**QUALIFICATION FORMS**

Letter of Qualification

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

 NCB No.: 3/SCP/2020

To: Ministry of Public Works and Housing (MoPWH)

We, the undersigned, apply to be qualified for the referenced NCB and declare that:

1. we have examined and have no reservations to the qualification documents, including Addenda No., issued in accordance with ITB Clause 8: *[insert the number and issuing date of each addenda]*;
2. we, including any subcontractors or suppliers for any part of the contract resulting from this qualification process, have nationalities from eligible countries, in accordance with ITB Sub-Clause 4.3: *[insert the nationality of the Bidder, and the nationality of each already identified subcontractor and supplier of related services, if applicable]*;
3. we, including any subcontractors or suppliers for any part of the contract resulting from this qualification do not have any conflict of interest, in accordance with ITB Sub-Clause 4.2;
4. we, including any subcontractors or suppliers for any part of the contract resulting from this qualification, have not been declared ineligible by KfW, and/or we are not subject to sanction from either Germany, the European Union or the United Nations in accordance with the lists of exclusion established by these institutions regarding fight against terrorism in accordance with ITB Sub-Clause 4.3;
5. [we are not a government owned entity, **or**, we meet the requirements of ITB Sub-Clause 4.1];
6. we, including any major subcontractors and suppliers declare that we fully respect ILO Core Labour Standards in our business practice in accordance with ITB Sub-Clause 4.3 and Form COC-5.6;
7. we, in accordance with ITB Sub-Clause 35.1, plan to subcontract the following key activities and/or parts of the works: *[insert any of the key activities identified in Section III- 4.2 which the Bidder intends to subcontract];*
8. we acknowledge and agree that the Employer reserves the right to annul the bidding process and reject all Bids at any time prior to contract award without thereby incurring any liability to us;

Signed *[insert signature of the Bidder’s representative, authorized in accordance with ITB4.1, whose name and capacity are shown below]*

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

In the Capacity of *[insert legal capacity of person signing the application]*

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

Bidder’s Name *[insert full name of Bidder]*

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

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

Attachments:

Power of attorney, authorizing the Bidder’s representative to act for and on behalf of the Bidder, in accordance with ITB 4.1.

Declaration of Undertaking

Reference name of the Construction of Schools, Package 3 Hai al Dobbat Secondary Mixed School*,* NCB No. 3/SCP/2020: ("**Contract**")[[1]](#footnote-2)

To: Ministry of Public Works and Housing (MoPWH) - (**"Project Executing Agency"**)

1. We recognise and accept that KfW only finances projects of the Project Executing Agency (“PEA”)[[2]](#footnote-3) subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:

2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;

2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;

2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU’s financial interests *(in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction)*;

2.4) having been subject, within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;

2.5) not having fulfilled applicable fiscal obligations regarding payments of taxes either in the country where we are constituted or the PEA's country;

2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank *(in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction)*; or

2.7) being guilty of misrepresentation in supplying the information required as condition to participation in this Tender Procedure.

1. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:

3.1) being an affiliate controlled by the PEA or a shareholder controlling the PEA, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.2) having a business or family relationship with a PEA's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the PEA;

3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the PEA;

3.5) in the case of procurement of Works, Plant or Goods:

1. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;
2. having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract;
3. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
4. We undertake to bring to the attention of the PEA, which will inform KfW, any change in situation with regard to points 2 to 4 here above.
5. In the context of the Tender Process and performance of the corresponding Contract:

6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;

6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and

6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation[[3]](#footnote-4) (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender-based violence.

1. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA and KfW or an auditor appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on the spot checks and to ensure access to sites and the respective project.
2. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with applicable law, but in any case, for at least six years from the date of fulfilment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with applicable law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the applicable law by the PEA and KfW.

