditions (e.g. inflation, service demand, new entrants into the market).

NOTE: include the technical criteria: the number of minimum number of services and the maximum price, and note that during the RFP and Contract phase a formula will be developed to allow price changes

- (viii) **Employment Considerations:** Applicants will be expected to provide adequate staffing to satisfactorily fulfil the requirements of the PPP.
- (ix) **Ownership of Assets:** Moveable and Immovable assets will be leased to the Private Operator, while ownership of all assets remains with the public sector.
- (x) MoPH provision of on-site services: The MoPH will provide the below services as its contribution with this project:
- Vacant enjoyment of the Land for the building of the diagnostic imaging unit;
 - Facilitate in the process of awarding License from the MoPH; and,
 - Legal support if possible and when required.
- (xi) **Handback of the project** - Upon the expiry or early termination of the Project Agreement the Private Operator shall handback the auxiliary unit at Wazir Akbar Khan Hospital (including functional equipment) to the Public Authority (MoPH) in accordance with defined hand back requirements which will be set out in the PPP Agreement so that the Authority is able to use and operate the unit following such expiry or termination. There is possibility of extension of the PPP agreement with the Private Operator which in that case the Private Operator would retain the auxiliary unit for a specific period once again.
- (xii) **Competitive Tender:** Upon rendering required guarantees and fees, all Qualified Respondents will be invited to present Proposals in response to a RFP.

The Selected Bidder will be required to operate Hospital within the terms and conditions stipulated in the corresponding BOT contract, including minimum technical requirements for future operating and investment requirements.

C6 - REQUIREMENTS OF THE SELECTED BIDDER

C.6.1 – Project Company - Special Purpose Vehicle (SPV)

The Selected Bidder shall be required to establish an independent legal entity incorporated under the laws of Islamic Emirate of Afghanistan, prior to entry into force of the PPP Contract. Said legal entity shall have as its sole purpose the fulfilment of the obligations set forth in the PPP Contract.

C.6.2 - Controlling Interest in the Project Company

Unless otherwise stipulated in the Contract, the Selected Bidder shall be required to maintain a controlling interest in the Project Company throughout the duration of the Contract. A controlling interest is defined as holding at least fifty-one percent (51%) of the voting shares of the Project Company.

In the case of a bidding consortium, the individual Economic Operators comprising the Bidder shall be required to maintain a controlling interest in the Project Company on a pro-rata basis, as registered in the Proposal and in the original Project Company incorporation documents.

The transfer to third parties of shares in the controlling interest of the Project Company shall require prior approval by the IEoA/MoPH, as set forth in the Contract.

PART D - TENDER REQUIREMENTS

D.1 - DEADLINE FOR RESPONSE SUBMISSION

Responses to this RFQ must be received by the Contracting Authority at the address indicated herein by **[insert time] (Local Time)** on **[insert date]**. Only complete Responses delivered before said deadline will be accepted. Responses delivered after this time will be automatically rejected.

D.2 - SUBMISSION OF PREQUALIFICATION RESPONSES

(clause 4.1.2)

D.2.1 - Hard copy submission

Address	Great Masood Square, Ministry of Public Health, Public Private Partnership Directorate, Kabul, Afghanistan
Hours of access	
Access restrictions (if any)	
Information to be marked on package containing the Prequalification Responses	Prequalification response for provision of imaging services at Wazir Akbar Khan Hospital through small scale PPP
Other requirements	N/A

D.2.2 - Internet submission:

Website address	
Access restrictions (if any)	
Other requirements	

D.2.3 - Email submission:

Email address	
Information to be included in email message containing the Prequalification Responses	Xxxxxx
Other requirements	

D.2.4 - Submission

Where D.11 requires Prequalification Responses to be submitted in hard copy, packages containing the Prequalification Responses must be marked with the information set out in D.11 and delivered to the address which is set out in D.11. Applicants must ensure that they receive a written receipt from the Contact Officer, or their representative. Such written receipt will acknowledge the date and time of receipt and shall be signed by the Contact Officer or their representative. The Entity's own record of time and date of receipt will be conclusive and it will be the Applicant's responsibility to obtain valid confirmation of safe receipt by the Entity

Prequalification Responses must be submitted by the Prequalification Responses Submission Date.

The Entity may amend the Prequalification Responses Submission Date for any reason which it considers necessary by providing written notice to all Applicants.

Any amount of money specified in a Prequalification Responses must be expressed in:

- The currency recognized as legal tender in the Islamic Emirate of Afghanistan; and
- Digits and then set out in full in written form and the written form will prevail in case of any conflict between the two.

D.2.5 - Late Prequalification Response

Prequalification Responses submitted after the Prequalification Response Submission Date or submitted at a location or in a manner that is contrary to that specified in the Prequalification Document shall be disqualified from the Tender Process and shall be returned to the Applicant without being opened.

D.3 - Entity's Contact Officer

Name and title	Dr. Nazir Ahmadzai Head of PPP MoPH
Address for correspondence by post	Great Masood Square, District 10 th , Ministry of Public Health, Public-Private Partnership Unit
Email address	ppp_health@moph.gov.af

D.4. [SOURCE OF FUNDS]

(clause 1.4)

[insert source of funds] N/A

D.5 - INDICATIVE TIMETABLE

Activity	Date
Prequalification Notice issued	***
Prequalification meeting	***
End of period for questions or requests for information (see clause 3.2 of Part D)	<i>This should be 14 days before the Submission Date for the Prequalification Response.</i>
Deadline for Entity to respond to any questions or requests for information	<i>This should be 7 days before the Submission Date for the Prequalification Response</i>
Formal notification of prequalified Applicants	***
Expected date for issue of Request for Proposal	***

This timetable is provided to give Applicants an indication of the anticipated timing of the Tender Process. The timetable is indicative only and may be changed at any time by the Entity.

D.6 - LANGUAGE OF PREQUALIFICATION RESPONSES

Respondents may prepare and submit their Response and any related documents in the [Language1] or English language.

In the event that the original Response is in English, the Respondent shall provide two (2) copies of an official translation of the Response into [Language1].

In the event that the original Response is in [Language1], the Respondent shall provide two (2) copies of an official translation into English.

Marketing materials, corporate brochures, and support documentation do not require translation; nevertheless, the Entity reserves the right to request Respondents to provide additional translations when so required.

(clause 4.1.1)

D.7 - COMMUNICATIONS DURING THE TENDER PROCESS

D.7.1 - Contact Officer

All communications relating to this Prequalification Document and the Tender Process must be directed to the Contact Officer.

D.7.2 - Requests for clarification of the Prequalification Document

Any questions or requests for necessary information or clarification in connection with the Prequalification Document must be submitted to the Contact Officer in writing, preferably by email, in the language specified in Item 6 and no later than 7 days before the Prequalification Responses Submission Date. The Entity is not obliged to respond to any question or request after this date.

