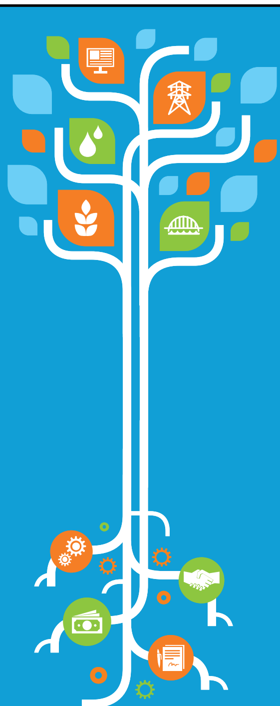


ADB

Successful International Open Competitive Bidding

S. BESSADI
Senior Procurement Specialist, INRM, ADB.

Delhi – 7 August 2026

1

What is Open Competitive Bidding (OCB)

ADB

- Facilitates open competition among all eligible bidders, regardless of whether procurement contracts are advertised internationally or nationally
- Consolidates competitive procurement method
- Preferred method **(unless a different method is justified)**
- Depends on project context & supply market (**not threshold-based**)
- OCB **ensures transparency, competition, and efficiency** in procurement. It is a key mechanism in **ADB-funded projects** to achieve **value for money** while promoting fair competition among bidders.

2

2

International / National Advertising

- Advertising modalities are decided during preparation of SPP
- Procurement contracts using international advertising shall be published (i) on the ADB website (ii) on a freely and publicly accessible website in English; and (iii) in a newspaper of national circulation (at least in one English language newspaper, if available) or website in the borrower's country
- Where the supply market assessment indicates a contract is not amenable to international competition, the advertisement may be published in the national press, gazette, or on a free and publicly accessible website.

3

Few General Tips

- Collect relevant business intelligence – network!
- Focus on performance and reputation for successful work
- Check for bidding opportunities – subscribed to alert service
- Understand the country, project, and client requirements
- Study the bidding documents and understand the procurement method
- Prepare a responsive and competitive bid
- Seek clarifications in writing
- Be ready for possible bid extensions or amendments
- Engage partnership with prequalified firms or already awarded contract for hop-on opportunities

4

4

Bidding Do's

- Leverage your strengths
  - Ability to operate in countries that do not generate bidder interest
    Afghanistan, Cambodia, Pacific
  - Experience in country and with executing agency
  - Access to information regarding local joint venture partners/ subcontractors
  - Access to information regarding availability of materials/ labor/ equipment.
- Submit bid within the stipulated deadline
- Ensure following steps are taken during bid opening:
  - All relevant prices are read out
  - All discounts are read out
  - Presence and amount of bid security is read out
  - No envelope remains unopened
  - The record is signed by all bidders present and by the Employer
- Be ready for possible bid validity extension

5

5

Bidding Do's

- Seek official clarification before submitting a bid

BIDDING DOCUMENT	TYPICAL ISSUES
Bid Conditions	• Unreasonable bid preparation period
Qualification Criteria	• Unclear which entity must comply with qualification criteria • Ambiguous criteria • Restrictive criteria
Requirements	• Incomplete, unclear or restrictive requirements
Contract Conditions	• Unreasonable contract completion period • Unbalanced risk allocation

All successful bidders of internationally advertised contracts will be required to disclose their Beneficial Ownership prior to contract execution.

Contact ADB if executing agency fails to respond promptly

- Check your bid!
  - Amount, validity and text of Bid Security
  - Signatures and power of attorney
  - Joint venture agreement enclosed
  - References enclosed
  - State the discounts in letter of bid as specified in the bidding document
  - Mark the envelopes as appropriate
- If you are not successful
  - You may request a debriefing from executing agency to improve future bids
  - If not satisfied, contact ADB directly

6

6

Bidding Don'ts

- Failure to disclose conflict of interest
- Firm or JV partners not from an ADB member country
- Submitting late bid
- Failure to respond to client requirements
- Conditional bids
- Incomplete/noncompliant bids:
  - missing bid security,
  - Insufficient Amount of Bid Security
  - letter of bid not signed,
  - JV agreement missing,
  - bid envelopes not properly marked,
  - Partial Quantities etc.
- Integrity violations in the bidding process
- Do not submit conditional bid

When in doubt, always seek written clarification

7

7

Debriefing and Complaints

Debriefing:

- Unsuccessful bidders may request debriefing from the procuring entity (the EA or ADB). If they are not satisfied with the explanation given, they may submit a complaint.
- Debriefings are an excellent learning opportunity for future bids!

Complaints:

- Bidders may file complaint directly with ADB and may copy ADB on correspondence with EAs.
- Complaints to ADB should be submitted through online form: https://www.adb.org/forms/complaints
- How to report fraud: www.adb.org/site/integrity/how-to-report-fraud

8

8

Eligibility

ADB

- Have the nationality of an eligible country
- Not have a conflict of interest
- Not under temporary suspension by ADB/ UN/ WB/ related member institutions
- Materials/ Equipment/ Services to be supplied have origin in eligible source countries
- Any conditions for participation shall be limited to ensure the bidder's capability to fulfill the contract

PSUs (GOEs) in the Borrower's country may participate as a bidder if:

- operate as a commercial entity
- legally and financially autonomous
- not dependent agency of the borrower

Government officials in the borrower's country may only be hired if :

- not being hired by agency they were working for sequentially
- their employment would not create a conflict of interest

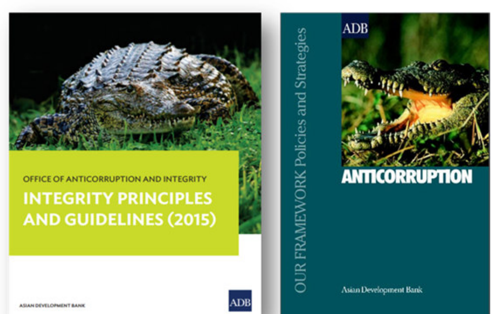
9

9

Integrity

ADB

- ADB's Anticorruption Policy and Integrity Principles and Guidelines
- Applies to EAs/ suppliers/ ADB staff/ anyone connected to ADB-financed activity
- Highest Ethics
- Definitions: corrupt, coercive, fraudulent, collusive, obstructive practices, and abuse
- ADB has the right to inspect and audit



Highest Ethical Standards

Zero Tolerance

10

MPC Requirements as of 1 January 2026

ADB

MPC will be utilized on internationally advertised contracts.

How is the advertising method selected?

National advertising, if:

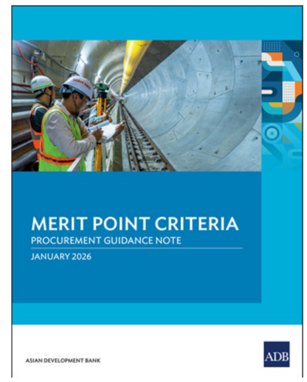
- Local market is competitive at prices below the international market;
- Contract values are small;
- Works are scattered geographically or spread over time; or
- Works are labor-intensive.
- High value for the purpose of technical weightings is >USD 10 million

Otherwise, **international advertising**.

For contracts with substantial/high procurement risk, the minimum technical weighting is 50%.

How is Procurement risk determined?

- **Procurement risk** is based on package complexity, borrower capacity, market maturity, and other project/external factors.
- Borrower presents the assessed procurement risk in the **strategic procurement plan** for ADB endorsement.