Name: In the capacity of:

Duly empowered to sign in the name and on behalf of[[4]](#footnote-5):

Signature: Dated:

Form ELI‑1.1
Bidder Information Form

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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|  |
| --- |
| Bidder's name*[insert full name]* |
| Bidder's actual or intended country of registration:*[indicate country of Constitution]* |
| Bidder's actual or intended year of constitution:*[indicate year of Constitution]* |
| Bidder's legal address [in country of registration]:*[insert street/ number/ town or city/ country]* |
| Bidder's legal structure and ownership structureLegal structure: *[provide details]*Ownership structure: *[provide details of direct and indirect ownership]* |
| Bidder's authorized representative informationName: *[insert full name]*Address: *[insert street/ number/ town or city/ country]*Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*E-mail address: *[indicate e-mail address]* |
| 1. General Presentation of the Bidder (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)2. Attached are copies of original documents of🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITB 4.1.🞎 In case of Government-owned enterprise or institution, in accordance with ITB 4.3 documents establishing:- Legal and financial autonomy- Operation under commercial law- Establishing that the Bidder is not a dependent agency of the Employer.3. Included are the organisational chart, a list of Board of Directors, and the beneficial ownership. |

Form ELI‑1.2 (a)
Bidder's JV Information Form

*[The following table shall be filled by each member of a JV and, if applicable, by any specialized subcontractor]*

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Each Bidder that is a JV Party and each nominated subcontractor in accordance with ITB 35 must submit this information.

|  |
| --- |
| Bidder name:*[insert full name]* |
| Bidder's JV Member’s name:*[insert full name of Bidder's JV Member]* |
| Bidder's JV Member’s country of registration:*[indicate country of registration]* |
| Bidder JV Member’s year of constitution:*[indicate year of constitution]* |
| Bidder JV Member’s legal address in country of constitution:*[insert street/ number/ town or city/ country]* |
| Bidder JV Member’s legal structure and ownership structure:Legal structure: *[provide details]*Ownership structure: *[provide details of direct and indirect ownership]* |
| Bidder JV Member’s authorized representative informationName: *[insert full name]*Address: *[insert street/ number/ town or city/ country]*Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*E-mail address: *[indicate e-mail address]* |
| 1. General Presentation of the Bidder JV Member (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)2. Attached are copies of original documents of🞎 Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITB 4.1.🞎 In case of JV, JV agreement, in accordance with ITB 4.1 or Declaration of Association as per ELI 1.2(b).🞎 In case of Government-owned enterprise or institution, in accordance with ITB 4.3 documents establishing:- Legal and financial autonomy- Operation under commercial law- Establishing that the Bidder is not a dependent agency of the Employer.3. Included are the organisational chart, a list of Board of Directors, and the beneficial ownership. |

Form ELI‑1.2 (b)
Declaration of Association

*[The following form shall be provided by each member of a Joint Venture and, if applicable, by any specialized subcontractor, nominated in accordance with ITB 35]*

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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We hereby declare our intent to associate with the following firms for the purpose of forming a *[insert here “joint venture”]*:

*[Insert the names of the other JV Members here]*

*[Insert the name of the Lead Member]* shall be the Lead Member.

We hereby confirm that we have not associated with any other firms for the purposes of this assignment and that we will not submit an Application separately from the firms listed above. Further, we understand that if one of the above JV Members appears as a member in more than one Application, all Applications in which the Member appears shall be disqualified.

In the event that this JV is awarded a Contract, we shall perform the works in the composition and in the form of cooperation described above.

*[Signature of the authorised representative of the Member]*

Form CON‑2
Historical Contract Non-Performance, Pending Litigation and
Litigation History

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

Bidder’s Name: *[insert full name]*Date: *[insert day, month, year]*NCB No. 3/SCP/2020,

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|  |
| --- |
| Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements |
| 🞎 Contract non-performance did not occur since 1st January 2014 specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.🞎 Contract(s) not performed since 1st January 2014 specified in Section III, Qualification Criteria and Requirements, requirement 2.1 |
| **Year** | **Non- performed portion of contract** | **Contract Identification** | **Total Contract Amount (current value, currency, exchange rate and EUR equivalent)** |
| *[insert year]* | *[insert amount and percentage]* | Contract Identification: *[indicate complete contract name/ number, and any other identification]*Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Reason(s) for non-performance: *[indicate main reason(s)]* | *[insert amount]* |

|  |
| --- |
| Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements |
| 🞎 No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. |
| 🞎 Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below. |
| **Year of dispute** | **Amount in dispute (currency)** | **Contract Identification** | **Total Contract Amount (currency), EUR Equivalent (exchange rate)** |
| *[insert year]* | *[insert amount]* | Contract Identification: [indicate complete contract name, number, and any other identification]Name of Employer: *[insert full name]*Address of Employer: *[insert street/city/country]*Matter in dispute: *[indicate main issues in dispute]*Party who initiated the dispute: *[indicate “Employer” or “Contractor”]*Status of dispute: *[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]* | *[insert amount]* |