Any question or request for information or clarification by an Applicant to the Entity will be deemed to have been received only upon written confirmation of receipt by the Contact Officer. If an Applicant has not received confirmation of receipt of its communication from the Contact Officer within 7 days of its communication, the Applicant must make reasonable efforts to obtain such confirmation from the Contact Officer.

Subject to clause 3.2.1, questions or requests for further information or clarification submitted and answers provided will be made available as soon as reasonably possible to all Applicants in writing without identifying the Person having submitted the question or disclosing any of its confidential information or proprietary intellectual property.

D.7.3 - Unauthorized communications

Communications in respect of this Prequalification Document and Tender Process with staff of the Entity or consultants assisting the Entity with the Tender Process are not permitted during the Tender

Process except as provided in **clauses 3.2.** Nothing in this clause is intended to prevent communications with staff of, or consultants to, the Entity to the extent that such communications do not relate to this Prequalification Document or the Tender Process.

Unauthorized communications with such Persons may lead to disqualification of an Applicant.

D.7.4 - Improper conduct

Applicants and their respective officers, employees, agents, subcontractors, consultants and advisers must observe the highest standard of ethics and must not:

- a) directly or indirectly through a third party seek to influence any representative of the Entity;
- b) seek or obtain the assistance of officers, employees, agents, consultants, contractors or

advisers of the Entity;

- c) engage in obstructive practice, corrupt practice, fraudulent practice or coercive practice;
- d) engage in any collusive practice or any other similar conduct with any other Applicant or any other Person, in respect of any aspect of this Tender Process.

For the purposes of this clause:

- a) "corrupt practice" means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a Public Official in the process of procurement of a Public-Private Partnership Project or a Public Contract or execution of a Public-Private Partnership Agreement or a Public Contract;
- b) "fraudulent practice" means a misrepresentation or omission of facts in order to influence a process of procurement of a Public-Private Partnership Project or a Public Contract, or the execution of a Public-Private Partnership Agreement or a Public Contract;
- c) "coercive practice" means harming or threatening to harm, directly or indirectly, Persons or their property to influence their participation in the process of procurement of a Public-Private Partnership Project or a Public Contract, or affect the execution of a Public-Private Partnership Agreement or a Public Contract;
- d) "collusive practice" means a scheme or arrangement between two or more Applicants, with or without the knowledge of the Entity or any other procuring entity, designed to establish Prequalification Responses prices at artificial, non-competitive levels; and
- e) "obstructive practice" means:
 - deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators to materially impede an investigation by the State into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice;
 - threatening, harassing or intimidating any party, including but not limited to a State or Entity official, to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - engaging in acts intended to materially impede the exercise of the State's and Entity's inspection and audit rights.

Without limiting any other remedies available to it under law or contract, the Entity shall immediately disqualify an Applicant that it believes has engaged in any conduct prohibited by this clause in respect of this Tender Process.

D.7.5 - Conflict of Interest

An Applicant must not, and must ensure that its officers, employees, agents, subcontractors, consultants and advisers do not, place themselves in a position that may or does give rise to an actual, potential or perceived conflict of interest between the interests of the Entity and the Applicant's interests during the Tender Process.

An actual, potential or perceived conflict of interest may arise in situations including where an Applicant obtains an unfair advantage in the Tender Process:

- a) by obtaining information, access to or any advantage or other assistance from a Person employed by, or otherwise involved or connected with, the Entity and/or the State;
- b) through any position which any officer, employee, agent, subcontractor, consultant or adviser of an Applicant holds with the Entity and/or the State;
- c) by the involvement of an Applicant, or any officer, employee, agent, subcontractor, consultant or adviser of an Applicant, in the preparation or conduct of the Tender Process; or
- d) by the involvement of an Applicant in other work for the Entity and/or the State.

Applicants must provide in their completed Form of Prequalification Responses in Part G details of any positions, interests, relationships or clients or other matters which may or do give rise to an actual,

potential or perceived conflict of interest.

If the Applicant submits its Prequalification Responses and a conflict of interest subsequently arises, or is likely to arise, which was not disclosed in the Prequalification Responses, the Applicant must notify the Entity immediately in writing of that conflict.

The Entity may do any one or more of the following:

- a) disqualify an Applicant from the Tender Process if the Applicant fails to notify the Entity of any actual, potential or perceived conflict of interest;
- b) disqualify an Applicant from the Tender Process if the Applicant has notified the Entity of an actual, potential or perceived conflict of interest and the Applicant has failed to resolve such conflict of interest to the satisfaction of the Entity following such notification; or
- c) cancel the Tender Process because of any actual, potential or perceived conflict of interest.

D.8 - AMENDMENTS TO PREQUALIFICATION DOCUMENT

The Entity may amend the Prequalification Document at any time prior to the tenth day before the deadline for submission of Prequalification Responses, including to correct any errors and discrepancies, by issuing addenda. Applicants will have no claim against the Entity, its officers, employees, agents, consultants, contractors or advisers in connection with the exercise of, or failure to exercise, such right.

If the Entity amends the Prequalification Document under **clause 2.3.1**, it may extend the Prequalification Responses Submission Date.

D.9- LICENSE TO USE INTELLECTUAL PROPERTY RIGHTS

Persons obtaining or receiving the Prequalification Document and any other documents issued in relation to the Tender Process may use the Prequalification Document and such documents only for the purpose of preparing a Prequalification Responses.

Such Intellectual Property Rights as may exist in this Prequalification Document and any other documents provided to Applicants by or on behalf of the Entity in connection with the Tender Process are owned by, and remain the property of, the Entity except to the extent expressly provided otherwise.

D.10 - BIDDING CONSORTIA

D.10.1 - Right to form Consortia/Joint Ventures

An Applicant may be a group of persons, including a temporary association, and the group of persons shall not be required by the Entity to have a specific legal form to submit a Prequalification Proposal or a bid.

If the Applicant comprises a group of persons combining their resources in a joint venture, the legal entity constituting the Consortium/joint venture (if any) and the individual participants in the joint venture shall meet the relevant Prequalification Eligibility Criteria as specified in Part E.

The Applicant shall include all information in respect of consortium/joint venture participants that is required to meet the Prequalification Evaluation Criteria in the Prequalification Response.

All partners to a joint venture shall be jointly and severally liable

D.10.2 - Exclusivity

A person may only be included in one Response. A member of a Bidding Consortium/Joint Venture may not participate in any other Bidding Consortium, nor may a member of a Bidding Consortium present an individual Response as a single applicant. A violation of this rule shall cause the immediate disqualification of the Bidding Consortia sharing any individual members, as well as of the person(s) involved.

