



**Comhairle Cathrach  
Bhaile Átha Cliath**  
Dublin City Council

**DEVELOPMENT AGREEMENT TO DELIVER 'BLOCK C' – THE MIXED-USE  
COMPONENT OF THE DUBLIN CITY COUNCIL EMMET ROAD DEVELOPMENT SITE IN  
INCHICORE, DUBLIN 8**

**PQQ RESPONSE DOCUMENT**

|   |   |
|---|---|
| <b>Procedure:</b>   | Competitive Procedure with Negotiation                            |
| <b>eTenders Ref:</b>  | 8447771   |
| <b>Issue Date:</b>  | 25 June 2026  |
| <b>Query Closing Date and Time:</b>                             | 10 July 2026 12:00 (noon)   |
| <b>PQQ Closing Date and Time:</b>                               | 28 July 2026 12:00 (noon)   |
| <b>PQQ Response Document /<br/>Queries to be submitted via:</b> | <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a> only |
| <b>Candidate Name:</b>  | [Candidate to insert here]  |

## INSTRUCTIONS TO CANDIDATES

This PQQ Response Document is governed by the terms and conditions set out in the accompanying Project Information Memorandum. Capitalised terms and expressions used in this PQQ Response Document shall have the meaning given to them in the Project Information Memorandum.

Candidates must complete this PQQ Response Document as fully as possible and in accordance with the instructions herein and in the Project Information Memorandum. The PQQ Response Document shall be evaluated in accordance with the methodology set out in the Project Information Memorandum.

The information requested in the PQQ Response Document should be submitted in English. Where copies of original documents are provided in languages other than English, a complete, accurate and certified English translation must be provided, or the documents will not be considered. In the event of any discrepancy or difference between various languages, the version in the English language will prevail.

All financial information should be denominated in Euro, except where financial information is being provided in a certified or audited supporting document such as a set of financial statements, in which case it is sufficient for the information to remain in its original currency. Other currencies will be converted to euro at the Allied Irish Bank rate prevailing in Dublin on the date of submission of the PQQ Response Document.

Each part of the PQQ Response Document must be completed. No section/sub-section is to be left blank. If a Candidate considers a section not relevant, it should be clearly marked "not relevant" or "N/A". Where documentation is provided in response to any section in the PQQ Response Document, it shall be **appended** to this PQQ Response Document and **clearly marked** with a correct reference to the part of the PQQ to which it is relevant.

Where the same supporting information is required in respect of more than one question in the PQQ Response Document, it need only be provided once, but its location within the PQQ Submission should be cross-referenced clearly and unequivocally in all other responses to questions that seek to rely on it, otherwise it will not be taken into account.

Candidates are permitted to add additional lines to the pro-forma tables and boxes or replicate existing tables and boxes set out within the PQQ Response Document as required but are not permitted to adjust the headings or questions as they appear or otherwise interfere with the format of the PQQ Response Document.

**The Contracting Authority will not under any circumstances give any consideration to any part of a response that exceeds a specified page limit where applied.** Hyperlinks to other documents will not be considered. Candidates should use **calibri font size 11**.

Candidates are required to provide all of the details that they consider necessary to provide a full response to each question or item set out herein. It should be noted that the non-provision of any information requested, insufficient detail to adequately explain any part of the PQQ Response Document, or any failure to comply with the express provisions of the PQQ Documentation or to supply any information sought may be considered grounds for exclusion from the Competition. Please note that responses may be incorporated into any contract subsequently awarded.

For the avoidance of doubt, it is emphasised that the information requested in the PQQ Response Document is aimed at determining the capability and capacity of Candidates to meet the potential requirements of the Development Agreement that may be awarded pursuant to this Competition. Only at the Tender Phase will Tenderers be invited to submit information on how they propose to respond to the specific requirements of the Development Agreement.

## IMPORTANT INFORMATION

Candidates should consider carefully the requirements of this PQQ Response Document and ensure that they provide all requested information in respect of relevant entities, including (where applicable) Consortium Members and Other Entities.

| PART A - LEGAL REQUIREMENTS |   |  |
|-----------------------------|---|--|
| <b>A1</b>                   | <b>Candidate Summary and Statement</b>          | <p>Each Candidate <b>must</b> complete Part A1.</p> <p>If the Candidate is a Consortium, Part A must be completed by the Consortium Lead Member in respect of each Consortium Member.</p> <p>Failure to provide the required information may result in elimination.</p>  |
| <b>A2</b>                   | <b>Declaration as to Personal Circumstances</b> | <p>Each Candidate <b>must</b> submit a sworn Declaration as to Personal Circumstances in the form set out in <i>Annex 1</i>.</p> <p>If the Candidate is a Consortium, each Consortium Member <b>must</b> submit a sworn Declaration as to Personal Circumstances.</p> <p>If a Candidate (or where the Candidate is a Consortium, a Consortium Member) seeks to rely on the resources of an Other Entity <u>to meet the requirements of this PQQ Response Document</u>, that Other Entity <b>must</b> also submit a sworn Declaration as to Personal Circumstances.</p> <p>If grounds for exclusion apply, the Candidate may be eliminated from the Competition in accordance with the Regulations.</p> <p>Failure to provide the required information may result in elimination.</p> |
| <b>A3</b>                   | <b>Tax Compliance</b>                           | <p>Each Candidate <b>must</b> complete Part A3 in relation to tax compliance.</p> <p>If the Candidate is a Consortium, information <b>must</b> be provided in Part A3 in respect of each Consortium Member.</p> <p>If the Candidate (or where the Candidate is a Consortium, any Consortium Member) relies on any Other Entity <u>to meet the requirements of this PQQ Response Document</u>, information <b>must</b> be provided in Part A3 in respect of each such Other Entity.</p> <p>If the requirements of A3 are not met, the Candidate shall be eliminated from the Competition.</p>   |

| <b>PART B - PASS/FAIL CRITERIA</b> |   |   |
|------------------------------------|---|---|
| <b>B1</b>                          | <b>Insurances</b>                         | <p>Each Candidate <b>must</b> complete Part B1 in relation to insurances.</p> <p>If the Candidate is a Consortium, information <b>must</b> be provided in Part B1 in respect of each Consortium Member.</p> <p>If the requirements of Part B1 are not met, the Candidate shall be eliminated from the Competition.</p>  |
| <b>B2</b>                          | <b>Minimum Turnover and Audit Opinion</b> | <p>Each Candidate <b>must</b> complete Part B2 in relation to turnover.</p> <p>If the Candidate is a Consortium, information <b>must</b> be provided in Part B2 in respect of each Consortium Member.</p> <p>If the Candidate (or where the Candidate is a Consortium, any Consortium Member) relies on any Other Entity to meet the turnover requirements, information <b>must</b> be provided in Part B2 in respect of each such Other Entity and this information will be evaluated in lieu of any such information relating to the relevant Candidate (or Consortium Member) who is relying on that support.</p> <p>If the requirements of Part B2 are not met, the Candidate shall be eliminated from the Competition.</p> |
| <b>B3</b>                          | <b>Banker's letter</b>                    | <p>Each Candidate <b>must</b> provide a Banker's Letter in accordance with Part B3.</p> <p>If the Candidate is a Consortium, a Banker's Letter must be provided in respect of each Consortium Member.</p> <p>If the Candidate (or where the Candidate is a Consortium, any Consortium Member) relies on any Other Entity to meet the financial capacity requirements of this PQQ, a Banker's Letter must also be provided in respect of each such Other Entity.</p> <p>If the requirements of Part B3 are not met, the Candidate shall be eliminated from the Competition.</p>  |
| <b>B4</b>                          | <b>Ability to Pay Debts</b>               | <p>Each Candidate (or, where the Candidate is a Consortium, each Consortium Member) and any Other Entity whose resources are relied on (if applicable) <b>must</b> confirm in Part B4 that it has sufficient financial standing to pay its debts as they fall due, having regard to its current statement of assets and liabilities.</p> <p>Failure to provide this confirmation shall result in the Candidate being eliminated from the Competition.</p>   |
| <b>B5</b>                          | <b>Development Bond</b>                   | <p>The Candidate <b>must</b> confirm in Part B5 that it is in a position to obtain a Development Bond as specified therein.</p>   |