Form FIN‑3.1
Financial Situation and Performance

*[The following table shall be filled in for the Bidder and for each JV Member and to be signed and stamped by the Bidder and an independent financial auditor]*

Bidder’s Name: *[insert full name]*Date: *[insert day, month, year]*NCB No. 3/SCP/2020,

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**1. Financial data**

|  |  |
| --- | --- |
| **Type of Financial information in****(currency)** | **Historic information for previous 5 (five) *years,*** **(amount in currency, currency, exchange rate, EUR 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 |  |  |  |  |  |

**2. Financial documents**

The Bidder and its parties shall provide copies of financial statements for 5 (five) years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

(a) reflect the financial situation of the Bidder, and not an affiliated entity (such as parent company or subsidiary).

(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 statements[[5]](#footnote-6) for the 5 (five) years required above; and complying with the requirements

Form FIN‑3.2
Average Annual Construction Turnover

*[The following table shall be filled in for the Bidder and for each member of a Joint Venture and to be signed and stamped by the Bidder and an independent financial auditor]*

Bidder’s Name: *[insert full name]*Date: *[insert day, month, year]*NCB No. 3/SCP/2020,

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|  |
| --- |
| **Annual turnover data (construction only)** |
| **Year** | **Amount** **Currency** | **Exchange rate** | **EUR equivalent** |
| *[indicate calendar year]* | *[insert amount and indicate currency]* |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  | Average Annual Construction Turnover \* |  |

\* Total EUR equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, Clause 3.2.

Form FIN–3.3
Sources of Finance

*[The following table shall be filled in for the Bidder and all members combined in case of a Joint Venture]. Confirmation letters from Sources of Finance must be provided*

Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject contract or contracts as specified in Section III, Evaluation and Qualification Criteria.

|  |
| --- |
| **Financial Resources** |
| No. | Source of financing | Amount (EUR equivalent) |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
|  |  |  |

Form FIN–3.4
Current Contract Commitments / Works in Progress

*[The following table shall be filled in for the Bidder and all members combined in case of a Joint Venture or Sub-Contractor for MEP and PV Works]*

Bidders should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full performance certificate has yet to be issued.

|  |
| --- |
| **Current Contract Commitments** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Name of Contract** | **Employer’s****Contact Address, Tel, Fax** | **Value of Outstanding Work****[Current EUR Equivalent]** | **Estimated Completion Date** | **Average Monthly Invoicing Over Last Six Months[EUR / month]** |
| 1 |  |  |  |  |  |
| 2 |  |  |  |  |  |
| 3 |  |  |  |  |  |
| 4 |  |  |  |  |  |
| 5 |  |  |  |  |  |
|  |  |  |  |  |  |

Form EXP‑4.1
General Construction Experience

*[The following table shall be filled in for the Bidder and all members combined in case of a Joint Venture or Sub-Contractor for MEP and PV Works]. Performance* *Certificates must be provided*

Bidder’s Name: *[insert full name]*Date: *[insert day, month, year]*NCB No. 3/SCP/2020,

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*[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, 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 Bidder** |
| *[indicate year]* | *[indicate year]* | Contract name: *[insert full name]*Brief Description of the Works performed by theBidder: *[describe works performed briefly]*Amount of contract: *[insert amount in currency, mention currency used, exchange rate and EUR equivalent]*Name of Employer: *[indicate full name]* Address: *[indicate street/number/city/country* | *[insert "Prime Contractor” or “JV Member” or "Subcontractor” or "Management Contractor”]* |
|  |  | Contract name: *[insert full name]*Brief Description of the Works performed by theBidder: *[describe works performed briefly]*Amount of contract: *[insert amount in currency, mention currency used, exchange rate and EUR equivalent]*Name of Employer: *[indicate full name]* Address: *[indicate street/number/city/country]* | *[insert "Prime Contractor” or “JV Member” or "Subcontractor” or "Management Contractor”]* |
|  |  | Contract name: *[insert full name]*Brief Description of the Works performed by theBidder: *[describe works performed briefly]*Amount of contract: *[insert amount in currency, mention currency used, exchange rate and EUR equivalent]*Name of Employer: *[indicate full name]* Address: *[indicate street/number/city/country]* | *[insert "Prime Contractor” or “JV Member” or "Subcontractor” or "Management Contractor”]* |