D.10.3 - Member Designations - Leader Member

In the event that a Response is submitted by a Consortium, the participants shall nominate a representative to act as the lead partner who shall have the authority to conduct all business for and on behalf of any and all partners to the joint venture during the prequalification process and, in the event the joint venture is prequalified, during the bidding process and during execution of the Proposed Public-Private Partnership Agreement. The Consortium must designate one of its members as the Leader (“Lead Member”).

One of the joint venture participants who is responsible for performing a key function in contract management or in executing a major component of the proposed Public-Private Partnership Agreement shall be nominated as being in charge during the prequalification and bidding process period and, in the event of a successful bid, during Public-Private Partnerships execution (the “Lead Participant”). The Lead Participant shall be authorized to incur liabilities and receive instructions for and on behalf of any and all participants of the joint venture. This authorization shall be evidenced by the submission of a power of attorney signed by legally authorized signatories of each of the joint venture participants as part of the Application.

D.10.4 - Consortium Agreement

A letter of intent to execute a Consortium Agreement (CA) in the event of a successful bid shall be signed by all participants and submitted with the Application. Pursuant to Sections 5.3 to 5.5, the CA must be duly notarized and signed by an authorized officer of each Consortium member and include, at a minimum, the following:

- (i) Identities of all members of the Consortium and their anticipated role in the event that the Consortium is awarded the Contract;
- (ii) Designation of the Leader Member of the Consortium;
- (iii) Authorization of the Lead Member to act on behalf of the Consortium and on behalf of all Consortium members for issues relating to this public procurement;
- (iv) Confirmation of each member’s commitment to the Consortium;
- (v) Express recognition that members of the Consortium shall be jointly and severally liable to the Contracting Authority for the contents of the Consortium’s Response; and
- (vi) Acknowledgment by all members of the Consortium that in the event the Consortium becomes the Selected Bidder, the Consortium will be required to legally formalize the relationship between members via the establishment an independent legal entity incorporated under the laws of Islamic Emirate of Afghanistan.

D.10.5 - Dissolution of Consortium

The pre-qualification of a Consortium does not prequalify any of its participants to submit a bid individually or as a participant in any other consortium/joint venture or association. In case of dissolution of a consortium/joint venture prior to the submission of bids, any of the constituent firms may prequalify if they meet all of the prequalification requirements, subject to the written approval of the Entity. Individual members of a dissolved joint venture may participate as a subcontractor or sub-consultant to prequalified Applicants subject to the provisions of clause 6.3.

D.10.6 - Liability of Members

All members of the Consortium shall be jointly and severally liable to the Entity for the contents of the group’s Response and, if the Contract is awarded to the said Consortium, all members shall also be jointly and severally liable for the performance of the Contract.

D.11 - REQUIREMENTS OF THE RESPONSE

D.11.1 - Generalities

Respondents must include the completed RFQ submission forms found in Annex 2 of this RFQ. The completed and signed Response submission form, together with the other required documents, constitutes the Response.

Each Respondent shall prepare and submit one signed and initialed original Response and the number of copies specified above. In the event of any discrepancy between the copies and the original, the original shall prevail.

The original and all copies of the Response shall be typed or written in indelible ink. The person or persons duly authorized to legally represent the Respondent shall sign the relevant Response, by signing the original of Submission Form; and initialing all of the pages of the original Response, except for un-amended printed literature.

D.11.2 - Form and Content of the Response

Responses should be prepared simply and economically, providing a straightforward and concise description of the Respondent's relevant experience and qualifications.

In order to ensure a uniform review process and to obtain the maximum degree of comparability, the submissions in response to this RFQ should be organized in accordance with the standardized submission forms provided in Annex 2 herein. Submissions should include, at a minimum, the following:

- 1) Response Submission Form (Annex 2.A)
- 2) Description of the Respondent Organization (Annex 2.B), including
 - a. Respondent Organization (Form 2.B.1)
 - b. Basic Information Form (Form 2.B.2)
 - c. Consortium Agreement (Form 2.B.3)
 - d. Power of Attorney (Form 2.B.4)
- 3) Legal Eligibility (Annex 2.C)
- 4) Technical Criteria (Annex 2.D)
 - a. Minimum Experience as a Hospital Operator (Form 2.D.1)
 - b. Minimum Experience in a project of similar scope (Form 2.D.2)
 - c. Minimum PPP Experience (Form 2.D.3)
 - d. Evidence of Client Satisfaction (Form 2.D.4)
- 5) Financial Criteria (Annex 2.F, including certified financial statements for the past three (3) fiscal years.

Responses should be duly signed by the Respondent's authorized representative.

PART E - ELIGIBILITY CRITERIA AND MINIMUM QUALIFICATIONS

E.1 - Qualification of Respondents

Due to the technical, financial, managerial, and operational complexity of the Project, any Respondent who desires to become a Qualified Respondent must have direct experience with the successful execution of projects of a similar nature to that envisioned herein.

Therefore, a Respondent, whether acting alone or in consortium, shall be required to satisfy certain specific legal, technical, and financial criteria in order to qualify to participate into a Public-Private-Partnership to provide select diagnostic imaging services at Wazir Akbar Khan Hospital through a Build-Operate-Transfer. A Respondent that satisfies the criteria set forth herein shall be designated as a “Qualified Respondent” and upon rendering required guarantees and fees, shall be eligible to participate in the aforementioned tender procedure.

E.2 - Accreditation of Consortia

An Economic Operator may form, together with one or more other Economic Operators, a Bidding Consortium. In the event that a Respondent is a Consortium, said Consortium must evidence that it fulfills all minimum criteria set forth herein. The Contracting Authority shall consider the capabilities of each of the consortium members and assess whether their combined qualifications meet the minimum criteria set forth herein.

E.3 - Accreditation of Affiliates and Parent Companies

Applicants, whether individually or in consortium, may be accredited with the experience of their Affiliates and/or Parent Company. In the event an Applicant wishes to be accredited with the experience of an Affiliate and/or Parent Company, said Applicant must present evidence demonstrating that the Affiliate and/or Parent Company meets the definitions of Affiliate and/or Parent Company set forth herein.

The Respondent must also present evidence demonstrating that the Affiliate and/or Parent Company whose experience is accredited shall provide support to the Respondent in the execution of the Contract, in the event that the Respondent becomes Selected Bidder.

E.4 - Hospital Operator

In the case of a Bidding Consortium, one member must be duly designated as the “Hospital Operator”. The designated Hospital Operator must meet the minimum criteria set forth in this RFQ to qualify as a Hospital Operator.

In the event the Respondent is a single Applicant, said Applicant will automatically be designated as the “Hospital Operator” and shall be required to meet the minimum criteria set forth in this RFQ to qualify as a Hospital Operator.

E.5 - Eligibility Requirements

A Respondent must evidence its compliance with the following minimum qualification criteria.