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|---------------------------------|---|---|
|                                 |   | Failure to provide this confirmation shall result in the Candidate being eliminated from the Competition.   |
| <b>PART C - SCORED CRITERIA</b> |   |   |
| <b>C1</b>                       | <b>Financial Robustness</b><br><br><b>(30%)</b>                 | <p>Each Candidate <b>must</b> complete Part C1 in relation to its economic and financial standing.</p> <p>If the Candidate is a Consortium, information <b>must</b> be provided in Part C1 in respect of each Consortium Member.</p> <p>If the Candidate (or where the Candidate is a Consortium, any Consortium Member) relies on any Other Entity to meet the economic and financial standing requirements, information <b>must</b> be provided in Part C1 in respect of each such Other Entity and this information will be evaluated in lieu of any such information relating to the relevant Candidate (or Consortium Member) who is relying on that support.</p> <p><u>Maximum available marks for C1: 3,000</u></p> <p><u>Minimum marks to be obtained</u> – see Question C1 for details. If the specified requirement is not met, the Candidate shall be eliminated from the Competition.</p> |
| <b>C2</b>                       | <b>Project Experience</b><br><br><b>(40%)</b>                   | <p>Each Candidate (or Consortium) <b>must complete</b> Part C2 demonstrating previous project experience.</p> <p>If the Candidate is a Consortium, reference projects can be provided in Part C2 by any Consortium Member. Two reference projects are to be provided in total.</p> <p>If the Candidate (or where the Candidate is a Consortium, any Consortium Member) relies on any Other Entity for previous technical experience, that Other Entity's experience will be evaluated (in which case the Other Entity will be expected to be involved in delivering the Project.)</p> <p><u>Maximum available marks for C2: 4,000</u></p> <p><u>Minimum mark to be obtained</u> – see Question C2 for details. If the specified minimum marks are not obtained, the Candidate shall be eliminated from the Competition.</p>   |
| <b>C3</b>                       | <b>Commercial asset management experience</b><br><br><b>30%</b> | <p>Each Candidate (or Consortium) <b>must complete</b> Part C3 demonstrating commercial asset management experience.</p> <p>If the Candidate is a Consortium, reference projects can be provided in Part C3 by any Consortium Member. Two reference projects are to be provided in total.</p> <p>If a Candidate (or where the Candidate is a Consortium, any Consortium Member) relies on any Other Entity to satisfy the requirements, that Other</p>  |

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|--|--|--|
|  |  | <p>Entity's experience will be evaluated (in which case the Other Entity will be expected to be involved in delivering the Project.)</p> <p><u>Maximum available marks for C3: 3,000</u></p> <p><u>Minimum mark to be obtained</u> – see Question C3 for details. If the specified minimum marks are not obtained, the Candidate shall be eliminated from the Competition.</p> |
|--|--|--|

## PART A – LEGAL REQUIREMENTS

### A1 – CANDIDATE SUMMARY AND STATEMENT

|   |  |
|---|--|
| <b>Candidate name or (if Consortium) Consortium Lead Member name:</b>   | [insert details here and below]  |
| Contact Name:   |  |
| Position:   |  |
| Registered Office Address:  |  |
| Telephone (Office):   |  |
| Telephone (Mobile):   |  |
| Email:  |  |
| Date of Establishment:  |  |
| Legal Status (Company, Sole Trader, etc.):  |  |
| Proposed Role:  |  |
| VAT No.:  |  |
| Are you an SME (Small and Medium Enterprise) as defined in Commission Recommendation 2003/361/EC <sup>1</sup> ? | Yes/No (delete as applicable)  |
| <b>Consortium Members (if any)<sup>2</sup></b>  | <b>Only complete the sections below if Candidate is a Consortium<sup>3</sup></b> |
| <b>Consortium Member #2 name:</b>   | [insert details here and below]  |
| Contact Name:   |  |
| Position:   |  |
| Registered Office Address:  |  |
| Telephone (Office):   |  |
| Telephone (Mobile):   |  |
| Email:  |  |
| Date of Establishment:  |  |
| Legal Status (Company, Sole Trader, etc.):  |  |
| Proposed Role:  |  |
| VAT No:   |  |

<sup>1</sup> Definition as per 2003/361/EC: The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million.

<sup>2</sup> See section 4.3 of the Project Information Memorandum for the definition of a Consortium and Consortium Member.

<sup>3</sup> While a Consortium is not required to assume any particular form for the purposes of submitting a PQQ Response Document, the Contracting Authority reserves the right, prior to the award of the Development Agreement, to require the successful Consortium to assume a particular legal form.

|   |  |
|---|--|
| Are you an SME (Small and Medium Enterprise) as defined in Commission Recommendation 2003/361/EC? | Yes/No (delete as applicable)          |
| <b>Consortium Member #3 name (if any)<sup>4</sup></b>   | <b>[insert details here and below]</b> |
| Contact Name:   |  |
| Position:   |  |
| Registered Office Address:  |  |
| Telephone (Office):   |  |
| Telephone (Mobile):   |  |
| Email:  |  |
| Date of Establishment:  |  |
| Legal Status (Company, Sole Trader, etc.):  |  |
| Proposed Role:  |  |
| VAT No.:  |  |
| Are you an SME (Small and Medium Enterprise) as defined in Commission Recommendation 2003/361/EC? | Yes/No (delete as applicable)          |

|   |                               |  |
|---|-------------------------------|--|
| <b>RELYING ON OTHER ENTITIES<sup>5</sup></b>  |                               |  |
| <b>If the Candidate (or any Consortium Member) wishes to rely on the resources of any third party (including any sub-contractor) to meet the requirements of this PQQ Response Document, full details must be provided below.</b> |                               |  |
| <b>Name of Candidate/Consortium Member relying on Other Entity</b>  | <b>Name of Other Entity</b>   | <b>Identify what financial or technical resources are being relied upon to meet PQQ requirements</b> |
| [insert details here and below]   |                               |  |
|   |                               |  |
|   |                               |  |
| <b>Have Letters of Support<sup>6</sup> been provided by each of the Other Entities referred to above and are they appended to this PQQ Response Document?</b>   | Yes/No (delete as applicable) |  |

<sup>4</sup> Insert further lines if there are additional Consortium Members.

<sup>5</sup> Refer to section 4.4 of the Project Information Memorandum.

<sup>6</sup> See Annex 2.

| CONSTRUCTION CONTRACTOR AND OTHER SUB-CONTRACTORS (if known) |               |
|--|---------------|
| Name   | Proposed Role |
| [insert details here and below]                              |               |
|  |               |

| ORGANISATIONAL DIAGRAM  |                               |
|---|-------------------------------|
| Have you appended to this PQQ Response Document an organisational diagram showing all Consortium Members, Other Entities and proposed sub-contractors (if known)? | Yes/No (delete as applicable) |

## CANDIDATE STATEMENT

We confirm that we have read and agree to and accept the disclaimers, requirements and all terms and conditions set out in the PQQ Documentation. We confirm that we have read and understand all documentation issued by the Contracting Authority in connection with the Competition and this is a bona fide application.

We confirm that the information supplied in this PQQ Response Document is true, accurate and valid as to its content. We understand and accept that the provision of false or misleading information or the omission of information could result in exclusion of the Candidate from the Competition.

We undertake to immediately notify the Contracting Authority of any changes to the information given in this PQQ Response Document that may arise during the Competition.

We have not canvassed or solicited any officer, employee or representative of the Contracting Authority, or any elected representative, in connection with the Competition and no person employed by us or acting on our behalf has done any such act. We undertake that we will not in the future canvass or solicit any officer, employee or representative of the Contracting Authority or any elected representative, in connection with the Competition and that no person employed by us or acting on our behalf will do any such act.

We undertake that we will not offer or agree to pay or give, or pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person or have done so or cause or have caused to be done such act in relation to this Competition.

We undertake that we will not enter into any agreement or arrangement with any other person that he/she shall refrain from participating in the Competition.

We undertake that we will not at any time discuss with any other person any aspect of our PQQ Response Document, save for our subcontractors, members of our Consortium (if any) and Other Entities (if any) who are part of our PQQ Response Document, and will procure this same undertaking from those subcontractors, Consortium Members (if any) and Other Entities (if any).

| CONFLICTS OF INTEREST   |   |
|---|---|
| <p><b>If any conflict of interest or potential conflict of interest arises in respect of the Candidate, Consortium Member or Other Entity (including any parent, subsidiary or associated company thereof or any director, partner or person in an equivalent position in any of those entities) with regards to this Competition, it must be fully disclosed to the Contracting Authority. (See section 4.5 of Project Information Memorandum).</b></p> <p>Please confirm that there is no actual or potential conflict of interest that has not been previously drawn to the attention of the Contracting Authority and resolved to its satisfaction.</p> | <p>Confirmed / Not Confirmed<br/>(delete as applicable)</p> |

|   |  |
|---|--|
| <b>REGISTRABLE INTERESTS</b>  |  |
| <p>Any 'registrable interest' involving a Candidate (or Consortium Member or Other Entity) and any of the elected members of Dublin City Council, members of the Government, members of the Oireachtas, or employees or officers of Dublin City Council or their relatives must be fully disclosed.</p> <p>The terms 'registrable interest' and 'relative' shall be interpreted as per Section 2 and Schedule 2 of the Ethics in Public Office Act 1995 a copy of which is available to download at <a href="http://www.finance.gov.ie">www.finance.gov.ie</a>.</p> | <p>We wish to notify the Contracting Authority of the following registrable interests:</p> <p>[insert]</p> |

|   |                                  |
|---|----------------------------------|
| <b>FREEDOM OF INFORMATION</b>   |                                  |
| <p>We consider that information in this PQQ Response Document is confidential and/or commercially sensitive. (See section 4.6 of Project Information Memorandum).</p>   | Yes/No (delete as applicable)    |
| <p>Please state which information specifically is confidential and/or commercially sensitive and provide reasons why it should not be disclosed. Please also include the period for which information remains confidential and/or commercially sensitive.</p> | [insert response, if applicable] |

|  |  |
|--|--|
| <b>Candidate</b>                         | <p>Name of Candidate:</p> <p>Print Name of Authorised Signatory:</p> <p>Sign:</p> <p>Date:</p>         |
| <b>Consortium Member (if applicable)</b> | <p>Name of Consortium Member:</p> <p>Print Name of Authorised Signatory:</p> <p>Sign:</p> <p>Date:</p> |
| <b>Consortium Member (if applicable)</b> | <p>Name of Consortium Member:</p> <p>Print Name of Authorised Signatory:</p>                           |

|        |                |
|--------|----------------|
|        | Sign:<br>Date: |
| [etc.] |                |