Form EXP‑4.2 (a)
Specific Construction and Contract Management Experience

*[The following table shall be filled in separately for contracts performed by the Bidder and all members combined in case of a Joint Venture or Sub-Contractor for MEP and PV Works] Performance Certificates must be provided*

Bidder’s Name: *[insert full name]*Date: *[insert day, month, year]*NCB No. 3/SCP/2020,

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|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor 🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in local currency]* | EUR *[insert Exchange rate and total contract amount in EUR**equivalent]* |
| If member in a JV or subcontractor, specify participation in total Contract amount | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in EUR equivalent]* |
| Employer's Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, incl. country/city area codes]**[insert e-mail address, if available]* |

|  |  |
| --- | --- |
| **Similar Contract No.***[insert number]* of *[insert number of similar contracts required]* | **Information** |
| Description of the similarity in accordance with Sub-Criterion 4.2 of Section III: |  |
| 1. Physical size of required works items | *[insert physical size of items]* |
| 2. Complexity | *[insert description of complexity]* |
| 3. Methods/Technology | *[insert specific aspects of the methods/technology involved in the contract]* |
| 4. Construction rate for key activities | *[insert yearly rates and items]* |
| 5. Other Characteristics | *[insert other characteristics as described in Section VII, Scope of Works]* |

Form EXP‑4.2 (b)
Construction Experience in Key Activities

[NOT APPLICABLE]

Bidder's Name: *[insert full name]*Date: *[insert day, month, year]*Subcontractor’s Name[[6]](#footnote-7) (as per ITB 35): *[insert full name]*
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1. Key Activity No. One: [*insert brief description of the Activity, emphasizing its specificity*]

|  | **Information** |
| --- | --- |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in contract currency(ies)]* | EUR *[insert exchange rate and total contract amount in EUR equivalent]* |
| Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year*[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]* | Total quantity in the contract(i) | Percentage participation(ii) | Actual Quantity Performed (i) x (ii) |
| Year 1 |  |  |  |
| Year 2 |  |  |  |
| Year 3 |  |  |  |
| Year 4 |  |  |  |
| Employer’s Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, including country and**city area codes]**[insert e-mail address, if available]* |
| Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III: |  |
|  | *[insert response to inquiry indicated in left**column]* |
|  |  |
|  |  |
|  |  |
|  |  |

2. Key Activity No. Two

3. Key Activity No. Three

Optional: Form EQP–4.3
Specific Construction Equipment

*[The following table is optional and depending on the nature of the project, it shall be filled in for contracts performed by the Bidder or each member of a Joint Venture, and if so nominated in accordance with ITB 35, nominated sub-contractor]*

Bidder’s Legal Name: *[insert full name]*

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

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|  |  |
| --- | --- |
| **Description** | **Information** |
| List of utilized specific construction equipment | *\_\_ [based on the specific construction experience in Forms 4.2 (a or b) the Bidder shall provide a list of specific construction equipment, utilized for the execution of the works. The list shall not specify commonly used equipment (ordinary cement mixers or cranes, etc.) but specific equipment related to the specific characteristics of the project as per the form below. For each item one form.] \_* |

|  |  |
| --- | --- |
| Item number:  | *\_\_ [insert consecutive number] \_* |
| Denomination: | *\_\_ [insert technical name of the item] \_* |
| Purpose: | *\_\_ [describe the use of the item in relation to the specific work requirements of the project] \_\_\_*  |
| Capacity / power rating / quantities, etc. | *\_\_ [give details of the capacity / power rating / quantities in relation to the work description] \_\_* |
|  |  |

Form CER–5.1
Certification

***Quality Management certificate ISO 9001***

***Environmental management certificate ISO 14001:2014***

***Health and Safety certificate OHSAS 18001***

In this ESHS a level **❷** a **Quality *Management certificate ISO 9001, an Environmental management certificate ISO 14001:2014 and a Health and Safety certificate OHSAS 18001*** *is requested from Applicants.*