By virtue of the act of submitting a Response, Respondents are expressly acknowledging the possibility of criminal or civil sanctions and penalties for intentionally or negligently submitting any document, declaration, or statement containing any materially false or misleading information.

Respondents must submit their credentials in accordance with the standardized forms set forth in Annex 2 of this RFQ.

E.5.1 - Legal Requirements

The Respondent, or in the case of a Consortium, each member of the Consortium, must evidence compliance with the eligibility requirements set forth in the article 16 of Procurement Law of Islamic Emirate of Afghanistan as well as provisions set forth in the section below.

Compliance with legal requirements shall be evidenced in the form of a sworn affidavit submitted by every Respondent, or in the case of a Consortium, by every member of the Consortium, attesting to its eligibility in accordance with the following criteria:

E.5.1.1 - In order to be eligible to participate in procurement, a bidder shall:

- a) Have the legal capacity to enter into the contract;
- b) Not be insolvent, in receivership, bankrupt or being wound up, its business activities must have not been suspended, and it must not be subject to legal proceedings for any of the foregoing;
- c) Must not have conflict of interest;
- d) Within a period of two (2) years prior to the participation in the procurement proceedings, must not be convicted to business or professional misconduct by the court of law;
- e) Must not be subject to debarment according to the provisions of Article 49 of Procurement Law of Islamic Emirate of Afghanistan;
- f) Must possess the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, experience in the procurement, business reputation, and competent staff to perform the procurement.
- g) Have other qualifications set forth in the Procurement Procedures.

E.5.1.2 In case of paragraph f) of E.5.1.1, the bidder shall prove with valid evidence and documents, included in the offer, that he meets conditions of the respective bidding documents in accordance with Procurement Procedure.

E.5.1.3 In case of paragraph f) of E.5.1.1, the bidder shall prove with valid evidence and documents, included in the offer, that he meets conditions of the respective bidding documents in accordance with Procurement Procedure.

E.5.1.4 The provisions of sections (c, d and e) of E.5.1.1 shall also apply to the bidder's managers and employees.

E.5.1.5 The entity is obliged to evaluate qualification of bidders as per conditions set forth in pre-qualification documents, bidding documents and provision of this article.

E.5.1.6 A Respondent shall not be eligible to participate in this procurement activity if such a respondent, or any employee, executive, manager or director thereof:

- a) participated in the preparation of the concerned contract notice or tender dossier, or any part thereof; or
- b) received assistance in the preparation of its Response from a person or undertaking that participated in the preparation of the concerned contract notice or tender dossier, or any part thereof.

E.5.2 - Minimum Technical Qualifications

The evaluation of technical capabilities will consider whether the Respondent adequately meets the technical capability requirements of the Project with respect to the following areas of expertise:

- Applicant's ability to demonstrate understanding of the Project scope, complexities and issues
- Applicant's relevant experience in Healthcare, Hospital development, and maintenance
- Applicant's project management capability
- Applicant's Experience of working with government authorities and MoPH and client satisfaction

To evaluate whether a Respondent meets the minimum technical capabilities required for this Project, a Respondent must provide evidence of the following:

E.5.2.1 Minimum Experience as a Hospital Operator

The Respondent must provide evidence that its duly designated Hospital Operator has a successful track record as a legal entity whose primary purpose is the operation of hospitals. Specifically, the Hospital Operator must demonstrate that it has been operating as a legal entity for at least 3 years prior to the deadline for the submission of a Response to this RFQ.

E.5.2.2 Minimum Experience in project of similar scope

The Respondent must provide evidence demonstrating its ability to operate and maintain a project of a nature and scope similar to that envisioned herein. Specifically, in order to ensure that the Respondent has adequate minimum experience in the operation of infrastructure of a similar nature to the Wazir Akbar Khan Hospital, the Respondent must demonstrate that the duly designated Hospital Operator shall, at a minimum have directly operated at least two (2) hospitals, each with similar capacity to Wazir Akbar Khan Hospital.

E.5.2.3 Minimum PPP Experience

In order to ensure that the Respondent has the requisite experience to successfully execute the infrastructure requirements associated with this Project, the Respondent shall demonstrate that it, or at least one member of its consortium, has successfully financed and participated in some capacity in the implementation of a build-operate-transfer project in at least one (1) hospital in the past seven (7) years, with a construction value of not less than **XXXX AFS**.

E.5.2.4 Evidence of Client Satisfaction

In order to evidence that the duly appointed Hospital Operator has successfully fulfilled its obligations relating to projects of a similar nature, the Respondent shall submit one or more letters of recommendation regarding the Hospital Operator's performance in a contract of a similar nature. The letter or letters evidencing client satisfaction may come from any one of the following entities that have direct knowledge of the Airport Operator's performance: (i) government authorities; (ii) client hospitals; or (iii) similar evidence that proves satisfaction with hospital services.

E.5.3 - Minimum Financial Qualifications

The evaluation of financial capabilities will address whether the RFQ submission adequately responds to the financial capability requirements of the Project with respect to the following areas:

- Adequacy of Equity
- Profitability and Free Cash Flow

- Ability to raise financing for the Project

E.5.3.1 Adequacy of Equity

The Respondent, or the members of the Consortium in aggregate, must evidence an average Equity value of at least **XXXX AFS** or other currency equivalent during each of last three (3) fiscal years.

The Lead Member of the Consortium must likewise evidence an individual average Equity value of at least half of **XXXX AFS**, or other currency equivalent, during each of the last three (3) fiscal years.

Respondents, or each individual member of a Consortium, shall be required to present audited financial statements for the last 3 fiscal years to evidence compliance with these criteria.

E.5.3.2 Profitability and Liquidity

The Respondent, or the members of the Consortium in aggregate, must evidence adequate liquidity and profitability to assume the financial obligations relating to this Project. To this end, the Respondent, or the members of the Consortium in aggregate, should evidence an average annual net profit (free cash flow) of at least **XXX AFS** or other currency equivalent during the last three (3) fiscal years. Respondents, or in the case of a Consortium, each member, shall be required to present audited financial statements for the last 3 fiscal years to evidence compliance with this criterion.

E.5.3.3 Ability to Raise Financing

The Respondent, or the members of the Consortium in aggregate, should evidence, its ability to raise the financing necessary to implement the required project. To this end, the Respondent, or any one member of a Consortium, should demonstrate that it has adequate capacity to meet potential financial commitments, as evidenced by an investment grade long-term rating by an internationally recognized credit rating agency or by a letter from the company's principle banker indicating such financial soundness.

E.6 - Applicants' Responsibilities

E.6.1 - Applicants are responsibilities:

- a) examining this Prequalification Document and any documents referenced or attached to this Prequalification Document and any other information made available by the Entity to Applicants in connection with this Prequalification Document;
- b) fully informing themselves in relation to all matters arising from this Prequalification Document;
- c) ensuring that their Prequalification Responses are accurate and complete; and
- d) ensuring that they comply with all applicable laws with regard to the Tender Process.