## A2 – DECLARATION AS TO PERSONAL CIRCUMSTANCES

Each Candidate (and where the Candidate is a Consortium, each Consortium Member) must submit a sworn Declaration as to its Personal Circumstances (in the form set out in *Annex 1*).

If a Candidate (or where the Candidate is a Consortium, a Consortium Member) seeks to rely on the resources of an Other Entity to meet the requirements of this PQQ Response Document, that Other Entity must also submit a sworn Declaration as to its Personal Circumstances.

Subject to the provisions of Regulation 57 in relation to self-cleaning, the Contracting Authority shall exclude from the Competition any Candidate who falls within one or more of the mandatory Exclusion Grounds in Regulation 57 and reserves the right to exclude a Candidate to whom a discretionary Exclusion Ground pursuant to Regulation 57 applies. Where a Candidate is a Consortium, and a Consortium Member falls within one or more of the mandatory Exclusion Grounds in Regulation 57, the Candidate shall, subject to the provisions of Regulation 57 on self-cleaning, be excluded from the Competition.

If a Candidate intends to rely on an Other Entity in order to meet the Selection Criteria, and one or more of the mandatory Exclusion Grounds apply to such Other Entity (and where the Contracting Authority is not satisfied with the reliability of the Other Entity by reference to the provisions of Regulation 57 on self-cleaning), the Contracting Authority shall require the Candidate to replace the entity in question where permitted by applicable law.

If any Candidate (or where the Candidate is a Consortium, any Consortium Member) or any Other Entity referred to above (including the officers and employees of such foregoing entities) is a prohibited person or entity (“**Prohibited Person**”) as set out in Article 5k 1(a) to 1(c) of Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine (as amended by Council Regulation (EU) 2022/576 of 8 April 2022, Council Regulation (EU) 2022/1269 of 21 July 2022 and Council Regulation (EU) 2023/1214 of 23 June 2023 (and as may be further amended)), the Candidate shall be eliminated from the Competition. The award of public contracts to any such Prohibited Person is prohibited under Regulation (EU) No 833/2014 as amended.

**Has the Candidate and (where Candidate is a Consortium) each Consortium Member and (where Candidate or a Consortium Member is relying on the resources of an Other Entity) each Other Entity:**

**(a) appended to this PQQ Response Document a sworn Declaration in the form set out in Annex 1?**

Yes/No (delete as applicable)

**A3 – TAX COMPLIANCE**

The Development Agreement awarded pursuant to this Competition will require that the appointed Developer shall, for the term of the Development Agreement, comply with all EU and domestic taxation law and requirements, including but not being limited to Circular 43/2006 issued by the Department of Finance. This Circular and further information is available at [www.finance.gov.ie](http://www.finance.gov.ie) and [www.revenue.ie](http://www.revenue.ie).

Prior to any appointment the successful Candidate (and if a Consortium, each Consortium Member) and any Other Entity will be required to demonstrate tax clearance.

The entities referred to above are requested to provide Tax Clearance Access Numbers or Tax Reference Numbers or other evidence of tax compliance with their PQQ Response Document – see table below. This information will facilitate the online verification of tax status by the Contracting Authority. By providing these numbers, each entity in question acknowledges and agrees that the Contracting Authority has its permission to verify its tax clearance position online. If the entity is not tax resident in Ireland that entity acknowledges and agrees that the Contracting Authority has its permission to verify its tax clearance position with relevant authorities in the jurisdiction where the entity is tax resident.

If for any reason this information is not available at the PQQ Closing Date and Time, please indicate this in the table below and provide an explanation as to why the information is not available. In these circumstances, the Contracting Authority reserves the right to seek updates on tax clearance at any time during the Competition. If tax clearance is not subsequently evidenced and in the reasonable opinion of the Contracting Authority it is not likely to be evidenced prior to the award of the Development Agreement, the Candidate may be eliminated from the Competition.

| <b>Has the tax compliance position of the Candidate (and if the Candidate is a Consortium, Consortium Members) and Other Entities been confirmed below.</b> | <b>Yes/No (delete as applicable)</b> |
|---|--------------------------------------|
|---|--------------------------------------|

**Only one of BOXES A, B or C to be completed in respect of  
EACH Candidate, Consortium Member, Other Entity <sup>7</sup>**

[Candidate / Consortium Member / Other Entity *[delete as appropriate]*]

**BOX A**

Name: *[insert]*

**We confirm that the above-named entity is tax compliant in Ireland.**

The Contracting Authority can verify its tax clearance status through the Revenue Commissioner's online facility at: <http://www.revenue.ie/en/online/tax-clearance.html>

Tax Clearance Access Number (if applicable): *[insert]*

Tax Reference Number (if applicable): *[insert]*

**BOX B**

Name: *[insert]*

**We confirm that the above-named entity is not tax resident in Ireland but has tax clearance in its own jurisdiction.**

Tax Registration Number: *[insert]*

Evidence of tax clearance: *[insert]*

**BOX C**

Name: *[insert]*

**We confirm that the above-named entity has applied for tax clearance and evidence of this will be promptly furnished to the Contracting Authority when clearance is granted.**

*[repeat table above for each Consortium Member/Other Entity (if applicable)]*

<sup>7</sup> Please add additional columns or set out in separate appended document if necessary.  
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## PART B - PASS/FAIL CRITERIA

### B1 – INSURANCES

#### THIS IS A PASS/FAIL CRITERION.

The Candidate must have (or be able to obtain prior to the award of the Development Agreement) the insurances specified in the table below. Where the Candidate is a Consortium, each of the Consortium members must have (or be able to obtain prior to the award of the Development Agreement) the insurances specified in the table below:

| Employer's Liability Insurance * | Public Liability Insurance * | Professional Indemnity Insurance* | All Risks  | Latent Defects Insurance  |
|----------------------------------|------------------------------|-----------------------------------|--|---|
| Minimum: €13 million*            | Minimum: €6.5 million*       | Minimum: €6.5million*#            | Minimum: The full reinstatement cost of the property insured, including the cost of demolition/site clearance, removal of debris, delivery, professional fees, inflation occurring during the construction and reinstatement periods, and profit + 12.5% for professional fees | Minimum: Policy must have minimum 12 years indemnity cover from the Date of Practical Completion (as defined in Development Agreement). |

\* Employers Liability, Public Liability and Professional Indemnity insurance on an each and every claim basis.

# Minimum cover minimum limits for total project cost up to €60,000,000 in line with those depicted on Appendix II of the GN\_1.1.2\_Guidance\_Note\_v1.0\_09-02-2022.pdf. DCC reserve the right to review the levels of Public Liability Insurance based on site specific requirements.

Evidence of the above insurances ("**Required Insurances**") (or the ability to obtain the Required Insurances prior to the award of the Development Agreement) is to be appended to this PQQ Response Document.

Evidence should be in the form of a letter (dated within 30 days prior to the PQQ Closing Date and Time) from the relevant entity's insurance broker confirming to the Contracting Authority that the relevant entity has (or will be able to obtain prior to the award of any Development Agreement) the Required Insurances. If for any valid reason this evidence cannot be furnished, then alternative evidence which is considered appropriate by the Contracting Authority may be appended.

If these requirements are not met, the Candidate (or Consortium) shall be eliminated from the Competition.

**Are broker's letters appended to this PQQ Response Document confirming that the entity or entities referred to above have (or will be able to obtain prior to the award of any Development Agreement) the Required Insurances?**

**Yes/No (delete as applicable)**

## B2 – MINIMUM TURNOVER AND AUDIT OPINION

### THIS IS A PASS/FAIL CRITERION.

To satisfy this criterion, the Candidate must demonstrate that it meets the minimum annual turnover<sup>8</sup> and clean audit opinion requirements set out below.