*The following table shall be provided by the Applicant for each certificate.*

Applicant’s Legal Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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|  |  |
| --- | --- |
| **Description** | **Information** |
| Identification of the certificate | **\_\_\_\_\_\_\_\_\_\_** *[insert full name of the certificate]* |
| First award date | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** *[insert day, month, year of first certificate award]* |
| Last update of the certificate | **\_\_\_\_\_\_\_\_\_\_** *[insert day, month, year of latest renewal, if any]* |
| Issuers Name | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** *[insert full name]* |
| Address | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** *[insert street / number / town or city / country]* |
| Telephone/fax number | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** *[insert phone/fax no., incl. country & city area codes]* |
| E-mail | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** *[insert e-mail address, if available]* |
| Compliance with international standards | The certificate is ISO 9001 □ Yes / □ No*ISO 14001:2004:* □ Yes / □ No*OHSAS 1800:* □ Yes / □ No |
| If no, proof of conformity with the international standard by the Applicant | *The Applicant shall demonstrate the equivalency of their management systems with the international standards.* |

Maximum points attributed to above requirements: 6 (six) points. Two (2) points for each Certificate

Form ESHS EXP‑5.2
Experience in Projects with significant ESHS Impact

*[The following table shall be filled by the Bidder or in case of a JV the Lead Member Project references provided here should reflect the ESHS requirements as defined in Section III, 5. If the Bidder is required to demonstrate different ESHS aspects this should be shown separately in the sheet below or in a separate sheet.]*

Bidder’s Name: *[insert full name]*Date: *[insert day, month, year]*

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|  |  |
| --- | --- |
| **ESHS Contract No.***[Insert number]* of *[insert number of S&E contracts required as per Section III, 5.]* | **Information** |
| Contract Identification | *[insert contract name and number, if applicable]* |
| Award date | *[insert day, month, year, i.e., 15 June, 2015]* |
| Completion date | *[insert day, month, year, i.e., 03 October, 2017]* |
| Role in Contract*[check the appropriate box]* | Prime Contractor 🞎 | Member in JV 🞎 | Management Contractor🞎 | Sub-contractor 🞎 |
| Total Contract Amount | *[insert total contract amount in local currency]* | EUR *[insert Exchange rate and total contract amount in EUR**equivalent]* |
| If member in a JV or subcontractor, specify participation in total Contract amount | *[insert a percentage amount]* | *[insert total contract amount in local currency]* | *[insert exchange rate and total contract amount in EUR equivalent]* |
| Employer's Name: | *[insert full name]* |
| Address:Telephone/fax numberE-mail: | *[indicate street / number / town or city / country]**[insert telephone/fax numbers, incl. country/city area codes]**[insert e-mail address, if available]* |

|  |  |
| --- | --- |
| **ESHS Contract No.***[Insert number]* of *[insert number of ESHS contracts required as per Section II, 5.]* | **Information and Documentation** |
|  |  |
| 1. ESHS Challenges | *[describe the ESHS challenges faced in project implementation, including indication of scales/size by reference, if applicable project E&S categorization as per development bank categorization]* |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 2. ESHS measures implemented | *[ description of measures implemented, incl. supporting documentation, if available]* |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 3. ESHS knowhow transfer to local staff, local partners and subcontractors | *[description of know how transfer and capacity building measures implemented, incl. supporting documentation, if available]* |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
|  |  |

Maximum points attributed to above requirements: 24 (twenty-four) points

*[Total points shall be distributed equally to the number of contract references as per requirement in Section III, Ch. 5.]*

Form ENV–5.3
Environmental Management Capacity

*[The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)]*

Applicant’s Legal Name: *[insert full name]*

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

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|  |  |  |  |
| --- | --- | --- | --- |
|  | **The Applicant shall demonstrate:** | **Information and Documentation** | **ESHS level** |
| 1 | * the existence of an Environmental Policy
 | *\_\_ [Provide relevant details of the Corporate Values or similar policy documents and declarations] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 2 | * the existence of an Environmental Management System, incl. an adequate organisational set-up for definition, enforcement and monitoring.
 | *\_\_ [Provide details of the organisational set-up and procedures for relevant issues within your company, for qualification details of relevant key staff see Form 5.6] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 3 | * that all members of a JV, suppliers, subcontractors and temporary workforce a) are aware of and b) comply with the Environmental Management System.
 | *\_\_ [Provide information on a) how awareness, know how transfer and enforcement is implemented to external partners* *b) nature, content and frequency of internal trainings to employees.] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |