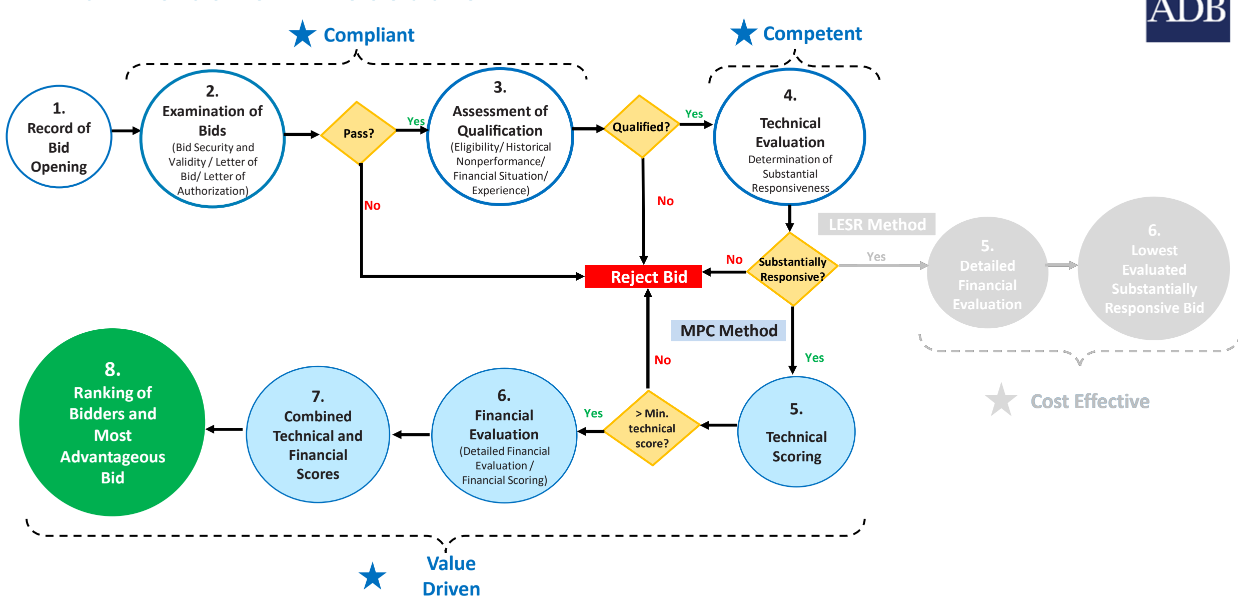


https://www.adb.org/sites/default/files/merit-point-criteria-procurement-guidance-note.pdf

11

Bid Evaluation Procedure

ADB



12

Roles and Responsibilities of Bidders for MPC

- **Compliance and understanding:** Responsible for preparing bids in accordance with the criteria and requirements disclosed in the bidding documents.
- **Transparency and fairness:** Avoids collusion, misrepresentation, or other forms of misconduct that compromise the integrity of the evaluation.
- **Demonstration of merit:** Provides complete, verifiable evidence supporting claims related to experience, technical approach, innovation, or safeguards.
- **Engagement during clarification:** Responds to clarifications if sought by the borrower during evaluation but are not permitted to modify their bid.
- **Performance accountability:** Once awarded, delivers the commitments (e.g., quality measures, innovation, safeguards) that contributed to a high MPC score.

13

JANUARY 2026 SBD UPDATES

Enhancements over December 2024 Versions of SBD

14

15

Summary of Changes

- Changes to Historical Contract Non-performance criteria
- Changes to Financial Resources criteria
- Changes to Construction Experience Criteria
- Deletion of E&S criteria
- Updated Section 4 Bidding Forms

16

1.2 Historical Contract Nonperformance

1.2.1 History of Nonperforming Contracts

Criteria	Compliance Requirements				Documents
		Joint Venture			
Requirement	Single Entity	All Partners Combined	Each Partner	One Partner	Submission Requirements
Nonperformance of a contract[a] did not occur as a result of contractor default since 1 January [*insert year*].	Must meet requirement	Must meet requirement	Must meet requirement[b]	Not applicable	Form CON – 1

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

[b] This requirement also applies to contracts executed by the Bidder as a Joint Venture partner.

2024

1.2 Historical Contract Nonperformance

1.2.1 History of Nonperforming Contracts

Criteria	Compliance Requirements				Documents
		Joint Venture			
Requirement	Single Entity	All Partners Combined	Each Partner	One Partner	Submission Requirements
Nonperformance of a contract[a] did not occur as a result of contractor default since 1 January [*insert year*].	Must meet requireme nt	Must meet requireme nt	Must meet requiremen t[b]	Not applicabl e	Form CON – 1

[a] Nonperformance, as decided by the Employer, shall include all contracts where, any of the two conditions[17] below [illegible]ve been met:

1) a) the contract was terminated for cause by the employer due to the contractor's default(s) in fulfilling its obligations (including any environmental and social (E&S) obligations),

and

b) the contractor did not challenge such termination and/or call of the performance security or employer's claims, including referral to the dispute resolution mechanism under the respective contract

or

c) contracts that were so challenged, but fully settled against the contractor.

OR

2) (a) the performance security was called partly or wholly,

or

(b) claims were made against the contractor by the employer due to the contractor's default(s), which have led to works not being completed, i.e. taking-over certificate not having been issued;

and

(c) the contractor did not challenge the call of the performance security or employer's claims, including referral to the dispute resolution mechanism under the respective contract

or

(d) contracts that were so challenged, but fully settled against the contractor as a result of the dispute resolution mechanisms.

In cases where challenged by the contractor, Nonperformance must be based on all information on fully settled disputes or litigation, i.e., dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

[b] This requirement also applies to contracts executed by the Bidder as a Joint Venture partner.

2026

17

1.3.3 Financial Resources[15]

If the bid evaluation process and the decision for the award of the Contract takes more than 1 year from the date of bid submission, Bidders may be asked to resubmit their current contract commitments and latest information on financial resources supported by the latest audited accounts or audited financial statements, or if not required by the law of the Bidder's country, other financial statements acceptable to the Employer. The Bidders' financial capacity will be reassessed on this basis.

Criteria	Compliance Requirements				Documents
		Joint Venture			
Requirement	Single Entity	All Partners Combined	Each Partner	One Partner	Submission Requirements
For Single Entities The Bidder must demonstrate that its financial resources defined in FIN – 3, less its financial obligations for its current contract commitments defined in FIN – 4, meet or exceed the total requirement for the Subject Contract of ......[a]	Must meet requirement	Not applicable	Not applicable	Not applicable	Form FIN – 3 and Form FIN – 4
For Joint Ventures 1. One partner must demonstrate that its financial resources defined in FIN – 3, less its financial obligations for its own current contract commitments defined in FIN – 4, meet or exceed its required share of ....[b] from the total requirement for the Subject Contract. AND	Not applicable	Not applicable	Not applicable	Must meet requirement	Form FIN – 3 and Form FIN – 4
2. Each partner must demonstrate that its financial resources defined in FIN – 3, less its financial obligations for its own current contract commitments defined in FIN – 4, meet or exceed its required share of ......[c] from the total requirement for the Subject Contract. AND	Not applicable	Not applicable	Must meet requirement	Not applicable	Form FIN – 3 and Form FIN – 4
3. The Joint Venture must demonstrate that the combined financial resources of all partners defined in FIN – 3, less all the partners' total financial obligations for the current contract commitments defined in FIN – 4, meet or exceed the total requirement for the Subject Contract of ....[a]	Not applicable	Must meet requirement	Not applicable	Not applicable	Form FIN – 3 and Form FIN – 4

[a] The Employer is to specify the total requirement for the Subject Contract based on the following calculation:

$$\frac{\text{3 (or 4) x Estimated Contract Value (Inclusive of Taxes and Duties)}}{\text{Completion Period in Months}}$$

[b] The Employer is to define this value based on the minimum amount one partner of the Joint Venture must meet, usually at least 40% of the total requirement for the Subject Contract. This value is to be carried forward to Form FIN – 5B when it is used.