#### WHERE THE CANDIDATE IS A SINGLE ENTITY AND NOT A CONSORTIUM:

- a) The Candidate's turnover in each of its last two (2) completed financial years must be not less than seventy million euro (€70,000,000). This should be demonstrated by the Candidate providing audited financial statement(s) or auditor's letter(s) or certificate(s) (such letter(s) or certificate(s) being dated within 60 days prior to the PQQ Closing Date and Time), confirming the annual turnover for each of the two (2) most recently completed financial years;
- and
- b) The Candidate must provide a clean audit opinion with no going concern qualification in the audited financial statement for the latest completed financial year of the Candidate.

NOTE: The Candidate may rely on the capacity of an Other Entity to meet the above requirements. For the avoidance of doubt, where the Candidate is relying on an Other Entity to satisfy the above requirements, the Other Entity must fulfil the relevant criteria. In these circumstances, the Other Entity will be evaluated under this criterion (instead of the Candidate who is relying on that support) provided that a Letter of Support (in the form set out in *Annex 2*) has been appended to this PQQ Response Document confirming that its financial resources may be relied upon.

**The Candidate hereby confirms that the auditor statements required above are appended to this PQQ Response Document and the following turnover figures are correct:**

|                             | <b>Financial Year -1</b><br><b>(20[x]–20[x])</b>       | <b>Financial Year -2</b><br><b>(20[x]–20[x])</b>       |
|-----------------------------|--|--|
| <b>[name of Candidate]:</b> | <b>[• insert turnover and financial year end date]</b> | <b>[• insert turnover and financial year end date]</b> |

|   |                                      |
|---|--------------------------------------|
| <b>Where an Other Entity has been relied upon, has a Letter of Support been appended to this PQQ Response Document?</b> | <b>Yes/No (delete as applicable)</b> |
|---|--------------------------------------|

#### ALTERNATIVELY, WHERE THE CANDIDATE IS A CONSORTIUM:

- a) The aggregate turnover of the Consortium Members in each of its last two (2) completed financial years must be not less than seventy million euro (€70,000,000). This should be demonstrated by

<sup>8</sup> If turnover is reported in any other currency, this should be converted to euro at the Allied Irish Bank rate prevailing in Dublin on date of submission of the PQQ Response Document.

the Consortium Members providing audited financial statement(s) or auditor’s letter(s) or certificate(s) (such letter(s) or certificate(s) being dated within 60 days prior to the PQQ Closing Date and Time), confirming their annual turnover for each of the two (2) most recently completed financial years;

and

- b) The Consortium Members must each provide a clean audit opinion with no going concern qualification in the audited financial statements for the latest completed financial year of the Consortium Members.

NOTE: A Consortium Member may rely on the capacity of an Other Entity to meet the above requirements. For the avoidance of doubt, where a Consortium Member is relying on an Other Entity to satisfy the above requirements, the Other Entity must fulfil the relevant criteria. In these circumstances, the Other Entity will be evaluated under this criterion (instead of the Consortium Member who is relying on that support) provided that a Letter of Support (in the form set out in Annex 2) has been appended to this PQQ Response Document confirming that its financial resources may be relied upon.

**The Candidate hereby confirms that the auditor statements required above in respect of the Consortium Members are appended to this PQQ Response Document and the following turnover figures are correct:**

|   | <b>Financial Year -1</b><br>(20[x]–20[x])       | <b>Financial Year -2</b><br>(20[x]–20[x])       |
|---|---|---|
| <b>[name of Candidate/Consortium Member]:</b> | [• insert turnover and financial year end date] | [• insert turnover and financial year end date] |
| <b>[name of Consortium Member]:</b>           | [• insert turnover and financial year end date] | [• insert turnover and financial year end date] |
| <b>Aggregate turnover:</b>                    | [•]   | [•]   |

**Where an Other Entity has been relied upon, has a Letter of Support been appended to this PQQ Response Document?**

**Yes/No (delete as applicable)**

In circumstances where the Candidate or Consortium Member or Other Entity being relied upon is exempted from preparing annual audited financial statements, copies of alternative evidence demonstrating the above requirements should be provided. The Contracting Authority may, at its absolute discretion, elect to accept the alternative evidence provided.

If for any valid reason the evidence specified at sub-paragraphs (a) and (b) above cannot be furnished, then alternative evidence may be appended by a Candidate, provided that such alternative evidence has previously been proposed by the Candidate to the Contracting Authority through the Query process set out in Section 4.1 of the Project Information Memorandum and has been approved by the Contracting

Authority for submitting. The Contracting Authority shall not be obliged to accept any such alternative evidence.

If any of the above requirements are not met, the Candidate shall be eliminated from the Competition.

### B3 – BANKER'S LETTER

**THIS IS A PASS/FAIL CRITERION.**

The bank accounts of the Candidate (or where the Candidate is a Consortium, each Consortium Member) must be in good standing with its principal banker.

If a Candidate (or where the Candidate is a Consortium, a Consortium Member) seeks to rely on the bank accounts of an Other Entity to meet the financial capacity requirements of this PQQ, the standing of the Other Entity's bank accounts will be evaluated (instead of the bank accounts of the Candidate (or Consortium Member)) provided that a Letter of Support (in the form set out in *Annex 2*) has been appended to this PQQ Response Document confirming that the bank accounts of the Other Entity may be relied upon.

Evidence of the good standing of bank accounts is required to be appended to this PQQ Response Document. The evidence is required to be in the form of a current signed letter (i.e. dated within the 60 days prior to the PQQ Closing Date and Time) from the relevant entity's principal banker addressed to the Contracting Authority confirming the following:

- the length (in years) of the banking relationship;
- that the bank is the entity's principal banker; and
- that all accounts held by the entity are currently in good standing.

If these requirements are not met, the Candidate (or Consortium) shall be eliminated from the Competition.

If for any valid reason this evidence cannot be furnished, then alternative evidence may be appended by a Candidate, provided that such alternative evidence has previously been proposed by the Candidate to the Contracting Authority through the Query process set out in Section 4.1 of the Project Information Memorandum and has been approved by the Contracting Authority for submitting. The Contracting Authority shall not be obliged to accept any such alternative evidence.

|  |                                      |
|--|--------------------------------------|
| <b>Has a banker's letter supporting the Candidate (or, where applicable, Consortium Members and Other Entities) been appended to this PQQ Response Document?</b> | <b>Yes/No (delete as applicable)</b> |
|--|--------------------------------------|

**B4 – ABILITY TO PAY DEBTS**

**THIS IS A PASS/FAIL CRITERION.**

The Candidate (and, where the Candidate is a Consortium, each Consortium Member) and any Other Entity whose resources are relied upon to meet the requirements as to economic and financial standing (if applicable) must confirm it has sufficient financial standing to pay its debts as they fall due, having regard to its current statement of assets and liabilities.

Failure to provide this confirmation shall result in the Candidate being eliminated from the Competition.

**Please confirm that the Candidate (or, where the Candidate is a Consortium, each Consortium Member) and any Other Entity whose resources are relied upon (if applicable) has sufficient financial standing to pay its debts as they fall due, having regard to its current statement of assets and liabilities.**

**Confirmed / Not Confirmed  
(delete as applicable)**

**B5 – DEVELOPMENT BOND**

**THIS IS A PASS/FAIL CRITERION.**

The Candidate must confirm:

- that it is in a position to obtain a Development Bond that meets the following requirements:
  - Bond Amount: 12.5% of the Contract Sum
  - Duration of Cover after Practical Completion (as defined in the Development Agreement): 450 days

AND

that it is in a position to:

- Obtain a Letter of Undertaking addressed to the Contracting Authority from a Surety authorised to guarantee business in Ireland
- For the basis of Emmet Road Block C
- Obtain the Development Bond (in accordance with the above requirements) within four (4) weeks of being required to do so under the Development Agreement

Failure to provide this confirmation shall result in the Candidate being eliminated from the Competition.

|  |  |
|--|--|
| <b>Please confirm that the Candidate is in a position to obtain a Development Bond as specified above:</b> | <b>Confirmed / Not Confirmed</b><br>(delete as applicable) |
|--|--|

## PART CPART C – SCORED CRITERIA

### C1 – FINANCIAL ROBUSTNESS

**THIS IS A SCORED CRITERION (30% WEIGHTING).**

**Maximum marks available:** 3,000 marks

The purpose of this assessment is to evaluate the financial robustness of the Candidate to deliver the Project in accordance with the obligations in the Development Agreement.

The assessment of financial robustness will focus on the Candidate, and where the Candidate is a Consortium, all Consortium Members.