E.6.2 - Preparation of Prequalification Responses

E.6.2.1. Applicants must ensure that:

- a) their Prequalification Response is presented in the required format as set out in Part G; and
- b) all the questions and forms in Part G are completed and contain all the information requested in Part G.

E.6.2.2 Word limits, where specified, must be observed and the Entity may disregard any parts of the Prequalification Response exceeding the specified word limit.

E.6.3 - Incomplete Prequalification Responses, illegible content, alteration and erasures

The Entity may reject any Prequalification Responses that are incomplete or evaluate them solely on the information contained in the Prequalification Response.

Any hand-written changes or other handwritten alterations or erasures contained in a Prequalification Responses by an Applicant must be initialed by that Applicant. The Entity may exclude Prequalification Responses from consideration if they contain amendments that are not initialed or information that is not legible.

The Entity reserves the right to waive deviations/omissions if these do not materially affect the capability of an Applicant to perform the Proposed Public-Private Partnership Contract.

E.6.4 - Responsibility for Responding Costs

The Applicant's participation and involvement in any stage of the Tender Process is at the Applicant's sole risk, cost and expense. The Entity will not be responsible for, nor pay for, any expense or loss that may be incurred by Applicants in relation to the preparation or submission of their Prequalification Response or taking part in the Tender Process regardless of the outcome of Prequalification Response evaluation.

The Entity is not liable to the Applicant for any costs on the basis of any contractual, promissory, restitutionary or other grounds whatsoever as a consequence of any matter relating to the Applicant's participation in the Tender Process, including, without limitation, instances where:

- a) the Applicant is not prequalified; or
- b) the Entity exercises any right under this Prequalification Document or at law.

E.6.5 - Disclosure of Prequalification Responses contents and Prequalification Responses information

Prequalification Responses will be treated as confidential by the Entity. The Entity will not disclose Prequalification Response contents and Prequalification Response information reasonably designated as confidential by the Applicant, except:

- a) as required by law;
- b) for the purpose of investigations by State authorities having relevant jurisdiction;
- c) to external consultants and advisers of the Entity engaged to assist with the Tender Process;
or
- d) to other State departments or agencies in connection with the subject matter of the Tender Process.

E.6.6 - Use of Prequalification Responses

Upon submission, all Prequalification Responses become the property of the Entity. Applicants will retain all ownership rights in any Intellectual Property Rights contained in the Prequalification Response. The submission of a Prequalification Response does not transfer to the Entity any ownership interest in the Applicant's Intellectual Property Rights, or give the Entity any rights in relation to the Prequalification Response, except as expressly set out below.

Each Applicant, by submission of their Prequalification Response, is deemed to have licensed the Entity to reproduce the whole, or any portion, of their Prequalification Response for the purposes of enabling the Entity to evaluate the Prequalification Response.

E.6.7 - Disqualification of Applicants

An Applicant will be disqualified from the Tender Process if:

- a) the Applicant is insolvent or has become bankrupt;
- b) the Applicant has undergone or completed guardianship, bankruptcy proceedings or has been placed under liquidation by court order;
- c) the business of the Applicant is being run by a court or by a judicial agent or an administrator whether voluntarily or by court decision;
- d) the Applicant's business activities have been suspended by a court decision;
- e) the Applicant has tax debts, debts arising from the non-payment of social security contributions or is in debt of any nature to the Islamic Emirate of Afghanistan;
- f) the Applicant does not have the legal capacity to enter into the Public-Private Partnership Agreement;
- g) the Applicant has, or directors or officers of the Applicant with powers of representation, decision or control have, been convicted in any jurisdiction, by a final court order in the preceding five years for criminal offences in relation to their business or professional behaviour or in relation to the making of false statements or giving of incorrect or misleading information on their qualifications with a view to entering into a contract with any public institution;
- h) the Applicant has been disqualified or sanctioned in the preceding five years as a result of administrative suspensions or licensing procedures in the Islamic Emirate of Afghanistan and such disqualification or sanction is relevant to the Public-Private Partnership Agreement which is being procured;
- i) the Applicant is disqualified on any of the grounds specified in the PPP Regulation, the Prequalification Document, the Prequalification Document or any other document issued in respect of this Tender Process;
- j) the Applicant has, or directors or officers of the Applicant with powers of representation, decision or control have, been convicted in any jurisdiction by a final court order in the preceding five years for any coercive practice, collusive practice, corrupt practice or fraudulent practice or obstructive practice;
- k) the Applicant has, or directors or officers of the Applicant with powers of representation, decision or control have, been convicted in any jurisdiction by a final court order in the preceding five years for money laundering, an offence in connection with the proceeds of drug trafficking, a terrorism offence or offence linked to terrorism offences, terrorist financing, or child labour or other forms of trafficking in human beings;
- l) the Applicant has, at any time, submitted false information or submitted falsified or erroneous certificates containing material errors or omissions to any public institution in the Islamic Emirate of Afghanistan; or
- m) the Applicant fails, following any request by the Entity for further information or proof of the statements made by the Applicant in its Prequalification Responses, to provide such information or proof within the period requested by the Entity.

The Entity may:

- a) apply to the relevant competent authority to obtain further information regarding the Applicant and, in particular details, of any court orders or decisions or any convictions for the offences listed above if the Entity considers it needs such information to decide on any disqualification referred to above; and
- b) require the Applicant to provide such information as the Entity considers it needs to decide on any disqualification referred to above.

PART F - EVALUATION AND QUALIFICATION OF RESPONDENTS

F.1- OPENING OF QUALIFICATIONS

A public opening of all submissions duly received by the Submission Deadline shall take place at [insert time] (Local Time) on [insert date] in the Procurement Office of the Ministry of Public Health (Room No). To foster transparency, all Respondents are invited to participate in the Opening meeting.

During the Opening meeting, the Entity will open all duly received Responses and publicly announce:

(i) the name of the Respondent and (ii) the composition of the Consortium (if applicable). The aforementioned information shall be recorded in the minutes of the opening meeting, which shall be signed by the duly authorized Officer. Copies of said minutes shall be made available to all registered Respondents.

F.2 - EVALUATION OF RESPONSES

The Entity will delegate the receipt and opening of Prequalification Responses to the Evaluation Panel. The evaluation of Responses shall begin promptly after the Opening of Qualifications referred to above. The Contracting Authority, acting through a duly appointed Evaluation Panel, shall review all duly submitted Responses to this RFQ and shall evaluate and identify Qualified Respondents according to the qualification criteria set forth herein.