Maximum points attributed to above requirements: 10 (ten) points

*[Total points shall be distributed to the individual requirements.]*

Form OHSAS–5.4
Occupational Health and Safety Capacity

*[The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)]*

Applicant’s Legal Name: *[insert full name]*

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

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|  |  |  |  |
| --- | --- | --- | --- |
|  | **The Applicant shall demonstrate:** | **Information** | **ESHS level** |
| 1 | * the existence of an Occupational Health & Safety Policy
 | *\_\_ [Provide a policy document and the index of the Occupational Health & Safety manual or other relevant documents and declarations] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 2 | * the existence of management system, incl. an adequate organisational set-up for definition, enforcement and monitoring.
 | *\_\_ [Provide details of the organisational set-up and procedures for health and safety issues within your company, for qualification details of relevant key staff see Form 5.6] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |

Maximum points attributed to above requirements: 10 (ten) points

*[Total points shall be distributed to the individual requirements]*

Form LOC–5.5
Socially Responsible Works Implementation

*[The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)]*

Applicant’s Legal Name: *[insert full name]*

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

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|  |  |  |  |
| --- | --- | --- | --- |
|  | **The Applicant shall demonstrate:** | **Documentation** | **ESHS level** |
| 1 | * a strategy for staff and labour incl. recruitment of temporary workforce and local labour, worker grievance mechanism, etc.
 | *\_\_ [Provide information and relevant documents, if any] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 2 | * a comprehensive strategy for ensuring public health and safety, including programs and procedures to combat the spread of communicable diseases (incl. HIV/AIDS).
 | *\_\_ [Please provide supporting evidence, if any] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 3 | * a comprehensive strategy for staff accommodation, e.g. worksite camps, house rental, security, etc.
 | *\_\_ [Provide information and relevant documents, if any] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 4 | * a comprehensive training strategy for transfer of ESHS knowhow to temporary workforce and subcontractors
 | *\_\_ [Provide information and relevant documents, if any] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |

Maximum points attributed to above requirements: 20 (twenty) points

*[Total points shall be distributed to the individual requirements.]*

Form COC–5.6
Ethical Business Principles

*[The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)]*

Applicant’s Legal Name: *[insert full name]*

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

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|  |  |  |  |
| --- | --- | --- | --- |
|  | **The Applicant shall demonstrate:** | **Documentation** | **ESHS level** |
| 1 | * that ILO core labour standards[[7]](#footnote-8) are fully respected in business operations by explicitly ticking the boxes.
 | Our business operations respect the core labour standards on:□ Freedom of Association□ Elimination of Forced Labour□ Non-Discrimination□ Abolishment of Child Labour | Pass/fail**❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 2 | * the existence of a declaration on ethical business principles or similar declaration.
 | *\_\_ [Provide written information and evidence on business principles (code of conduct, conflict of interest, bribery, corruption, bid-rigging, unfair competition, insider rules, confidentiality, money-laundering, etc.)] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 3 | * the existence of an adequate organisational set-up to define, enforce and monitor the ethical business principles.
 | *\_\_ [Provide details of the organisational set-up and staffing of the relevant department, for qualification details of relevant key staff see Form 5.6] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |
| 4 | * that all members of a JV, suppliers (in particular those for major supply items), subcontractors and temporary workforce a) are aware of and b) comply with these principles.
 | *\_\_ [Provide information on a) how awareness, know how transfer and enforcement is implemented to external partners* *b) nature, content and frequency of internal trainings to employees.] \_\_* | **❷** |
| *[insert brief description or, if applicable, short abstract of the documentation annexed]* |

Maximum points attributed to above requirements 2 to 5, requirement 1 is pass / fail: 10 (ten) points

*[Total points shall be distributed to the individual requirements.]*

Form PR–5.7
List of Available ESHS and Construction Personnel

Complete the list below to demonstrate the extent to which you have access (internally / externally) to ESHS and Construction expertise required for personnel profiles described in Section VII; Scope of Works. Resume of Proposed EHS Personnel to be provided as per Form PER 2.