Financial robustness will be assessed according to the following sub-criteria, each of which will be assessed separately:

|          | <b>Sub-criterion</b>                     | <b>Sub-Weighting</b> |
|----------|--|----------------------|
| <b>A</b> | Audit Quality & Reporting Integrity      | 0.15                 |
| <b>B</b> | Trading Performance                      | 0.25                 |
| <b>C</b> | Liquidity & Cash Flow                    | 0.2                  |
| <b>D</b> | Gearing, Debt Profile & Funding Capacity | 0.1                  |
| <b>E</b> | Balance Sheet Strength                   | 0.2                  |
| <b>F</b> | Overall Financial Stability & Risk       | 0.1                  |

Each Candidate's response to each sub-criterion above will be scored initially out of 100%, using the scoring methodologies set out below.

Where the Candidate is a Consortium, additional factors shall be relevant to the assessment as set out below; Consortium information shall be assessed 'in the round' and a single score awarded to the Consortium in respect of each sub-criterion.

The percentage score for each sub-criterion will then be multiplied by its respective sub-weighting. The resulting weighted scores for all sub-criteria will then be aggregated to a total weighted percentage score out of 100% and then multiplied by **30** to provide a final score out of **3,000 marks** for the Candidate in respect of C1 – FINANCIAL ROBUSTNESS.

**Minimum requirement to remain in the Competition:** Failure by a Candidate to achieve a score (in the scoring methodologies below) of at least 55% out of 100% for any sub-criterion will result in the Candidate being eliminated from the Competition.

Where the Candidate (or a Consortium Member) is relying on the resources of an Other Entity to satisfy this criterion, the information set out below must be provided in respect of that Other Entity (instead of the relevant Candidate or Consortium Member) in which case the information relating to the Other Entity will be evaluated provided that a Letter of Support (in the form set out in Annex 2) has been appended to this PQQ Response Document confirming that the financial resources of the Other Entity may be relied upon.

### A. Audit Quality & Reporting Integrity

Under this criterion, the Contracting Authority will assess whether the Candidate (or any Consortium Member) introduces any financial or delivery risk.

The assessment will have regard to information provided under items (i) and (ii) under the heading "Information Required" below, and will include, without limitation, consideration of the following:

- Auditor's report
- Director's report
- Full Notes to the Accounts
- Auditor emphasis of matter
- Filing compliance (CRO or equivalent)

In addition, where the Candidate is a Consortium, consideration will be given to the materiality of any Consortium Member within the Consortium structure (by reference to their turnover relative to other Consortium Members in the last financial year).

| Initial Score | Description  |
|---------------|--|
| <b>100%</b>   | In respect of the Candidate or (in the case of a Consortium) all Consortium Members: <ul style="list-style-type: none"> <li>• unqualified audit opinions are provided for all reported periods; and</li> <li>• there is no material emphasis of any matter; and</li> <li>• there are complete statutory disclosures; and</li> <li>• there is full filing compliance,</li> </ul> and, when assessed in the round, there is minimal financial and delivery risk. |
| <b>85%</b>    | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members: <ul style="list-style-type: none"> <li>• unqualified audit opinions are not provided in respect of all reported periods; or</li> <li>• there is limited emphasis of a matter; or</li> <li>• there are non-material disclosure weaknesses,</li> </ul> and when, assessed in the round, there is a low (but not a minimal) financial or delivery risk.              |
| <b>70%</b>    | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members: <ul style="list-style-type: none"> <li>• unqualified audit opinions are not provided in respect of all reported periods; or</li> <li>• there is limited emphasis of a matter; or</li> <li>• there are non-material disclosure weaknesses,</li> </ul> and when, assessed in the round, there is a moderate (and not merely a low) financial or delivery risk.      |
| <b>55%</b>    | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members: <ul style="list-style-type: none"> <li>• unqualified audit opinions are not provided in respect of all reported periods; or</li> </ul>  |

|             |  |
|-------------|--|
|             | <ul style="list-style-type: none"> <li>• there is limited emphasis of a matter; or</li> <li>• there are non-material disclosure weaknesses, and when, assessed in the round, there is a material (but not critical) financial or delivery risk, which may require mitigation but is not considered to represent a high likelihood of failure.</li> </ul>   |
| <b>Fail</b> | <p>In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there are adverse, disclaimer or materially qualified audit opinions for any reported period; or</li> <li>• there is an emphasis of a matter; or</li> <li>• there are non-material disclosure weaknesses, and when assessed in the round there is a significant or unacceptable (and not merely a moderate) financial or delivery risk.</li> </ul> <p>A 'Fail' shall result in the Candidate being eliminated from the Competition.</p> |

**B. Trading Performance**

Under this criterion, the Contracting Authority will assess whether the trading performance of the Candidate (or any Consortium Member) introduces any financial or delivery risk.

The assessment will have regard to information provided under items (i) and (ii) under the heading "Information Required" below, and will include, without limitation, consideration of the following:

- Turnover and turnover trends
- Turnover composition, including the extent to which revenues are derived from housing, commercial, mixed use or comparable development-related activity
- Profitability
- Margins (gross, operating, net)

In addition, where the Candidate is a Consortium, consideration will be given to the materiality of any Consortium Member within the Consortium structure (by reference to their turnover relative to other Consortium Members in the last financial year).

| <b>Initial Score</b> | <b>Description</b>   |
|----------------------|--|
| <b>100%</b>          | <p>In respect of the Candidate or (in the case of a Consortium) all Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is consistent or growing turnover across financial periods; and</li> <li>• there is a clearly demonstrable and material proportion of turnover derived from housing, commercial, mixed-use or comparable development activity; and</li> <li>• profitability and margins are consistently positive and resilient across periods; and</li> <li>• trading performance trends demonstrate strong financial resilience; and</li> <li>• there are no indicators of volatility, earnings sensitivity or weakness that could reasonably impact project delivery,</li> </ul> |

|             |   |
|-------------|---|
|             | and, when assessed in the round, there is a minimal financial and delivery risk.  |
| <b>85%</b>  | <p>The Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is not consistent or growing turnover across financial periods; or</li> <li>• there is not a clearly demonstrable and material proportion of turnover derived from housing, commercial, mixed-use or comparable development activity; or</li> <li>• profitability and margins are not consistently positive and resilient across periods; or</li> <li>• trading performance trends do not demonstrate strong financial resilience; or</li> <li>• there are indicators of volatility, earnings sensitivity, or weakness that could reasonably impact project delivery,</li> </ul> <p>and, when assessed in the round, there is a low (but not a minimal) financial or delivery risk.</p>  |
| <b>70%</b>  | <p>The Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is not consistent or growing turnover across financial periods; or</li> <li>• there is not a clearly demonstrable and material proportion of turnover derived from housing, commercial, mixed-use or comparable development activity; or</li> <li>• profitability and margins are not consistently positive and resilient across periods; or</li> <li>• trading performance trends do not demonstrate strong financial resilience; or</li> <li>• there are indicators of volatility, earnings sensitivity, or weakness that could reasonably impact project delivery,</li> </ul> <p>and, when assessed in the round, there is a moderate (and not merely a low) financial or delivery risk.</p>  |
| <b>55%</b>  | <p>The Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is not consistent or growing turnover across financial periods; or</li> <li>• there is not a clearly demonstrable and material proportion of turnover derived from housing, commercial, mixed-use or comparable development activity; or</li> <li>• profitability and margins are not consistently positive and resilient across periods; or</li> <li>• trading performance trends do not demonstrate strong financial resilience; or</li> <li>• there are indicators of volatility, earnings sensitivity, or weakness that could reasonably impact project delivery,</li> </ul> <p>and, when assessed in the round, there is a more than moderate (but not significant or unacceptable financial or delivery risk, requiring mitigation and close monitoring.</p> |
| <b>Fail</b> | <p>In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there are persistent losses or a material and sustained decline in turnover</li> </ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>there is deteriorating trading performance (including in housing, commercial, mixed-use or comparable development activity) indicating limited earnings capacity, and, when assessed in the round, there is a significant or unacceptable (and not merely a moderate) financial or delivery risk.</li> </ul> <p>A 'Fail' shall result in the Candidate being eliminated from the Competition.</p> |
|--|--|

### C. Liquidity & Cash Flow

Under this criterion, the Contracting Authority will assess whether the liquidity & cash flow of the Candidate (or any Consortium Member) introduces any financial or delivery risk.