The Evaluation Panel will review Responses on a pass / fail basis against the mandatory criteria set forth in this RFQ. Responses not meeting all mandatory criteria will be deemed “Ineligible” and rejected without further consideration. A Response that does meet all the mandatory criteria will be deemed a “Qualified Respondent”.

The outcome of the evaluation including the individual results for each Applicant together with reasons why such results were achieved, shall be contained in a final evaluation report prepared by the Evaluation Panel. This report shall be sent by the Evaluation Panel to the Procurement Committee

If information or documentation to be submitted by Applicant is or appears to be incomplete or erroneous, or where certain sections of the proposal exceed the required page limit, those incomplete, erroneous or additional pages shall not be reviewed the Evaluation Panel.

F.3 - CLARIFICATIONS AND ADDITIONAL INFORMATION

If, in the opinion of the Entity, a Prequalification Responses is unclear in any respect, the Entity may seek clarification or explanations in writing from any or all of the Applicants in relation to their Prequalification Responses. The Entity may use such information in interpreting the Prequalification Responses and evaluating the cost and risk of accepting the Prequalification Responses.

In addition to clarifications and explanations, the Entity may request all Applicants to provide references or additional information.

If the Applicant does not provide clarifications of the information requested by the date and time set in the Employer’s request for clarification, its Prequalification Response may be rejected.

F.4 - NOTIFICATIONS

Following the evaluation of Prequalification Responses, the Entity will inform all Applicants in writing of the names of those Applicants that have been prequalified. As soon as possible after the notification of the results of the prequalification, the Entity shall invite bids from all the Applicants that have been prequalified.

Within 7 days of being notified of the identity of the prequalified Applicant, an Applicant who was not prequalified may submit a request in writing to the Entity to ascertain the reasons why it was not prequalified.

The Entity must within 14 days of the date on which it received a request in writing from an Applicant who was not prequalified inform the Applicant of the reasons why it was not prequalified.

An Entity may withhold any information to be provided where the disclosure of such information:

- a) would impede law enforcement;
- b) would otherwise be contrary to the public interest;
- c) would prejudice the legitimate commercial interests of any Applicant; or
- d) might prejudice fair competition between Applicants.

F.5 - INVITATION TO SUBMIT PROPOSALS

Upon rendering any required guarantees and fees, all duly Qualified Respondents shall be invited to respond to a RFP for the Project, if issued.

F.6 - ANTICIPATED TIMELINE

Although not binding, the following timetable outlines the anticipated schedule for the RFQ, RFP, and Contract. The timing and the sequence of events resulting from this RFQ may vary and shall ultimately be determined by the Contracting Authority.

Activity	Date
Prequalification Notice issued	[***]
Prequalification meeting	[***]
End of period for questions or requests for information (see clause 3.2 of Part D)	This should be 14 days before the Submission Date for the Prequalification Response.
Deadline for Entity to respond to any questions or requests for information	This should be 7 days before the Submission Date for the Prequalification Response
Formal notification of prequalified Applicants	[***]
Expected date for issue of Request for Proposal	[***]

F.7 - LIMITED DURATION

The Qualification status of a Qualified Respondent may be revoked at any time by the Contracting Authority, should said Qualified Respondent fail to meet the eligibility criteria set forth herein at the time of the issue of a RFP, at the time of submission of proposals, or at the time of Contract inception.

F.8 - ACCEPTANCE OF RESPONSES

This RFQ is not an agreement to purchase goods or services or to enter into any form of Public-Private-Partnership. The Entity is not bound to enter into a Contract with any Qualified Respondent.

F.9 - REQUESTS FOR REVIEW OF BREACH OF THE PPP LAW

An Applicant who has suffered damage due to the breach of the PPP Regulation in respect of the procurement of the Proposed Public-Private Partnership Agreement is entitled to submit a claim to the Entity within 14 days of the Entity informing the Applicant of the reasons why it was unsuccessful in respect of its Prequalification Responses pursuant to clause 8.1.5. Such claim shall set out the alleged breach of the PPP Regulation and the damage which has been caused to the Applicant.

On receipt of any claim which is made pursuant to above paragraph, the Entity is obliged to respond to the Applicant as soon as reasonably practicable. If the Applicant does not agree with the response from the Entity, the Applicant may submit a written appeal to the Review and Revision Committee established pursuant to Article 76 of the PPP Regulation.

The decision of the Review and Revision Committee is final.

F.10 - ENTITY'S RIGHTS

Notwithstanding anything else in this Prequalification Document, and without limiting its rights at law or otherwise, the Entity may at any time, and without liability to any Applicant, by written notice:

- a) reject all Bids at any time before award of the Proposed Public-Private Partnership Agreement;
- b) terminate, cease to proceed with, defer or suspend the Tender Process at any time before award of the Proposed Public-Private Partnership Agreement;
- c) vary any element of the Tender Process;
- d) cancel the Tender Process at any stage if there has been any breach of the PPP Regulation which undermines the integrity of the Tender Process;
- e) require additional information or clarification from any Applicant or any other Person or provide additional information or clarification;
- f) call for new Prequalification Responses; or
- g) reject any Prequalification Response that does not comply with the requirements of this Prequalification Document.

Subject to the PPP Law and all applicable laws of the Islamic Emirate of Afghanistan, the Entity will not be liable to an Applicant in any way when it exercises its rights under the above clauses.

PART G - ANNEXES

Attached to this RFQ are the following Annexes which form an integral part of this dossier:

Annex No.	Contents	Reference in the RFQ
Annex 1	RFQ Announcements	
Annex 2	Standard Submission Forms Annex 2.A – Response Submission Form Annex 2.B – Respondent’s Organization Annex 2.C – Legal Eligibility Annex 2.D – Technical Criteria Annex 2.E – Financial Criteria	
Annex 3	Request for Additional Information	
Annex 4	Submission Checklist	
Annex 5	WAK Information Memorandum	

ANNEX 1. RFQ ANNOUNCEMENT

Date of notification:

DATE

Publication of RFQ Notice (compressed version):	Media:	Date:
		DATE
		DATE
		DATE

RFQ Announcement: (insert here a scanned copy of RFQ announcement)

ANNEX 2. STANDARD SUBMISSION FORMS

The following pages contain the standard forms for the presentation of Responses.

- Annex 2.A Response Submission Form
- Annex 2.B Respondent Organization
 - Form 2.B.1 Respondent Organization
 - Form 2.B.2 Basic Information Form
 - Form 2.B.3 Consortium Agreement
 - Form 2.B.4 Power of Attorney
- Annex 2.C Legal Eligibility
- Annex 2.D Technical Criteria
 - Form 2.D 1 Minimum Experience as a Hospital Operator
 - Form 2.D 2 Minimum Experience in a project of similar scope
 - Form 2.D 3 Minimum PPP Experience
 - Form 2.D 4 Evidence of Client Satisfaction
- Annex 2.E Financial Criteria

Annex 2.A Response Submission Form

[Location, Date]

To: **Name of the person**
Position
Entity
Address

REFERENCE: Request for Qualifications for a proposed Public-Private Partnership Project to provide select diagnostic imaging services at Wazir Akbar Khan Hospital.