The Employer reserves the right to interview any and/or all the proposed candidates prior to Contract award.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Name | Designation, in accordance with Section VII, Scope of Works | Education / Degree | Years of Professional Experience | Relationship with / Years within the Bidder[[8]](#footnote-9) | Country / Regional Experience | Relevant Project References(Description of project-related experience) | Languages |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

Maximum points attributed to above requirements: 20 (twenty) points

|  |
| --- |
| Bidding Forms |

**Letter of Bid**

*[The Bidder shall prepare his Letter of Bid on a Letterhead paper specifying his name and address]*

Date:

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To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

We, the undersigned, declare that:

1. We have examined and have no reservations to the Bidding Documents, including Addenda issued in accordance with Instructions to Bidders (ITB 8) ;
2. We have no conflict of interest in accordance with ITB 4;
3. We have not been suspended nor declared ineligible by the Employer based on execution of a Bid Securing Declaration in the Employer’s country in accordance with ITB 4.4;
4. We offer to execute in conformity with the Bidding Documents the following Works:

 ;

1. The total price of our Bid, excluding taxes and excluding any discounts offered in item (g) below is:
2. In case of only one lot, total price (excluding taxes) of the Bid \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. In case of multiple lots, total price (excluding taxes) of each lot \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. In case of multiple lots, total price (excluding taxes) of all lots (sum of all lots) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. In case of acceptance of [indicate any technical alternatives offered in accordance with ITB 13], total price (excluding taxes) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
6. The amount of taxes and customs included in our Bid is:
7. The discounts offered and the methodology for their application are:
8. The discounts offered are: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
9. The exact method of calculations to determine the net price after application of discounts is shown below: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
10. Our Bid shall be valid for a period of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ days from the date fixed for the bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
11. If our Bid is accepted, we commit to obtain a performance security in accordance with ITB 42 of the Bidding Documents;
12. Weare not participating, as a Bidder, in more than one Bid in this bidding process in accordance with ITB 4.2(e), other than alternative Bids submitted in accordance with ITB 13;

(j) We understand that this Bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal contract is prepared and executed; and

(k) We acknowledge and agree that the Employer reserves the right to annul the bidding process and reject all Bids at any time prior to contract award without thereby incurring any liability to us;

(l) We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf will engage in any type of fraud and corruption.

Name of the Bidder**\***

Name of the person duly authorized to sign the Bid on behalf of the Bidder**\*\***

Title of the person signing the Bid

Signature of the person named above

Date signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_

**\***: In the case of the Bid submitted by a JV specify the name of the JV as Bidder

\*\*: Person signing the Bid shall have the power of attorney given by the Bidder to be attached with the Bid

**PERSONNEL**

### Form PER-1: Proposed Personnel

Bidders should provide the names of suitably qualified personnel to meet the specified requirements stated in Section III, Evaluation and Qualification Criteria. The data on their experience should be supplied using the Form below for each candidate.

|  |  |
| --- | --- |
| **1.** | **Title of position\*** |
|  | **Name**  |
| **2.** | **Title of position\*** |
|  | **Name**  |
| **3.** | **Title of position\*** |
|  | **Name**  |
| **4.** | **Title of position\*** |
|  | **Name**  |

*\*As listed in Section III, Evaluation and Qualification Criteria.*

### Form PER-2: Resume of Proposed Personnel

|  |
| --- |
| **Name of Bidder** |

|  |
| --- |
| **Position** |
| **Personnel information** | **Name**  | **Date of birth** |
|  | **Professional qualifications** |
| **Present employment** | **Name of employer** |
|  | **Address of employer** |
|  | **Telephone** | **Contact (manager / personnel officer)** |
|  | **Fax** | **E-mail** |
|  | **Job title** | **Years with present employer** |

Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the project.

| **From** | **To** | **Company / Project / Position / Relevant technical and management experience** |
| --- | --- | --- |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

### Form EQU: Equipment

The Bidder shall provide adequate information to demonstrate clearly that it has the capability to meet the requirements for the key equipment listed in Section III, Evaluation and Qualification Criteria. A separate Form shall be prepared for each item of equipment listed, or for alternative equipment proposed by the Bidder.

|  |
| --- |
| Item of equipment |
| Equipment information | Name of manufacturer | Model and power rating |
|  | Capacity | Year of manufacture |
| Current status | Current location |
|  | Details of current commitments |
|  |  |
| Source | Indicate source of the equipment o Owned o Rented o Leased o Specially manufactured |