The assessment will have regard to information provided under items (i) and (ii) under the heading "Information Required" below, and will include, without limitation, consideration of the following:

- Cash balances
- Cash generation
- Working capital
- Current and quick ratios
- Operating cash flow

In addition, where the Candidate is a Consortium, consideration will be given to the materiality of any Consortium Member within the Consortium structure (by reference to their turnover relative to other Consortium Members in the last financial year).

| Initial Score | Description  |
|---------------|--|
| <b>100%</b>   | <p>In respect of the Candidate (in the case of a Consortium) all Consortium Members:</p> <ul style="list-style-type: none"> <li>there is strong and consistent operating cash flow; and</li> <li>there is sufficient cash balances to comfortably meet short-term obligations; and</li> <li>there is clearly positive net working capital; and</li> <li>current and quick ratios demonstrate comfortable short term liquidity headroom,</li> </ul> <p>and, when assessed in the round, there is a minimal financial and delivery risk.</p>                 |
| <b>85%</b>    | <p>The Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>does not have strong and consistent operating cash flow; or</li> <li>does not have sufficient cash balances to comfortably meet short-term obligations; or</li> <li>does not have clearly positive net working capital; or</li> <li>current and quick ratios do not demonstrate comfortable short term liquidity headroom,</li> </ul> <p>and, when assessed in the round, there is a low (but not a minimal) financial or</p> |

|             |  |
|-------------|--|
|             | delivery risk.   |
| <b>70%</b>  | The Candidate or (in the case of a Consortium) one or more Consortium Members: <ul style="list-style-type: none"> <li>• does not have strong and consistent operating cash flow; or</li> <li>• does not have sufficient cash balances to comfortably meet short-term obligations; or</li> <li>• does not have clearly positive net working capital; or</li> <li>• current and quick ratios do not demonstrate comfortable short term liquidity headroom,</li> </ul> and, when assessed in the round, there is a moderate (and not merely a low) financial or delivery risk.  |
| <b>55%</b>  | The Candidate or (in the case of a Consortium) one or more Consortium Members: <ul style="list-style-type: none"> <li>• does not have strong and consistent operating cash flow; or</li> <li>• does not have sufficient cash balances to comfortably meet short-term obligations; or</li> <li>• does not have clearly positive net working capital; or</li> <li>• current and quick ratios do not demonstrate comfortable short term liquidity headroom,</li> </ul> and, when assessed in the round, there is more than moderate (but not significant or unacceptable) financial or delivery risk, with liquidity requiring active monitoring and mitigation.            |
| <b>Fail</b> | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members: <ul style="list-style-type: none"> <li>• has very weak or negative operating cash flow; or</li> <li>• there are very inadequate cash balances; or</li> <li>• there is very inadequate net working capital; or</li> <li>• there is reliance on short term facilities or other support, indicating liquidity stress or risk of going concern,</li> </ul> and, when assessed in the round, there is a significant or unacceptable (and not merely a moderate) financial or delivery risk.<br><br>A 'Fail' shall result in the Candidate being eliminated from the Competition. |

#### **D. Gearing, Debt Profile and Funding Capacity**

Under this criterion, the Contracting Authority will assess whether the gearing, debt profile and funding capacity of the Candidate (or any Consortium Member) introduces any financial or delivery risk.

The assessment will have regard to information provided under items (i) and (ii) under the heading "Information Required" below, and will include, without limitation, consideration of the following:

- Interest cover
- Net debt / capital employed
- Long-term debt analysis

- EBITDA interest cover

In addition, to support the assessment of gearing, debt profile and funding capacity, the Candidate must provide details in the table below of the funding arrangements for the reference projects provided in response to **Criterion C2 – Project Experience**.

|  |   |
|--|---|
| <b>REFERENCE PROJECT #[ ]<sup>9</sup></b>  |   |
| <b>Project Name and Address/Location</b>   | <i>[insert response]</i>                |
| <b>Name of entity delivering the Project</b>   | <i>[insert response]</i>                |
| <b>FUNDING INFORMATION</b>   |   |
| <b>Name of (public or private) funder(s)/funding source. If public, refer to specific public funding sources / schemes used (e.g. SHIP, CALF, CREL, LDA Project Tosaigh):</b>  | <i>[insert response]</i>                |
| <b>Date funding drawn down:</b>  | <i>[insert response]</i>                |
| <b>If public or debt funding, provide:</b> <ul style="list-style-type: none"> <li>• Funder (inc. phone and email of person who can verify the correctness of the information provided)</li> <li>• Finance raised (€)</li> <li>• Date finance raised</li> <li>• Description of funding facility(ies) (including security requirements)</li> <li>• Term of facilities</li> </ul> | <i>[insert response, if applicable]</i> |
| <b>If self-funded (equity-funded), provide:</b> <ul style="list-style-type: none"> <li>• Total equity committed (€)</li> <li>• Date funding committed</li> <li>• Description of funding (including phasing of commitments)</li> </ul>  | <i>[insert response, if applicable]</i> |
| <b>Explain how the funding arrangements for this reference project demonstrate your organisation's capability and experience with funding for development projects</b>   | <i>[insert response]</i>                |

<sup>9</sup> Two reference projects are to be provided. They must be the same reference projects as provided in response to Criterion C2. Replicate this table for the second project.

In addition, where the Candidate is a Consortium, consideration will be given to the materiality of any Consortium Member within the Consortium structure (by reference to their turnover relative to other Consortium Members in the last financial year).

| Initial Score | Description  |
|---------------|--|
| 100%          | <p>In respect of the Candidate or (in case of a Consortium) all Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is low net debt relative to capital employed; and</li> <li>• there is strong interest cover on both EBIT and EBITDA measures; and</li> <li>• there is long term debt profile well matched to asset life and operating cash flows, and</li> <li>• there is evidence of funding arrangements within the reference projects that demonstrates capability and experience with funding for development projects and, when assessed in the round, there is a minimal financial and delivery risk.</li> </ul>  |
| 85%           | <p>In respect of the Candidate or (in case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is no low net debt relative to capital employed; or</li> <li>• there is no strong interest cover on both EBIT and EBITDA measures; or</li> <li>• there is no long-term debt profile well matched to asset life and operating cash flows; or</li> <li>• there is no evidence of funding arrangements within the reference projects that demonstrates capability and experience with funding for development projects and when assessed in the round, there is a low (but not a minimal) financial or delivery risk.</li> </ul>                 |
| 70%           | <p>In respect of the Candidate or (in case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is no low net debt relative to capital employed; or</li> <li>• there is no strong interest cover on both EBIT and EBITDA measures; or</li> <li>• there is no long-term debt profile well matched to asset life and operating cash flows ; or</li> <li>• there is no evidence of funding arrangements within the reference projects that demonstrates capability and experience with funding for development projects</li> </ul> <p>and when assessed in the round, there is a moderate (and not merely a low) financial or delivery risk.</p> |
| 55%           | <p>In respect of the Candidate or (in case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is no low net debt relative to capital employed; or</li> <li>• there is no strong interest cover on both EBIT and EBITDA measures; or</li> <li>• there is no long-term debt profile well matched to asset life and operating cash flows; or</li> <li>• there is no evidence of funding arrangements within the reference projects</li> </ul>  |

|             |   |
|-------------|---|
|             | <p>that demonstrates capability and experience with funding for development projects</p> <p>and when assessed in the round, there is more than moderate (but not significant or unacceptable) financial or delivery risk, with gearing and debt requiring active management and monitoring.</p>   |
| <b>Fail</b> | <p>In respect of the Candidate or (in case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is excessive leverage; or</li> <li>• there is very weak or insufficient interest cover; or</li> <li>• the debt maturity profile presents a refinancing or solvency risk, and, when assessed in the round, there is a significant or unacceptable (and not merely a moderate) financial or delivery risk; or</li> <li>• there is insufficient or no demonstrable experience or evidence of experience of funding arrangements within reference projects that demonstrate capability and experience with funding for development projects.</li> </ul> <p>A 'Fail' shall result in the Candidate being eliminated from the Competition.</p> |

**E. Balance Sheet Strength**

Under this criterion, the Authority will assess whether the balance sheet strength of the Candidate (or any Consortium Member) introduces any financial or delivery risk.

The assessment will have regard to information provided under items (i) and (ii) under the heading "Information Required" below, and will include, without limitation, consideration of the following:

- Total assets
- Net assets
- Net current assets
- Long-term liabilities

In addition, where the Candidate is a Consortium, consideration will be given to the materiality of any Consortium Member within the Consortium structure (by reference to their turnover relative to other Consortium Members in the last financial year).

| <b>Initial Score</b> | <b>Description</b>   |
|----------------------|--|
| <b>100%</b>          | <p>In respect of the Candidate or (in the case of a Consortium) all Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is a strong total asset base with clearly positive net assets; and</li> <li>• there are long-term liabilities proportionate to assets; and</li> <li>• there is a balanced capital structure; and</li> <li>• there are positive net current assets,</li> </ul> <p>and, when assessed in the round, there is a minimal financial and delivery risk.</p> |

|             |  |
|-------------|--|
| <b>85%</b>  | <p>In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is not a strong total asset base with clearly positive net assets; or</li> <li>• long-term liabilities are not proportionate to assets; or</li> <li>• there is not a balanced capital structure; or</li> <li>• there are not positive net current assets,</li> </ul> <p>and, when assessed in the round, there is a low (but not a minimal) financial or delivery risk.</p>   |
| <b>70%</b>  | <p>In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is not a strong total asset base with clearly positive net assets; or</li> <li>• long-term liabilities are not proportionate to assets; or</li> <li>• there is not a balanced capital structure; or</li> <li>• there are not positive net current assets,</li> </ul> <p>and when assessed in the round, there is a moderate (and not merely a low) financial or delivery risk.</p>  |
| <b>55%</b>  | <p>In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is not a strong total asset base with clearly positive net assets; or</li> <li>• long-term liabilities are not proportionate to assets; or</li> <li>• there is not a balanced capital structure; or</li> <li>• there are not positive net current assets,</li> </ul> <p>and when assessed in the round, there is more than moderate (but not significant or unacceptable) financial or delivery risk.</p>   |
| <b>Fail</b> | <p>In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members:</p> <ul style="list-style-type: none"> <li>• there is a very weak or eroded asset base; or</li> <li>• there are very low or negative net assets; or</li> <li>• long-term liabilities are significantly disproportionate to assets; or</li> <li>• there is very weak capital structure; or</li> <li>• there are significantly negative net current assets or significant indicators of balance sheet stress,</li> </ul> <p>and, when assessed in the round, there is a significant or unacceptable (and not merely a moderate) financial or delivery risk.</p> <p>A 'Fail' shall result in the Candidate being eliminated from the Competition.</p> |

#### **F. Overall Financial Stability & Risk**

Under this criterion, the Contracting Authority will assess whether the overall financial stability & risk of the Candidate (or any Consortium Member) introduces any financial or delivery risk.