[c] The Employer is to define this value based on the minimum amount each partner of the Joint Venture must meet, usually at least 25% of the total requirement for the Subject Contract. This value is to be carried forward to Form FIN – 5B when it is used. Form FIN – 5 is made available for use by the Bidder as a self-assessment tool, and by the Employer as an evaluation work sheet, to determine compliance with the financial resources requirement as stated in 1.3.3. Failure to submit Form FIN – 5 by the Bidder shall not lead to bid rejection.

2024

18

1.3.3 Financial Resources[20]

Criteria	Compliance Requirements				Documents
Requirement	Single Entity	Joint Venture: All Partners Combined	Joint Venture: Each Partner	Joint Venture: One Partner	Submission Requirements
For Single Entities The Bidder must demonstrate that its financial resources defined in FIN – 3, less its financial obligations for its major contract commitments as defined in FIN – 4, meet or exceed the total requirement for the Subject Contract of ......[a]	Must meet requirement	Not applicable	Not applicable	Not applicable	Form FIN – 3 and Form FIN – 4
For Joint Ventures 1. One partner must demonstrate that its financial resources defined in FIN – 3, less its financial obligations for its own major contract commitments as defined in FIN – 4, meet or exceed its required share of ....[b] from the total requirement for the Subject Contract. AND	Not applicable	Not applicable	Not applicable	Must meet requirement	Form FIN – 3 and Form FIN – 4
2. Each partner must demonstrate that its financial resources defined in FIN – 3, less its financial obligations for its own major contract commitments as defined in FIN –4, meet or exceed its required share of ....[c] from the total requirement for the Subject Contract. AND	Not applicable	Not applicable	Must meet requirement	Not applicable	Form FIN – 3 and Form FIN – 4
3. The Joint Venture must demonstrate that the combined financial resources of all partners defined in FIN – 3, less all the partners' total financial obligations for the major contract commitments as defined in FIN – 4, meet or exceed the total requirement for the Subject Contract of ....[a]	Not applicable	Must meet requirement	Not applicable	Not applicable	Form FIN – 3 and Form FIN – 4

[20] (i) The Employer has the option to move the Financial Resources criterion from Section 3 (Evaluation and Qualification Criteria) to Section 6 (Works' Requirements), in which case
(a) the Employer shall confirm compliance with the financial resources criterion prior to award of contract in accordance with ITB 43.1 Award Criteria; and
(b) in place of the Financial Resources criterion, the Employer may require the Bidder to submit together with its bid, and for confirmation during bid evaluation, a Letter of Undertaking to comply with the financial resources described in Section 6 prior to award of contract.
(ii) If the bid evaluation process and the decision for the award of the Contract takes more than 1 year from the date of bid submission, Bidders may be asked to resubmit their current contract commitments and latest information on financial resources supported by the latest audited accounts or audited financial statements, or if not required by the law of the Bidder's country, other financial statements acceptable to the Employer. The Bidders' financial capacity will be reassessed on this basis.

[a] *The Employer is to specify the total requirement for the Subject Contract. An example calculation is given below:*

$$\frac{\text{3 (or 4) x Estimated Contract Value (Inclusive of Taxes and Duties)}}{\text{Completion Period in Months}}$$

However, the Employer should take into specific circumstances of the package such as size, complexity and market conditions and adjust the multiplier accordingly.

[b] *The Employer is to define this value based on the minimum amount one partner of the Joint Venture must meet, usually at least 40% of the total requirement for the Subject Contract. This value is to be carried forward to Form FIN – 5B when it is used.*

[c] *The Employer is to define this value based on the minimum amount each partner of the Joint Venture must meet, usually at least 25% of the total requirement for the Subject Contract. This value is to be carried forward to Form FIN – 5B when it is used. Form FIN – 5 is made available for use by the Bidder as a self-assessment tool, and by the Employer as an evaluation work sheet, to determine compliance with the financial resources requirement as stated in 1.3.3. Failure to submit Form FIN – 5 by the Bidder shall not lead to bid rejection.*

2026

19

2024

2026

Form FIN – 4: Financial Requirements for Current Contract Commitments

Bidders (or each Joint Venture partner) 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 completion certificate has yet to be issued.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name:

Joint Venture Partner: ____________________

Current Contract Commitments						
No.	Name of Contract	Employer's Contact (Address, Tel, Fax)	Contract Completion Date	Outstanding Contract Value (X)[a]	Remaining Contract Period in Months (Y)[b]	Monthly Financial Resources Requirement (X / Y)
1						
2						
3						
4						
Total Monthly Financial Requirement for Current Contract Commitments						$ ....

[a] Remaining outstanding contract values to be calculated from 28 days prior to the bid submission deadline ($ equivalent based on the foreign exchange rate as of the same date).
[b] Remaining contract period to be calculated from 28 days prior to bid submission deadline.

Form FIN – 4: Financial Requirements for Major Contract Commitments

Bidders (or each Joint Venture partner) should provide information on their commitments on all major contracts[30] that have been awarded[31] after the deadline of the latest financial year for which the financial statements were submitted under Form FIN - 1.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name:

Joint Venture Partner: ______________________

Major Contract Commitments						
No.	Name of Contract	Employer's Contact (Address, Tel, Fax)	Contract Completion Date	Contract Value (X)[a]	Contract Period in Months (Y)[b]	Monthly Financial Resources Requirement (X / Y)
1						
2						
3						
4						
Total Monthly Financial Requirement for Major Contract Commitments						$ ....

[a] Values to be calculated from the letter of intent or letter of acceptance or the contract agreement. ($ equivalent based on the foreign exchange rate as of the Base Dates of the respective contracts).
[b] Construction periods (Time for Completion) as defined in the respective contracts.

Major contracts mean contracts with a construction duration that is longer than 12 months.
For the purposes of this criterion, "awarded" shall mean: either letter of intent or letter of acceptance has been received, or contract was signed.

20

1.4 Construction Experience

1.4.1 Contracts of Similar Size and Nature[16]

Criteria	Compliance Requirements				Documents
		Joint Venture			
Requirement	Single Entity	All Partners Combined	Each Partner	One Partner	Submission Requirements
Participation as a contractor, Joint Venture partner, or Subcontractor, in at least one contract that has been satisfactorily and substantially[a] completed within the last .. . .[b] years and that is similar to the proposed works, where the value of the Bidder's participation exceeds $. . . .[c] The similarity of the Bidder's participation shall be based on: [d, e, f] 1 .... 2 .... 3	Must meet requirement	Not applicable	Not applicable[g]	Must meet requirement	Form EXP – 1[h]

or

Participation as a contractor, Joint Venture partner, or Subcontractor, in at least two contracts that have been satisfactorily and substantially[a] completed within the last . . . .[b] years and that are similar to the proposed works, where the value of the Bidder's participation under each contract exceeds $. . . . .[c] The similarity of the Bidder's participation shall be based on: [d, e, f] 1 .... 2 .... 3	Must meet requirement	Must meet requirement as follows: (i) Either one partner must meet the requirement; or (ii) Any two partners must each demonstrate one (1) satisfactorily and substantially completed contract of similar size, and nature	Not applicable[g]	Not applicable	Form EXP – 1[h]

[a] The requirement of "substantially completed contract" may vary from bid package to bid package. The requirement of "substantially completed contract" should be carefully reflected in the documents required to be submitted by bidders, to avoid potential issues in bid evaluation (refer to Note 'h' below). For further guidance on substantial completion of contracts, refer to ADB's Guidance Note on Procurement: Open Competitive Bidding.