Omit the following information for equipment owned by the Bidder.

|  |  |
| --- | --- |
| Owner | Name of owner |
|  | Address of owner |
|  |  |
|  | Telephone | Contact name and title |
|  | Fax | Telex |
| Agreements | Details of rental / lease / manufacture agreements specific to the project |
|  |  |
|  |  |

###

# Bid Security

**Beneficiary:** *Ministry of Public Works and Housing (MoPWH)*

**Date:** *[Insert date of issue]*

**BID GUARANTEE No.:** *[Insert guarantee reference number]*

**Guarantor:** *[Insert name and address of place of issue, unless indicated in the letterhead]*

We have been informed that *[Insert name and address of the bidder, which in the case of a joint venture shall be the name and address of the joint venture]* (hereinafter called “the Applicant”) has submitted or will submit to the Beneficiary its bid (hereinafter called “the Bid”) for the execution of Schools Construction Project (SCP), “Package 3/SCP/2020 Hai al Dobbat Secondary Mixed School in Mafraq [as per Invitation to Bid] (“the IFB”).

Waiving all objections and defences, we, as Guarantor, hereby irrevocably and independently undertake to pay the Beneficiary any sum or sums not exceeding in total an amount of *[Insert guarantee amount and currency in words and figures]* upon receipt by usof the Beneficiary’s first demand, supported by the Beneficiary’s statement, whether in the demand itself or a separate signed document accompanying or identifying the demand, stating that either the Applicant:

(a) Has withdrawn its Bid during the period of bid validity set forth in the Applicant’s Bid Submission Form (the Bid Validity Period”); or

(b) Having been notified of the acceptance of its Bid by the Beneficiary during the Bid Validity Period, (i) has failed to sign the contract agreement, or (ii) has failed to furnish the performance security, in accordance with the Instructions to Bidders (“ITB”) of the Beneficiary’s bidding document.

This guarantee shall expire not later than *[Insert expiry date][[9]](#footnote-10)*.

By this date we must have received any claims for payment by letter or encoded telecommunication.

It is understood that you will return this guarantee to us on expiry or after payment of the total amount to be claimed hereunder.

This guarantee is governed by the laws of Jordan.

*[As preferred option regarding guarantee rules insert[[10]](#footnote-11):* This guarantee is subject to the Uniform Rule for Demand Guarantees (URDG) 2010 Revision, ICC Publication No. 758.*]*

|  |  |  |
| --- | --- | --- |
| Place, date |  | Guarantor’s authorized signature(s) |

1. Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW’s “*Guidelines for the Procurement of Consulting Services, Works, Goods, Plant and Non-Consulting Services in Financial Cooperation with Partner Countries”*. [↑](#footnote-ref-2)
2. The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services. [↑](#footnote-ref-3)
3. In case ILO conventions have not been fully ratified or implemented in the Employer’s country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker’s organisations and e) non-discrimination. [↑](#footnote-ref-4)
4. In the case of a JV, insert the name of the JV. The person who will sign the application, bid or proposal on behalf of the Applicant/Bidder shall attach a power of attorney from the Applicant/Bidder. [↑](#footnote-ref-5)
5. 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. [↑](#footnote-ref-6)
6. If applicable [↑](#footnote-ref-7)
7. See relevant ILO conventions C087, C098, C029, C105, C100, C111, C138, C182. In case ILO conventions have not been fully ratified or implemented in the Employer’s country the Applicant / Bidder / Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions. [↑](#footnote-ref-8)
8. For freelance experts (e.g. with retainer contracts or formal agreements) indicate “FE” and how long the expert has been associated with the Applicant. For sub-consultant staff indicate “Sub”. Staff from affiliated firms of the Applicant shall be considered as sub-consultant staff. [↑](#footnote-ref-9)
9. Pursuant to ITB Clause 19.3 the guarantee must be valid for at least 42 days beyond the bid validity. [↑](#footnote-ref-10)
10. In the case the issuing bank will not add the preferred option, the following must be added instead: This guarantee is governed by the laws of Jordan. Note: the country of jurisdiction shall be the country where the bank’s branch issuing the guarantee is physically located. [↑](#footnote-ref-11)