The assessment will have regard to information provided under items (i) and (ii) under the heading "Information Required" below, and will include, without limitation, consideration of the following:

- Post-balance-sheet events
- Contingent liabilities

In addition, where the Candidate is a Consortium, consideration will be given to the materiality of any Consortium Member within the Consortium structure (by reference to their turnover relative to other Consortium Members in the last financial year).

| Initial Score | Description  |
|---------------|--|
| 100%          | In respect of the Candidate or (in the case of a Consortium) all Consortium Members there are no material adverse post balance sheet events or contingent liabilities, and, when assessed in the round, there is a minimal financial and delivery risk.  |
| 85%           | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members there is one or more material adverse post balance sheet events or contingent liabilities, and, when assessed in the round, there is a low (but not a minimal) financial or delivery risk.   |
| 70%           | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members there is one or more material adverse post balance sheet events or contingent liabilities, and, when assessed in the round, there is a moderate (and not merely a low) financial or delivery risk.   |
| 55%           | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members there is one or more material adverse post balance sheet events or contingent liabilities, and, when assessed in the round, there is a more than moderate (but not significant or unacceptable) financial or delivery risk.  |
| Fail          | In respect of the Candidate or (in the case of a Consortium) one or more Consortium Members there are material adverse post balance sheet events or contingent liabilities and when assessed in the round, there is a significant or unacceptable (and not merely a moderate) financial or delivery risk.<br><br>A 'Fail' shall result in the Candidate being eliminated from the Competition. |

#### **INFORMATION REQUIRED**

For the purposes of the above assessments, Candidates (and where the Candidate is a Consortium, all Consortium Members) must provide the following information. Where the Candidate (or a Consortium Member) is relying on the resources of an Other Entity, the information set out below must be provided in respect of that Other Entity.

- (i) **Audited Financial Statements** – Please provide copies of signed audited financial statements for each of the last three (3) financial years including all notes to the financial statements, auditor’s report and director’s report (“**Audited Financial Statements**”). The latest set of audited financial statements must have been filed with the Companies Registration Office (“**CRO**”) (or equivalent for non-Irish based companies) within the relevant statutory filing period.

Where the most recent annual financial statements have not been filed with the CRO within the statutory filing period and remain unsigned by an auditor, draft financial statements for that period can be provided, together with the signed audited financial statements for the two previous financial years, together with a reasonable and comprehensive explanation as to why such accounts remain unsigned. The Contracting Authority may, at its absolute discretion, elect to accept such unsigned statements.

- (ii) Post Balance Sheet Event, Contingent Liability or Loss** – Please provide details of any event, liability or loss requiring disclosure under IFRS or equivalent, which has occurred since the latest balance sheet date. Please also provide details of any contingent liability, expected loss, or similar exposure not previously reported (or confirm there is none).

If for any valid reason the above evidence cannot be furnished, then alternative evidence may be appended by a Candidate, provided that such alternative evidence has previously been proposed by the Candidate to the Contracting Authority through the Query process set out in Section 4.1 of the Project Information Memorandum and has been approved by the Contracting Authority for submitting. The Contracting Authority shall not be obliged to accept any such alternative evidence.

Please note that the Contracting Authority may request updated financial robustness information at subsequent stages of the Competition and prior to award of the Development Agreement. Material adverse changes to any financial information provided must be notified to the Contracting Authority immediately.

|  |                                      |
|--|--------------------------------------|
| <b>Has the Candidate appended all of the above financial information (including, where applicable, for Consortium Members and Other Entities) to this PQQ Response Document?</b> | <b>Yes/No (delete as applicable)</b> |
|--|--------------------------------------|

## C2 – PROJECT EXPERIENCE

**THIS IS A SCORED CRITERION (40%).**

**Maximum marks available:** 4,000 marks overall, with each of the two reference projects being assessed out of a maximum of 2,000 marks.

**Minimum marks required:** Each project is required to achieve a minimum mark of 1000. Failure to achieve the minimum mark for both projects will result in the Candidate being eliminated from the Competition. The reference projects provided will be assessed separately using the scoring matrix at Section 6 of the Project Information Memorandum. Subject to achievement of the minimum mark, the marks for each project will then aggregated to provide a single mark for Criterion C2.

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The Project which is the subject of this Competition is for the design, construction and delivery of a sustainable mixed-use apartment block with ground floor commercial / retail space known as Block C at Emmet Road Dublin 8. Block C will consist of 91 apartments, communal open space at third floor level, a large supermarket (including off-licence) along with café/restaurant, five mixed-use commercial units, undercroft parking spaces, and associated public realm.

For the avoidance of doubt, the appointed Developer will also be responsible for securing and maintaining occupation of the commercial/retail units in Block C.

Candidates must review the Site Constraints Document for Block C at Appendix 3 of the Project Information Memorandum which provides further detail on the Project, including its location within a dense urban environment and its interface with the rest of the Emmet Road development.

Using the table below, Candidates must demonstrate relevant experience of successfully delivering **two (2) mixed-use (retail/commercial and residential) projects within the last seven (7) years prior to the PQQ Closing Date and Time** that are comparable in terms of overall nature, scale and complexity to the Project being procured by the Contracting Authority.

In completing the table for each reference project, Candidates must provide sufficient information to allow the Contracting Authority to evaluate the extent to which the reference projects are comparable to the Project. All required fields must be completed.

**Each reference project is limited to three (3) A4 pages. In addition, Candidates must provide photographs for each reference project as part of their response. For the avoidance of doubt, these photographs will not count towards the page limit specified above. Photographs are limited to a maximum of two (2) A4 pages per reference project.**

Reference contact details are required for each reference project. The Contracting Authority reserves the right (but shall not be obliged) to contact the contact person identified in each reference project (without prior notice to the Candidate) to verify the information provided, without further reference to the Candidate. It is the responsibility of Candidates to ensure that the nominated contact person is in a position to confirm information provided if contacted by the Contracting Authority.

If a Candidate seeks to rely on the experience of an Other Entity to meet this requirement, the reference

projects of the Other Entity will be evaluated, provided that a Letter of Support (in the form set out in Annex 2) is appended to this PQQ Response Document.

| REFERENCE PROJECT #[ ] <sup>10</sup>   |                          |
|--|--------------------------|
| Project Name and Address/Location  | <i>[insert response]</i> |
| Name of entity delivering the Project  | <i>[insert response]</i> |
| Name of Client   | <i>[insert response]</i> |
| Referee contact – name, position, email and phone number   | <i>[insert response]</i> |
| Total number of residential units delivered and type of unit   | <i>[insert response]</i> |
| Total number of retail/commercial units delivered and gross floor area (GFA) of commercial units   | <i>[insert response]</i> |
| Description of retail/commercial units, including details of occupants   | <i>[insert response]</i> |
| Planning status of the project at the time the Candidate commenced work on the project, including confirmation of whether a planning application had been submitted, a planning application was in preparation or planning permission had already been granted | <i>[insert response]</i> |
| Value of reference project (total development costs)   | <i>[insert response]</i> |
| Date of substantial completion   | <i>[insert response]</i> |

<sup>10</sup> Two reference projects are to be provided. Replicate this table for the second project.

|   |                        |
|---|------------------------|
|   |                        |
| <p>Please confirm that you have appended photographs of the completed reference project</p>   | <p><i>[Yes/No]</i></p> |
| <p>Please provide an overview of the reference project, describing how the project is comparable in terms of overall nature, scale and complexity to the Project being procured by the Contracting Authority</p>  |                        |
| <p><i>[insert response]</i></p>   |                        |
| <p>Please describe your approach to successfully procuring competent construction contractors for the reference project, including whether the construction works were delivered in-house or via a third-party construction contractor</p>  |                        |
| <p><i>[insert response]</i></p>   |                        |
| <p>Please describe the outcomes achieved on the reference project, in terms of programme, quality and delivery. For programme, provide details of performance against original programme, achievement of key milestones, any delays encountered; for quality, provide details of any relevant certification, environmental sustainability achievements or awards; and for overall delivery, provide confirmation that project was completed and is operational/occupied as intended</p> |                        |
| <p><i>[insert response]</i></p>   |                        |

### C3 – COMMERCIAL ASSET MANAGEMENT EXPERIENCE

**THIS IS A SCORED CRITERION (30%).**

**Maximum marks available:** 3,000 marks overall, with each of the two reference projects being assessed out of a maximum of 1,500 marks.