[b] Insert number of years in words and figures. The range is normally 5–10 years.

continued on next page

[16] The Employer has the option of requiring either one or two contracts of similar size and nature and should choose the appropriate language for the table in 1.4.1.

2024

1.4.2 Construction Experience in Key Activities[17]

1.4.2 (a) Must be complied with by the Bidder. In case of a Joint Venture Bidder, the Bidder or at least one of the partners must meet the requirement in the key activity. For contracts under which the Bidder participated as a Joint Venture partner, only the Bidder's designated scope of works under the contracts shall be considered to meet this requirement.

Table A

Criteria	Compliance Requirements		Documents
Requirement	Single Entity	Joint Venture	Submission Requirements
For the above or other contracts executed during the period stipulated in 1.4.1, a minimum construction experience is required in the following key activities:[a]	Must meet requirement	Must meet requirement	Form EXP – 2[b]
1			
2			
3			

[a] Under Criterion 1.4.1, the specified requirements define the similarity of contracts, whereas the key activities or production rates to be specified under Criterion 1.4.2 define the required capability of the Bidder to execute key components of the Works. There shall be no inconsistency or duplication of requirements between Criteria 1.4.1 and 1.4.2. For the rate of production, specify that the rate of production shall be on the basis of the average during the entire specified period.

[b] Submission requirements: Form EXP – 2 shall be supported by documents such as Signed Contract Agreement, Taking-Over Certificate or Contract Completion Certificate indicating the contract name, value, completion date (or percentage of substantial completion), activities performed by Joint Venture partners, and other relevant details sufficient to demonstrate compliance with the requirements.

21

1.4 Construction Experience

1.4.1 Contracts of Similar Size and Nature

(a) Similar Size - Must be complied with by the Bidder[a]

Criteria	Compliance Requirements				Documents
		Joint Venture			
Requirement	Single Entity	All Partners Combined	Each Partner	One Partner	Submission Requirements
Participation as a contractor, Joint Venture partner, or Subcontractor, in the following contracts that have been satisfactorily completed[b] between 1st January *[insert year]*[c] and bid submission deadline: *[Insert Minimum Number, one or two]* *of* contract(s), each of minimum *[Insert $ Minimum Value, e.g. 50% to 80%]*;	Must meet requirement	Must meet requirement	Not applicable[f]	Not applicable	Form EXP – 1

(b) Similar Nature - Must be complied with by the Bidder[d]

Participation and successful implementation, as a contractor, Joint Venture partner, or Subcontractor, in the following technical requirements[e], within the last ..... [c] years 1 *[..Technical Requirement1..]* 2 *[..Technical Requirement 2..]* 3 *[..Technical Requirement 3..]*	Must meet requirement	Must meet requirement	Not applicable	Not applicable	Form EXP – 1

[a] The criterion 1.4.1 (a) measures the bidder's qualification to implement a contract of a specific size in monetary value, regardless of the technical nature of it. The technical nature and similarity aspects shall be treated under 1.4.1 (b). For the purposes of 1.4.1 (a) separate packages cannot be combined to meet the criterion and the criterion should be met under the specified Minimum Number and Minimum Value for each contract. The recommended Minimum Number is one in most cases; or can be increased to two in specific circumstances. The Minimum Value for each contract is recommended to be between 50% to 80% of the estimated contract value and may be increased in specific circumstances.

If the contract value is not in the specific currency, the exchange rate to be used to calculate the value of the contract shall be the selling rate of the borrower's central bank on the date of the contract signing.

[b] The requirement of "satisfactorily completed contract" shall meet the following submission requirements:
1. Signed Contract Agreement, and
2. Taking-Over Certificate or Contract Completion Certificate or Performance Certificate,
in sufficient detail to verify the contract name, value and completion time. If the documents are other than in English, an accurate certified translation of these documents in English shall be provided.

2026

[c] Insert number of years in words and figures. The range is normally 5–10 years.

[d] i) The requirements under 1.4.1 (b) can be met under separate contracts and it is not a requirement to have completed all requirements under a single contract.
ii) Each technical requirement must have been completed under a "single" contract.
iii) The Bidder shall submit evidence that the relevant technical requirement (e.g. Interim payment certificate, approval by the Engineer, etc.) has been satisfactorily completed. It is not a requirement that the particular contract within which the technical requirement has been implemented must have been substantially and/or satisfactorily completed yet.

[e] Specify major requirements in terms of any of the following: physical size, nature of works, complexity, methods, technology, or other characteristics.
For contracts under which the Bidder participated as a Joint Venture partner or Subcontractor, only the Bidder's share shall be considered to meet this requirement.
For contracts implemented by a Joint Venture contractor, if the Bidder comprises the same Joint Venture, the "Single Entity" requirements will apply.
The specified key technical requirements should define the similarity of contracts from a technical perspective and should include only key and relevant items, which, if not complied with, should result in the disqualification of the bidder. Similarity requirements may include experience in managing Environmental and Social (E&S) including, Health, and Safety and labor and working conditions related risks and impacts, depending on the nature of the works, the package and the project.

[f] The Employer may choose not applicable or a percentage to be met by each partner in the case of a JV.
For 1.4.1 (a) in the case of complex works, the Employer may require each partner to demonstrate one satisfactorily completed contract of similar size where such partner's value of participation exceeds, for example, 25% of the subject contract value.

1.4.2 Construction Experience in Specialized Key Activities which may be met by the Bidder or Specialist Subcontractors *(optional)*[20]

The Employer accepts any of the following activities to be subcontracted. They may be complied with by the Bidder itself or by its proposed Specialist Subcontractor(s).

If any of the below technical requirements under 1.4.2 is/are to be undertaken by a Specialist Subcontractor, the Employer shall require evidence of the subcontracting agreement from the Bidder. The experience of Specialist Subcontractors shall be considered only for the following stipulated technical requirements and other aspects of qualification criteria (e.g. value of contracts under 1.4.1 (a) and (b) above, and their financial resources, etc.) shall not be added to and cannot be combined with those of the Bidder for purposes of qualification of the Bidder.

Criteria	Compliance Requirements		Documents
Requirement	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
For the above or other contracts executed during the period stipulated in 1.4.1, a minimum construction experience is required in the following key activities:	Must meet requirement	Must meet requirement	Form EXP – 2[b]
4 *[..Technical Requirement 4..]*			
5 *[..Technical Requirement 5..]*			
6 *[..Technical Requirement 6..]*			

[20] The 1.4.2. "key activities" criterion should only test the Bidder's experience or its specialized subcontractor(s)' experience, in performing highly specialized construction activities (e.g., tunneling, dredging, and bridge construction).