Dear Sir:

Pursuant to the Request for Qualifications dated [date], [Name of Respondent / Lead Member] hereby submits its Qualifications in conformity with the terms and conditions set forth in said RFQ, whose provisions we accept in their entirety, without reservation or restriction.

[Name of Respondent / Lead Member] hereby applies to become a Qualified Respondent in order to participate in a subsequent tender for a Public-Private Partnership Project to provide select diagnostic imaging services at Wazir Akbar Khan Hospital through a Build-Operate-Transfer

[We are submitting our Qualifications in association with: *[Insert a list with full name and address of each Consortium member]*. We confirm, as a member in the consortium, that all members shall be jointly and severally liable by law for the performance of any future contract, that the lead member is authorised to bind, and receive instructions for and on behalf of each member, and that all members in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract's performance, except when otherwise. We further confirm that we have designated *[Insert full name and address of Hospital Operator]* as our Hospital Operator and that we have designated *[insert full name and address of Lead Member]* as the Lead Member of our Consortium/Joint Venture.]¹

[Name of Respondent / Lead Member] hereby represents and warrants that all information and statements included in this Response are complete and accurate in all respects and accepts that any inaccurate or misleading information contained in this Response may result in disqualification.

[Name of Respondent / Lead Member] hereby confirms that it:

- i. agrees to comply with the prequalification criteria and all other rules, laws and regulations governing this public procurement;
- ii. acknowledges that the Entity reserves the right to cancel the procurement or declare it void or otherwise without effect for any reason whatsoever, and that such action shall not entitle the Respondent to any claim whatsoever against the Entity, the Government of Islamic Emirate of Afghanistan, or any of their respective agents, representatives, advisors or consultants;
- iii. accepts the right of the Entity to: (i) request additional information from Respondents; (ii) clarify or amend the terms and conditions set forth in the RFQ; and (iii) clarify extend, or amend the expected schedule for the evaluation of Qualifications and any subsequent tender; and

¹ [Delete in case no consortium/Joint Venture is foreseen.]

- iv. accepts the exclusive application of the laws of the Islamic Emirate of Afghanistan with respect to this qualification and procurement process.

[Name of Respondent / Lead Member] hereby designates _____ as its representative to receive notices with respect to the prequalification and any subsequent tender at the following address, email, telephone and facsimile numbers:

[Representative's address, email, telephone and facsimile numbers.]

Sincerely,

Authorized Signature [In full and initials]: _____

Name and Title of Signatory: _____

Name of Respondent / Lead Member: _____

Address: _____

Annex 2.B Respondent's Organization

Form 2.B.1 – Respondent's Organization

[Provide here a brief (two pages) description of the background and organization of the Respondent. In the case of a consortium, identify the envisioned role of each consortium member, specifically identifying the Lead Member and Hospital Operator. Likewise in the case of a consortium, please provide an organizational chart representing the general structure of the Consortium, indicating the percentage of participation of each member, where known.]

Form 2.B.2 – Basic Information Form

Respondent Information (or Lead Member, if applicable)

- (i) Name:
- (ii) Type: (Corporation, Partnership, etc.)
- (iii) Nationality:
- (iv) Address of principal office:
- (v) Telephone number:
- (vi) Fax number:
- (vii) E-mail address:
- (viii) Primary business purpose(s):
- (ix) List of shareholders holding at least 5% (if applicable):

Other Consortium Members Information: (fill in details for all members)

- (x) Name:
- (xi) Type: (Corporation, Partnership, etc.)
- (xii) Nationality:
- (xiii) Address of principal office:
- (xiv) Telephone number:
- (xv) Fax number:
- (xvi) E-mail address:
- (xvii) Primary business purpose(s):
- (xviii) List of shareholders holding at least 5% (if applicable):

Form 2.B.3 – Consortium Agreement

[In the event a Respondent is a Consortium, the Respondent must submit a signed original of a legally binding document establishing the Consortium (the “Consortium Agreement”). Said Consortium Agreement must be duly signed by an authorized officer of each Consortium member and include, at a minimum, the following:

- (i) Identities of all members of the Consortium and their anticipated role in the event that the Consortium is awarded the Contract;*
- (ii) Designation of the Leader Member of the Consortium;*
- (iii) Authorization of the Lead Member to act on behalf of the Consortium and on behalf of all Consortium members for issues relating to this public procurement;*
- (iv) Designation of the Hospital Operator;*
- (v) Confirmation of each member’s commitment to the Consortium;*
- (vi) Express recognition that members of the Consortium shall be jointly and severally liable to the Contracting Authority for the contents of the Consortium’s Response; and*
- (vii) Acknowledgment by all members of the Consortium that in the event the Consortium becomes the Selected Bidder, the Consortium will be required to legally formalize the relationship between members via the establishment an independent legal entity incorporated under the laws of Islamic Emirate of Afghanistan.]*

Annex 2.C Legal Eligibility

To be filled out and signed by the Respondent or in the case of a Consortium, by each individual member of the Consortium.

[Location, Date]

REFERENCE: REFERENCE: Request for Qualifications for a proposed Public-Private Partnership Project to provide select diagnostic imaging services at Wazir Akbar Khan Hospital.

I, the undersigned, representing [*Name of Respondent, or in the case of a Consortium, the individual Consortium member*] hereby declare under oath that [*Name of Respondent, or in the case of a Consortium, the individual Consortium member*] meets the eligibility requirements for participating in the proposed Public-Private Partnership Project to provide select diagnostic imaging services at Wazir Akbar Khan Hospital, as set forth in RFQ and applicable laws of Islamic Emirate of Afghanistan.

I hereby acknowledge and attest that I have read the provisions of the aforementioned Laws and certify that this Economic Operator does not find itself in any of the situations that would cause it to be legally ineligible to participate in the referenced procurement procedure.

I further attest that neither [*Name of Respondent, or in the case of a Consortium, the individual Consortium member*], nor any owner, director, employee or representative thereof, has influenced or attempted to influence a decision or action by the Entity or any of its representatives, consultants, or advisors affecting or connected with this procurement activity.

I hereby acknowledge the possibility of criminal and civil sanctions, penalties and damages if this economic operator intentionally or negligently submits any document, declaration or statement containing materially false or misleading information.

I hereby accept the right of the Entity to independently investigate our compliance with the eligibility requirements set forth in the aforementioned laws and agree to immediately provide additional evidentiary information if so requested.