**Minimum marks required:** Each project is required to achieve a minimum mark of 750. Failure to achieve the minimum mark for both projects will result in the Candidate being eliminated from the Competition. The reference projects provided will be assessed separately using the scoring matrix at Section 6 of the Project Information Memorandum. Subject to achievement of the minimum mark, the marks for each project will then aggregated to provide a single mark for Criterion C3.

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Block C will comprise not only residential units but also a large supermarket (including off-licence), café/restaurant and five mixed-use commercial units. While the Contracting Authority will take handover of the residential units within Block C upon completion, the Contracting Authority will have no responsibility for the ongoing occupation or management of any of the commercial units. Responsibility for the occupation, management and maintenance of the commercial units shall rest with the appointed Developer for so long as it retains an interest in them; in the event of any disposal, responsibility for the occupation, management and maintenance of the commercial units shall pass to and be assumed by any purchaser or successor in title. Notwithstanding, it is important to the Contracting Authority that occupancy levels of the commercial units are maximised over time.

Using the table below, Candidates must demonstrate relevant experience of successfully securing the occupation of commercial/retail units by end-users within the last 5 years prior to the PQQ Closing Date and Time. Two examples must be provided.

In completing the table for each reference project, Candidates must provide sufficient information to allow the Contracting Authority to evaluate the extent to which the examples provided are comparable (in terms of nature, scale and complexity) to the Project. All required fields must be completed.

**Each reference project is limited to two (2) A4 pages.**

If a Candidate seeks to rely on the experience of an Other Entity to meet this requirement, the reference projects of the Other Entity will be evaluated, provided that a Letter of Support (in the form set out in **Annex 2**) is appended to this PQQ Response Document.

|   |                          |
|---|--------------------------|
| <b>REFERENCE PROJECT #[ ]<sup>11</sup></b>  |                          |
| <b>Project Name and Address</b>   | <i>[insert response]</i> |
| <b>Total number of commercial/retail units within the reference project</b>   | <i>[insert response]</i> |
| <b>Total commercial/retail floor area (square metres)</b>   | <i>[insert response]</i> |
| <b>Description of commercial/retail units including type, value, location (within the overall development)</b>  | <i>[insert response]</i> |
| <b>Please provide an overview of the reference project, describing how the commercial/retail units are comparable in terms of overall nature, scale and complexity to the Project</b> |                          |
| <i>[insert response]</i>  |                          |
| <b>Please describe how occupancy of the commercial /retail unit(s) described above was maximised, including strategies implemented to minimise vacancy</b>                            |                          |
| <i>[insert response]</i>  |                          |

<sup>11</sup> Two reference projects are to be provided. Replicate this table for the second project.

## ANNEX 1

[Please provide Declaration per each entity, as required – see section A2 above]

### FORM OF DECLARATION AS TO PERSONAL CIRCUMSTANCES

**Contracting Authority: Dublin City Council**

**Competition: Development Agreement to deliver 'Block C' – the mixed-use component of the Dublin City Council Emmet Road development site in Inchicore, Dublin 8**

**OJEU Ref: [•] eTenders Ref: [•] DCC Ref: [•].1A**

**Proposed Site: [•]**

I \_\_\_\_\_ *[insert name of Declarant]* having been duly authorised by \_\_\_\_\_ *[insert name of entity]*, sincerely declare that \_\_\_\_\_ *[insert name of entity]* itself or any person who is a member of the administrative, management or supervisory body of \_\_\_\_\_ *[insert name of entity]* or has powers of representation, decision or control in \_\_\_\_\_ *[insert name of entity]* –

- (a) Has never been the subject of a conviction for participation in a criminal organisation, within the meaning of Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime.
- (b) Has never been the subject of a conviction for corruption, which has the meaning given to it:
  - (i) by the Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union drawn up under the Council Act of 26 May 1997;
  - (ii) by Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combatting corruption in the private sector; and
  - (iii) in the laws of Ireland or the national laws of the state in which the above-named *entity is established (if not Ireland)*.
- (c) Has never been the subject of a conviction for fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests drawn up under the Council Act of 26 July 1995.
- (d) Has never been the subject of a conviction for terrorist offences or offences linked to terrorist activities, within the meaning of Articles 1 and 3 respectively of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism, or for inciting or aiding or abetting or attempting to commit an offence referred to in Article 4 of that Council Framework Decision.
- (e) Has never been the subject of a conviction for money laundering or terrorist financing, within the meaning of Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

- (f) Has never been the subject of a conviction for child labour and other forms of trafficking in human beings within the meaning of Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA.
- (g) Is not in breach of its obligations relating to the payment of taxes or social security contributions.
- (h) Has not, in the performance of a public contract, failed to comply with applicable obligations in the field of environmental, social and labour law that apply at the place where the works are carried out or the services provided, that have been established by EU law, national law, collective agreements, or by international, environmental, social and labour law listed in Schedule 7 of the European Union (Award of Public Authority Contracts) Regulations 2016.
- (i) Is not bankrupt or the subject of insolvency or winding-up proceedings, its assets are not being administered by a liquidator or by the court, it is not in an arrangement with creditors, its business activities are not suspended nor is it in any analogous situation arising from a similar procedure under national laws and regulations.
- (j) Is not guilty of grave professional misconduct, which renders its integrity questionable.
- (k) Has not entered into agreements with other economic operators aimed at distorting competition.
- (l) Is not aware of any conflict of interest within the meaning of Regulation 24 of the European Union (Award of Public Authority Contracts) Regulations 2016.
- (m) Has had no prior involvement in the preparation of the current procurement procedure as referred to in Regulation 41 of the European Union (Award of Public Authority Contracts) Regulations 2016.
- (n) Has not shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or prior concession contract which led to early termination of that prior contract, damages or other comparable sanctions.
- (o) Is not guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria for this Competition and did not withhold such information and did not fail to submit supporting documents required under Regulation 59 of the European Union (Award of Public Authority Contracts) Regulations 2016.
- (p) Has not undertaken to unduly influence the decision-making process of the Contracting Authority or obtain confidential information that may confer upon it undue advantages in the procurement procedure or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

I further sincerely declare that \_\_\_\_\_ **[insert name of entity]** is not a person or entity set out in Article 5k 1(a) to 1(c) of Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine as amended by Council Regulation (EU) 2022/576 of 8 April 2022, Council Regulation (EU) 2022/1269 of 21 July 2022 and Council Regulation (EU) 2023/1214 of 23 June 2023 (and as may be further amended).

I understand and acknowledge that the provision of inaccurate or misleading information in this declaration may lead to exclusion from the Competition. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938. This declaration is made for the benefit of the Contracting Authority.

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**Signature of Declarant**

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**Name of Declarant in print or block capitals**

Declared before me by \_\_\_\_\_ who is personally known to me  
(or who is identified to me by \_\_\_\_\_ who is personally known to  
me) at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
(signed)  
Practising Solicitor/Commissioner for Oaths

## ANNEX 2

**[Please provide Letter(s) of Support from Other Entity, as required]**

### FORM OF LETTER OF SUPPORT

*[On headed paper of Other Entity addressed to Dublin City Council]*

Dear Sir/Madam,

**Re: Development Agreement to deliver 'Block C' – the mixed-use component of the Dublin City Council Emmet Road development site in Inchicore, Dublin 8 ("the Development Agreement")**

**OJEU Ref: [•]**

**eTenders Ref: [•]**

I write in connection with the competition for the above-mentioned Development Agreement (the "Competition").

I am a director of [**• insert name of other company/organisation**] (the "Other Entity").

I confirm that the Other Entity will provide [**• Insert description of technical or financial resources that the Other Entity is proposing to carry out**] if [**• Insert name of entity that is relying on Other Entity**] is successful in the Competition and is awarded a Development Agreement.

I further confirm that, in such circumstances, the above resources will be made available during the term of any such Development Agreement and the Other Entity will enter into a contractual commitment to this effect, if required.

Yours faithfully

*[Name and Address of Other Entity]*

## **APPENDIX**

*[Candidates to append all requested documentation here with clear cross referencing to the relevant sections of the PQQ Response Document]*