22

Deleted Criteria

ADB

1.2.4 Declaration: Environmental, Health, and Safety Past Performance

Criteria	Compliance Requirements				Documents
		Joint Venture			
Requirement	Single Entity	All Partners Combined	Each Partner	One Partner	Submission Requirements
Declare any contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the noncompliance of any environmental, health, and safety contractual obligations in the past 5 years[a]	Must make the declaration. If the bidder proposes Specialist Subcontractor/s to meet EQC 1.4.2, those Specialist Subcontractor/s must also make the declaration	Not applicable	Each partner must make the declaration. If the bidder proposes Specialist Subcontractor/s to meet EQC 1.4.2, those Specialist Subcontractor/s must also make the declaration	Not applicable	Form CON – 2

[a] The Employer may use this information to seek further information or clarifications regarding corrective actions undertaken by the contractor during the bidding stage and the associated due diligence.

1.5 Organizational Environmental, Health, and Safety System[18]

1.5.1 Environmental, Health, and Safety Certification

Criteria	Compliance Requirements		Documents
Requirement	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
Availability of a valid International Organization for Standardization (ISO) certification or internationally recognized equivalent (equivalency to be demonstrated by the Bidder), and applicable to the worksite: 1. .... 2. .... 3.	Must meet requirements	One member must meet requirements Or All members must meet requirements	Form EXP – 4

1.5.2 Environmental, Health, and Safety Documentation

Criteria	Compliance Requirements		Documents
Requirement	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
Availability of in-house policies and procedures for Environmental, Health, and Safety (EHS) management: For example: 1. Existence of an Ethics Charter. 2. Existence of a system for monitoring compliance with EHS commitments for the Bidder's Subcontractors and all its partners. 3. Existence of official company procedures for the management of the following: a. .... b. .... c. .... d. .... e.	Must meet requirements	One member must meet requirements Or All members must meet requirements	Form EXP – 5

1.5.3 Environmental, Health, and Safety Dedicated Personnel

Criteria	Compliance Requirements		Documents
Requirement	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
Availability of in-house personnel dedicated to Environmental, Health, and Safety (EHS) issues: 1. .... 2.	Must meet requirements	One member must meet requirements Or All members must meet requirements	Form EXP – 6

Associated Forms are deleted as well

23

2024

2.1 Technical Evaluation

2.1.1 Determination of Substantial Responsiveness

Prior to scoring the technical factors and/or sub-factors of the technical proposal, a determination of responsiveness shall be carried out in accordance with ITB 30 and ITB 31. This determination may include the verification of the following criteria:

Criteria	Compliance	Documents
Requirement	Single Entity or Joint Venture	Submission Requirements
Compliance to the requirement for a defined completion time (when no alternative completion time is allowed).	Must meet requirement without material deviation, reservation, or omission	Technical Proposal
Responsiveness of the bidder's Environmental, Health, and Safety Management Plan (EHSMP) to the requirements of the project Environmental Management Plan (EMP).	Must meet requirement without material deviation, reservation, or omission	Technical Proposal
Compliance to other sustainable procurement, if applicable.	Must meet requirement without material deviation, reservation, or omission	Technical Proposal
Other compliance requirements indicated in the Bidding Document.	Must meet requirement without material deviation, reservation, or omission	Technical Proposal

2026

ADB

2.1 Technical Evaluation

2.1.1 Determination of Substantial Responsiveness

Prior to scoring the technical factors and/or sub-factors of the technical proposal, a determination of responsiveness shall be carried out in accordance with ITB 30 and ITB 31. This determination may include the verification of the following criteria:

Criteria	Compliance	Documents
Requirement	Single Entity or Joint Venture	Submission Requirements
Compliance to the requirement for a defined completion time (when no alternative completion time is allowed).	Must meet requirement without material deviation, reservation, or omission	Technical Proposal
Responsiveness of the bidder's Environmental and Social Management Plan (ESMP) to the requirements of the project's Environmental and Social Impact Assessment (ESIA), Environmental and Social Management Plan (ESMP), and Labor Management Plan (LMP) [1].	Must meet requirement without material deviation, reservation, or omission	Technical Proposal
Responsiveness of the bidder's proposal demonstrating bidder's approach to fulfilling the 50% local labor requirement[2]	Must meet requirement without material deviation, reservation, or omission	Technical Proposal
Compliance with other sustainable procurement, if applicable.	Must meet requirement without material deviation, reservation, or omission	Technical Proposal
Other compliance requirements indicated in the Bidding Document.	Must meet requirement without material deviation, reservation, or omission	Technical Proposal

[1] Following the E&S risk assessment, the Employer may issue other stand-alone assessment and management E&S documents of the project (such as Health and Safety Management Plan, Emergency Response Plan, SEAH Management Plan, etc.) and require the submission of standalone E&S management documents (e.g. Bidder's SEAH Management Plan).
[2] All ADB-financed works contracts with international advertisement must ensure that at least 50% of the total project labor force (by person-days) is sourced within the country, except where ADB approves otherwise in writing.

If the technical proposal is declared not substantially responsive to the requirements of the Bidding Document, the Bid shall be rejected, and it shall not be evaluated further. However, noncompliance with equipment requirements described in Section 6 (Works' Requirements) shall not normally be a ground for bid rejection, and such noncompliance will be subject to clarification during bid evaluation and rectification prior to contract award.

24

2024

2026

Technical Factors	Weightings (1)	Scores (2)	Weighted Score (1) x (2)
1. Approach and Methodology	70%	(max = 100)	T1
2. Key Personnel Qualifications	30%	(max = 100)	T2
TOTAL	100%		T

Technical Factors[1]	Weightings (1)	Scores (2)	Weighted Score (1) x (2)
1. Approach and Methodology	50-90…%	(max = 100)	T1
2. Key Personnel Qualifications	0-20…%	(max = 100)	T2
3. E&S Requirements	0-20…%	(max = 100)	T3
4. Sustainability Requirements	0-25…%	(max = 100)	T4
TOTAL	100%		T

Score	Narrative Evaluation Criteria
Excellent (90–100)	Significantly exceeds the requirements. Exceptional demonstration by the bidder showing it has the relevant experience, ability, understanding, skills, and resources required to properly deliver the project on time. Response identifies factors that could offer potential added value. Excellent supporting evidence provided.
Good (80–89)	Marginally exceeds the requirements. Above-average demonstration by the bidder showing that it has the relevant experience, ability, understanding, skills, and resources required to deliver the project on time. Good supporting evidence provided.
Acceptable (70–79)	Satisfies the requirements. The bidder has demonstrated that it has the relevant experience, ability, understanding, skills, and resources required to deliver the project on time. Sufficient supporting evidence provided.
Some Reservation (50–69)	The submission does not fully meet the requirements and the bidder has not sufficiently demonstrated that it has the relevant experience, ability, understanding, skills, and resources necessary to deliver the project on time. Insufficient supporting evidence provided.
Unacceptable (0–49)	Feature is absent. Does not comply and/or provides scarce information to demonstrate that the bidder has the ability, understanding, experience, skills, and resources required to deliver the project on time.