Name of Economic Operator: _____

Address: _____

Represented by:

Name: _____

Position _____

Signature _____

Date: _____

SEAL

Legal Eligibility Requirements: References to the applicable national laws

Annex 2.D Technical Criteria

2.D.1 - Minimum Experience as a Hospital Operator

[The Respondent must provide evidence that its duly designated Hospital Operator has a successful track record as a legal entity whose primary purpose is the operation of hospitals. Specifically, the Hospital Operator must demonstrate that it has been operating as a legal entity for at least 3 years prior to the deadline for the submission of a Response to this RFQ]

2.D.2- Minimum Experience in project of similar scope

[The Respondent must provide evidence demonstrating its ability to operate and maintain a project of a nature and scope similar to that envisioned herein. Specifically, in order to ensure that the Respondent has adequate minimum experience in the operation of infrastructure of a similar nature to the Wazir Akbar Khan Hospital, the Respondent must demonstrate that the duly designated Hospital Operator shall, at a minimum have directly operated at least two (2) hospitals, each with similar capacity to Wazir Akbar Khan Hospital

Using the format below, provide information on each assignment for which the Respondent, or in the case of a Consortium, the duly designated Hospital Operator, was legally contracted either individually or as one of the major companies within a consortium, for carrying out services similar to those envisioned under this assignment. Use no more than 20 pages.]

Hospital:	Total capacity (last 3 years):
Country: Location within country:	Dates and Duration of Contract:
Name of Contracting Authority:	Scope of Services provided by Hospital Operator:
Contact Information for References : Name: Address: Telephone: Email: Website:	Approx. value of the services provided by the Hospital Operator under the contract (in current AFI/other currency):
Contractual Arrangement: <i>[Please describe under what basis, i.e. equity shareholding, management contract, technical services agreement, etc.] the Hospital Operator exercises effective management of the Hospital.]</i>	Name of associated companies and partners, if any:
Narrative description of Project: <i>[The description should include a section on the number of patients/services provided, including its evolution in recent years, quality improvements, capital investments, etc.]</i>	

Respondent's Name: _____

2.D.3 - Minimum PPP Experience

In order to ensure that the Respondent has the requisite experience to successfully execute the infrastructure requirements associated with this Project, the

[Using the format below, provide information on each assignment for which the Respondent, or in the case of a Consortium, at least one member of its consortium, has successfully financed and participated in some capacity in the implementation of a build-operate-transfer project in at least one (1) hospital in the past seven (7) years, with a construction value of not less than XXXX AFS..]

Assignment / Hospital:	Name of Economic Operator:
Country: Location within country:	Aggregate Construction Value (in AFS):
Name of Client:	Project start date (month/year): Project completion date (month/year):
Address of Client:	Finance Raised (Debt and Equity):
Name of associated consultants, if any:	Responsibility of Applicant in the Build-Operate-Transfer project:
Narrative description of Project:	
Description of actual services provided by Respondent (or in the case of a consortium, by the individual member of the Consortium):	

Respondent's Name: _____

2.D.4 – Evidence of Client Satisfaction

[Respondent must submit one or more letters of recommendation regarding the Hospital Operator's performance in a contract of a similar nature. The letter or letters evidencing client satisfaction may come from any one of the following entities that have direct knowledge of the Airport Operator's performance: (i) government authorities; (ii) client hospitals; or (iii) similar evidence that proves satisfaction with hospital services]

Annex 2.F Financial Forms

Form 2.F – Confirmation of Financial Criteria

[Respondents must submit duly audited financial statements for the Respondent, or in the case of a consortium, for each individual member of the consortium, for each of the last 3 fiscal years. Additionally, using the format below, Respondents should confirm their compliance with the minimum financial criteria required for eligibility. Respondents should also attach the required evidentiary information required by the RFQ, including proof of an investment grade credit rating or a letter from a banker confirming the Respondent’s financial soundness

- *Adequacy of Equity*
- *Profitability and Free Cash Flow*
- *Ability to raise financing for the Project].*

Name of Respondent:	
Average aggregate equity value during each of the last three (3) fiscal years:	T-1: € _____ (AFS _____) T-2: € _____ (AFS _____) T-3: € _____ (AFS _____)
Individual average equity value of the Lead Member during each of the last three (3) fiscal years:	T-1: € _____ (AFS _____) T-2: € _____ (AFS _____) T-3: € _____ (AFS _____)
Average annual net profit (free cash flow) during the last three (3) fiscal years:	T-1: € _____ (AFS _____) T-2: € _____ (AFS _____) T-3: € _____ (AFS _____)
Investment grade long-term rating:*	Name of rated economic operator: _____ Name of rating agency: _____ Rating: _____
*If neither the Respondent, nor any member of a Consortium, has an investment grade rating, the Respondent may provide a letter confirming such financial soundness.	

Respondent’s name: _____

ANNEX 3. REQUEST FOR ADDITIONAL INFORMATION

[Location, Date]

To: **Name of the person**
Position
Entity
Address

REFERENCE: Request for Qualifications for a proposed Public-Private Partnership Project to provide select diagnostic imaging services at Wazir Akbar Khan Hospital.

Pursuant to [reference number] and in legal representation of [name of Respondent] (hereinafter “the Respondent”), I hereby request clarification as to the following:

Specify the additional or clarifying information that is being requested, including reference to section(s) of the RFQ:

Sincerely,

Name of Respondent	
Address:	
Name:	
Position:	
Signature:	
Date:	
Stamp:	

ANNEX 4. SUBMISSION CHECKLIST

In order to be valid, it is **mandatory** that the Response comply with the terms of the Law and contain all information required by this RFQ.

Respondents must proceed in accordance with Section IV of this RFQ dossier and Responses must be sealed and marked as indicated in Section IV.3 herein:

Required documents:

QUALIFICATION CRITERIA	REFERENCE IN RFQ
Legal & Eligibility Criteria	
Submission Letter	Annex 2.A
Consortium Agreement	D.10 / Forms 2.B
Power of Attorney	Form 2.B.4
Accreditation of Affiliates & Parent Companies	E.3
Legal Eligibility	E.5.1 / Form 2.C
V.4.3 Technical Criteria	
Minimum Experience as a Hospital Operator	E.5.2.1 / Form 2.D.1
Minimum Experience in a project of similar scope	E.5.2.2 / Form 2.D.2
Minimum Build-Operate -Transfer Experience	E.5.2.3 / Form 2.D.3
Evidence of Client Satisfaction	E.5.2.4/ Form 2.D.4
V.4.4 Financial Criteria	
Adequacy of Equity	E.5.3.1 / Form 2.F
Profitability and Liquidity	E.5.3.2 / Form 2.F
Ability to Raise Financing	E.5.3.3 / Form 2.F

The Response must include any other information required by law or requested by this tender dossier.

All pages must be numbered and placed in sequential order

ANNEX 5. WAK INFORMATION MEMORANDUM (OPTIONAL)