10	Outstanding	Submission exceeds expectations and requirements in all aspects of the criterion. Exceptional understanding of the criterion is demonstrated through superior methodology supported by clear and credible evidence. Submission includes major innovation and value-added features with a clear implementation plan for proposed features.
9	Excellent	Submission exceeds expectations and requirements in most aspects of the criterion. Excellent understanding of the criterion is demonstrated through well-articulated methodology supported by strong evidence. Submission includes major innovation and value-added features but lacks an implementation plan for proposed features.
8	Good	Submission exceeds expectations and requirements in some aspects of the criterion. Good understanding of the criterion is demonstrated through structured and well-developed methodology supported by reasonable and verifiable evidence. Submission includes some innovation and value-added features with an implementation plan for proposed features.
7	Above average	Submission meets expectations and requirements in all aspects of the criteria. Sound understanding of the criterion is demonstrated through a thorough methodology with no weakness and supported by reasonable evidence but is difficult to verify. Submission includes minor innovation and value-added features but lacks an implementation plan for proposed features.
6	Average	Submission meets expectations and requirements in most aspects of the criterion. Adequate understanding of the criterion is demonstrated through a competent methodology with negligible weakness. Submission includes no innovation or value-added features.
5	Below average	Submission meets requirements in some aspects of the criterion. Understanding of the criterion is below average, and methodology contains minor weaknesses. Submission provides sufficient assurance of ability to deliver the criterion.
4	Marginal	Submission marginally meets requirements of the criterion. Methodology demonstrates some understanding of the criterion with some weakness. Submission provides moderate assurance of ability to deliver the criterion.
3	Poor	Submission fails to meet most requirements of the criterion. Methodology has major weakness and/or discrepant information. Submission provides little assurance of ability to deliver the criterion.
2	Very poor	Submission fails to meet major requirements of the criterion. Methodology has substantial weaknesses and/or irrelevant information. Submission provides no assurance of ability to deliver the criterion.
1	Unacceptable	Submission fails to meet all requirements of the criterion. Methodology has significant omissions or irrelevant information.

2026

Section 4: Bidding Forms

Technical Proposal

NOTE

The Employer may substitute, delete, or add other information specifying the activities that the Bidders shall describe in their Bid. For each of the forms hereinafter, the Employer may consider specifying a maximum page limit.

The technical proposal is expected to include as a minimum information described in the following forms:

(i) Construction Management Strategy;
(ii) Construction Methods for Key Component;
(iii) Construction Schedule;
(iv) Quality Assurance and Quality Control;
(v) Bidder's Environmental and Social Management Plan;
(vi) Anticipated Risks Evaluation;
(vii) Personnel and Organizational Chart;
(viii) Personnel ;
(ix) Equipment; and
(x) List of Subcontractors.
(xi) Local Participation Plan

Formation of Contract

ADB

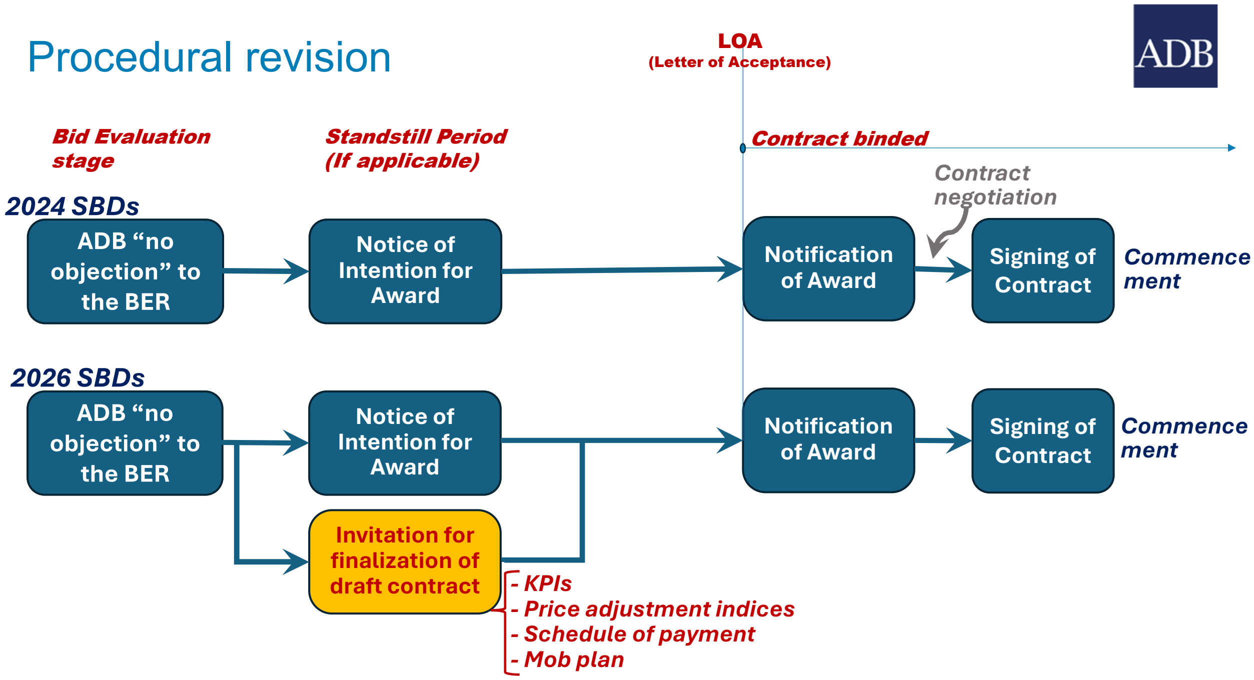
Section 1: Instructions to Bidders

New

27

Procedural revision

ADB



28

SECTION 1: INSTRUCTIONS TO BIDDERS

44. Invitation to Finalization of the Draft Contract Before Notification of Award[17]

44.1 Prior to the expiration of the period of bid validity, the Employer shall invite the successful Bidder to finalize the provisions of the draft contract, before issuing the Notification of Award through issuance of the Letter of Acceptance.

44.2 Invitation for finalization of the draft contract shall be done through the issuance of the corresponding form in Section 9 (Contract Forms) to the successful Bidder, in writing.

44.3 This step must be finalized as soon as possible, but no later than 14 days.

45. Standstill Period

45.1 The purpose of a standstill period is to allow unsuccessful bidders an opportunity to challenge an intended contract award decision before the actual notification of award. If standstill provisions apply this shall be defined in the BDS to specify the duration subsequent to notification of intention for award of contract (before issuing the Notification of Award as per ITB 46) within which any unsuccessful bidder can challenge the proposed award.

45.2 If standstill period applies, unsuccessful bidders may request a debriefing request during the standstill period.

45.3 In the event there are any complaints during the standstill period, prior to issuance of the Notification of Award, it will be a condition that the Employer satisfactorily addresses the complaint. However, continuation of a complaint shall not be a ground for the Employer not to proceed in accordance with ITB 46.

45.4 If the standstill period does not apply, upon notification of award through the issuance of a Letter of Acceptance under ITB 46.1, unsuccessful Bidders may request in writing to the Employer for a debriefing seeking explanations on the grounds on which their Bids were not selected. The Employer shall promptly respond in writing and/or in a debriefing meeting to any unsuccessful Bidder who, after publication of contract award, requests a debriefing.

Section 9: Contract Forms

Invitation to Finalization of the Draft Contract Before Notification of Award

[*on letterhead paper of the Employer*]

[*date*]

To: [*Name and address of the bidder*]
Subject:
Contract No. [*please specify*]

This is to notify you that your Bid dated [*date*] for execution of the [*name of the contract and identification number, as given in the Bid Data Sheet*] is hereby found as the Most Advantageous Bid by our Agency.

You are hereby invited to discussions to finalize the draft contract, through *[…enter means of discussions, such as in-person meetings, venue, or electronic correspondence….]*. The discussions on the finalization of the draft contract will include the topics given in the Attachment to this Invitation.

Authorized Signature: ....
Name and Title of Signatory: ....
Name of Agency: ....

Attachment: Topics to be discussed during finalization of the draft contract.

NOTE

The invitation to finalization of the draft contract provisions shall consider the following:

Finalization of draft contract can be made through in-person meetings or through correspondence, including electronic means through authorized emails of the parties to the draft contract.

During the discussions for finalization of the draft contract, no substantial changes shall be made to the Bid of the Bidder, scope of the Works, provisions of the Contract or any other aspects of the Bidding Documents, which would unfairly affect the competitive position of other bidders.

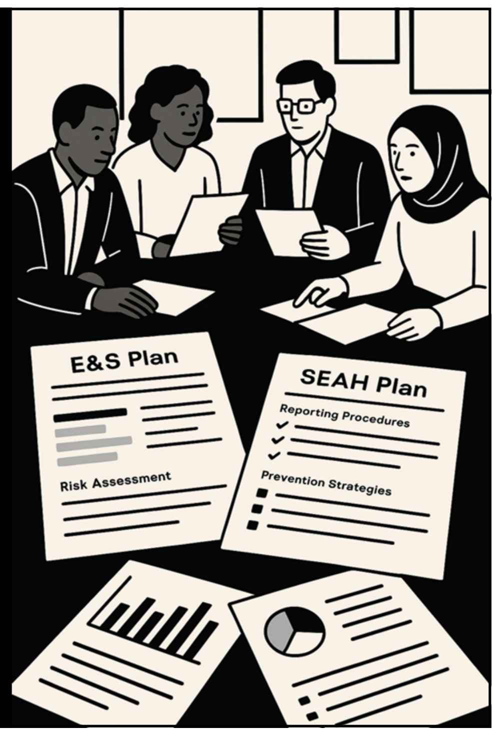
Without prejudice to the above, discussions during finalization of the draft contract may include, if applicable, the following; finalization of price adjustment indices, KPIs in relation to the Bid of the successful Bidder which have been scored under MPC, schedules of payment currencies, mobilization plan, construction seasons, and any other matters which need clarification prior to issuance of Notification of Award.

Parties shall take into account that the finalization of the draft contract provisions is not a negotiation stage, but clarification and finalization of various aspects within the Contract, before signing of the contract. At this stage, the Employer shall not use this step to reject the Bid of the Bidder and move to the second ranked Bidder, or the successful Bidder shall not refuse to sign the Contract based on any disagreements. If such circumstances arise, the Employer shall seek ADB's no-objection prior to declaring that a contract with the successful bidder cannot be signed.

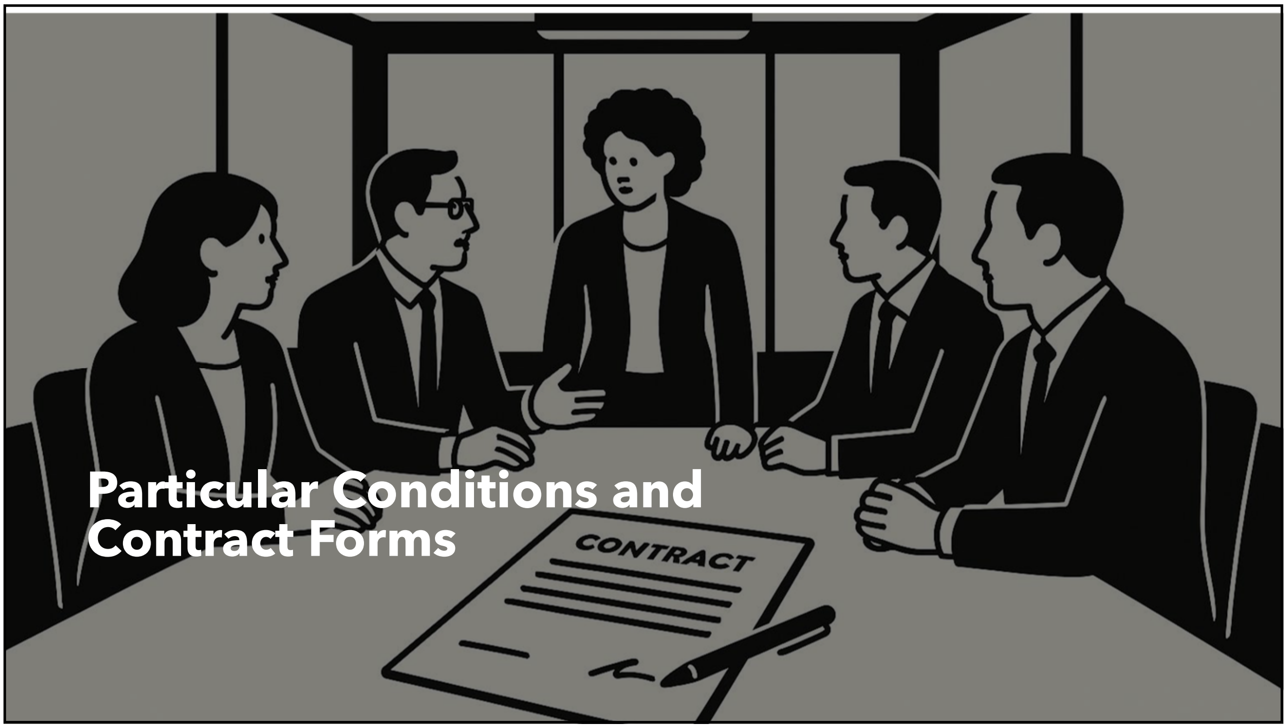
29

ADB ESF 2024 INTEGRATION

- SBD fully incorporates ADB's ESF 2024, enhancing compliance and strengthening environmental and social framework.
- Mandatory E&S and SEAH plans
- ITB updates
- EQC updates
- Contract Conditions/Forms updated



30



Particular Conditions and Contract Forms

31

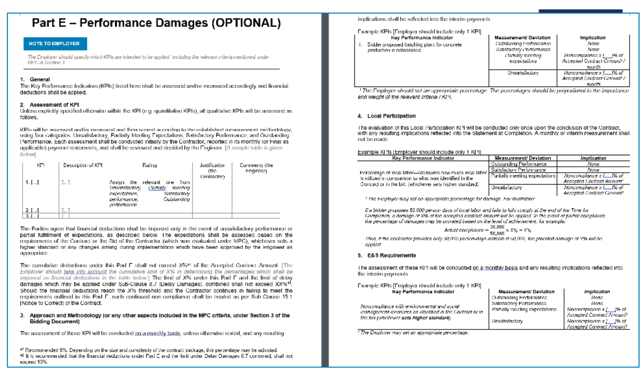
Additions

Particular Conditions

- Milestones
- Local Participation Provisions
- Part E – Performance Damages (OPTIONAL)
- Part F – Bonuses (OPTIONAL)

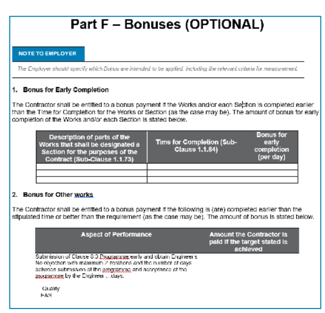
Contract Forms

- Invitation to Finalization of the Draft Contract Before Notification of Award
- Beneficial Ownership Disclosure Form
- Environmental and Social Code of Conduct (moved from Section 4 to Section 9)



Part E – Performance Damages (OPTIONAL)

NOTE TO EMPLOYER



Part F – Bonuses (OPTIONAL)

NOTE TO EMPLOYER

1. Bonus for Early Completion

2. Bonus for Other works

32

Milestones

- Contractual milestones are predefined key points or stages in the project timeline that the Contractor is required to achieve by specific dates.
- These are in addition to the Time for Completion of the Works or Sections.
- Enables the Employer/ Engineer to assess progress against the already identified milestones.
- Early identification of delays or risks.
- Supports proactive decision-making.
- Support fair payments

33

KPIs and Bonuses

- **Defining the KPIs and Bonuses:** Must be clearly defined at contract award to avoid ambiguity and disputes during implementation.
- Defining the damages and bonuses in terms of monetary values
- **Agreeing the achievement rate during the implementation:** avoid an "all-or-nothing" approach, KPI performance should be assessed using achievement rate
- **If damages are applied, should have a reasonable cap considering other liabilities such as Delay Damages:** To prevent disproportionate financial exposure, maintain Contractor solvency and motivation, reduces dispute escalation, Aligns with common risk sharing mechanism

KPIs
- Specific and measurable
- Objectively verifiable
- Within the Contractor's reasonable control
- Aligned with Employer's project objectives
- Linked directly to incentives or damages

Bonuses
- Be predetermined and transparent
- Be payable under specific, measurable conditions
- Encourage performance beyond minimum compliance

34

ADB

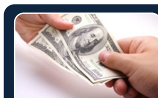
Consultant Contract

35

ADB

Why Pursue ADB-financed Consultant Contracts?

Gateway to new opportunities in fast growing emerging economies across multiple sectors



Availability of funds is assured

Internationally accepted procurement procedures

Risks related to transparency, fairness and integrity of procurement processes mitigated through ADB oversight

36

ADB

Main Differences

Loan/ Grant

Selected by	EA (ADB reviews)
Contracted by	EA
Rules	Policy/Regulations/ Staff Instructions
Systems	Mainly Offline – SRFP
Complaints	EA

Technical Assistance/ Staff Consultancy

Selected by	ADB
Contracted by	ADB
Rules	Policy/Staff Instructions
Systems	CMS
Complaints	ADB

37

ADB

Types of Consultant

Firms

Private Sector
CSO/NGO
Universities
International Organizations

Individuals

Private Individual
Individual through firm
Resource Person

38

ADB

Eligibility

Generally, a consultant must be from ADB member (incorporation/ citizenship/ right to work).

- Certain exceptions, depending on funding source which can expand or restrict eligibility.
- Experts employed by eligible consulting firm under a firm contract considered eligible, regardless of nationality.
- Refer to CSRN / RFP.

Specific rules apply for

- Conflict of interest.
- Government Organizations and Civil Servants, including State-Owned Universities.
- Consultants currently engaged by ADB or the EA.
- Former ADB staff and ADB staff spouses.

Must not be

- Subject to an ADB debarment or temporary suspension (ADB's Anticorruption Policy/ Integrity Principles and Guidelines).
- Suspended by ADB for poor performance.

39

ADB

Summary of ADB Recruitment Process – for Firms

1 Detailed TOR and budget

2 Advertisement

3 Shortlisting

4 Request for Proposals

5 Evaluation

6 Negotiations

7 Contracting and Management

40

Individual Consultants ADB administered

1. CSRN posted on adb.org →
2. Expressions of Interest received through CMS and evaluated →
3. Non-committal inquiry (NCI) sent to shortlist
4. Contract offer made. (Rate negotiations may follow.) →
5. Notice to Proceed will be issued signaling mobilization.

41

Technical Assistance Non-Consulting Services

Only Applies to Technical Assistance Funded

"Non-consulting" services are

- Services where the physical aspects predominate (surveys, IT implementation)
- Routine services using standardized approaches (standard audits, translation, event management)

Individuals or Firms

National (if available locally) or international

42

ADB

Technical Assistance Non-Consulting Services

Request for quotation

Simple services - 3 bids – simple services

Limited Competitive Bidding

Invitation for Bids (to limited number of firms)

Open competitive bidding

Request for Proposals (seek to evaluate technical aspects)

Invitation for Bids (for standardized services)

43

ADB

THANKS

44

Factors to be considered by the Bidder before bidding

ADB

Factor	What the Bidder should consider
National/International Advertisement	Confirm that the contract is nationally/ internationally advertised and obtain the bidding documents through the channels specified in the Invitation for Bids (IFB).
Sanction/Debarred and Eligibility	Confirm you are not sanctioned or debarred. Confirm eligibility to participate in accordance with the bidding documents and the list of eligible countries.
Technical Requirements	Ensure the proposed goods, works, or services comply with the required technical specifications, performance requirements, internationally accepted standards (or substantially equivalent standards), testing, warranty, and maintenance requirements.
Qualification Requirements	Verify that the firm possesses the required professional, technical, and financial capacity to perform the contract successfully.

Factors to be considered by the Bidder before bidding

ADB

Factor	What the Bidder should consider
Domestic Preference	Determine whether domestic preference will be applied during bid evaluation, if stated in the procurement plan and bidding documents.
Contract Conditions	Review the General and Particular Conditions of Contract, including performance security, warranties, payment provisions, and contractual obligations.
Clarifications	Raise any ambiguity, contradiction, or omission before bid submission through the clarification process mentioned in the bid document.
Addenda	Review and incorporate all amendments or addenda issued before bid submission.
Bid Preparation Period	Plan bid preparation within the available time. The Guidance Note indicates that **6 weeks is generally sufficient for internationally advertised contracts**, depending on complexity.
Complete and Responsive Bid	Submit a fully responsive and compliant bid with all required supporting documents, as the bidder is responsible for the completeness of its submission.

Foreign Currency

ADB

If the bidders wish to express the bid price as a sum of amounts in local currency or any fully convertible foreign currencies, they may do so.

However, for "works", the borrower may require bidders to state the bid price entirely in the local currency, along with the requirements for payments in foreign currencies of their choice for expected inputs from outside the borrower's country, expressed as a percentage of the bid price, together with the exchange rates used in such calculations.

The bidders must,

- Review the bidding documents for permitted bid and payment currencies. If mentioned in bid document, a bidder can quote in multiple currencies
- For internationally advertised contracts, verify the currency requirements specified in the bidding documents.
- Consider potential foreign exchange risks and applicable contract provisions, including price adjustment, where provided

Payments

- Confirm eligibility to make or receive payments through the international banking system.
- Provide complete and accurate bank account and wire transfer details, where required.
- Declare any banking, regulatory, or payment restrictions that may affect international fund transfers.

47

47

Arbitration Clause

ADB

Pending litigation and arbitration should be specified in the bidding document to range between 50% and 100% of the bidder's net worth for the bidder to be eligible.

Bidder must,

- Review the dispute resolution provisions in the **General Conditions of Contract (GCC)** and **Particular/Special Conditions of Contract (PCC)** before bidding.
- Understand the contractual dispute resolution mechanism applicable to the contract.

Procurement of Works: Small Contracts Standard Bidding Document for Single-Stage: Two-Envelope Bidding Procedure Without Prequalification, for projects with MPC and ESF

GCC 30.3	The Adjudicator shall be paid by the hour at the rate of: [*insert rate*]. The reimbursable expenses are: [*insert reimbursable expenses*]
GCC 30.4	Institution whose arbitration procedures shall be used: [*select from below*] (a) **Contracts with foreign contractors:** International arbitration shall be conducted in accordance with the rules of [*insert here the preferred international arbitration rules*]. If no rules have been specified, then Rules of the Singapore International Arbitration Centre (SIAC) shall apply. Arbitration shall be administered by [*insert institution here*]. If no institution has been specified, then SIAC shall be the institution to administer the arbitration. The place of arbitration shall be: the place of the institution administering the arbitration. (b) **Contracts with domestic contractors:** Arbitration shall be conducted in accordance with the laws of the Employer's country.

48

48