



THE LAND DEVELOPMENT AGENCY

Pre-Qualification Questionnaire (PQQ)

Cherry Orchard Affordable for Sale – Development Partner

PQQ issue date: 24 July 2026

<i>Procurement of a Development Partner for Cherry Orchard Affordable for Sale</i>	<i>Pre-Qualification Questionnaire for the Design, Construction & Delivery of Cherry Orchard Affordable for Sale Housing Development</i>
Procedure	Restricted procedure
eTenders PQQ ID	8645131
OJEU REF	
Issue Date	24 th July 2026
Closing Date for Queries	10 th August 2026 at 16:00 (Irish Standard time)
Contact for Queries	Questions and Answers facility on www.etenders.gov.ie
Closing Date / Time for receipt of Completed PQQ	25 th August 2026 at 16:00 (Irish Standard time)
<i>Please note that information relating to this Pre-Qualification Questionnaire, including clarifications and changes, will be published on the Irish Government Procurement Opportunities Portal (www.etenders.gov.ie). Registration is free of charge and there is no charge for documents. Please note that the Contracting Authority cannot accept responsibility for information relayed (or not relayed) via third parties.</i>	
<i>Interested parties must associate their organisation with this competition on the eTenders web site (www.etenders.gov.ie) in order to be included on the mailing list for clarifications and to upload tender responses.</i>	

Internal use only

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1 Introduction

1.1 The Land Development Agency

The Land Development Agency (the “**Contracting Authority**” (CA) or the “**LDA**”), established in September 2018, is a Government land management initiative, with a key focus on State-owned land. The LDA opens up State-owned land to improve housing options for individuals and families. The LDA also drives the medium to long term compact development of our cities by providing a vision and delivery strategy for larger scale strategic land areas. For more information, please go to www.lda.ie.

1.2 Cherry Orchard Affordable for Sale Development Overview

The Cherry Orchard Affordable for Sale development is a new residential development with a site area of c. 6 hectare, on a greenfield site, in Cherry Orchard Dublin 10, Dublin City.

The proposed residential development comprises:

- 172 no. dwellings
 - 141 no. three bedroom terraced houses
 - 31 no. 2 bedroom terraced houses
 - 1 no. in-curtilage parking space per house to the front
 - private gardens to the rear.
- Two public open spaces approx. 0.83 ha /14 % of site area
- Associated site infrastructure works & supporting infrastructure
- Landscaping
- Public lighting
- Access roads / pavements
- Boundary treatments
- Provision for a link road / pavement
- Cycleways to Ballyfermot
- Development of a linear public open space on the west end of the lands (along the eastern boundary of Wheatfield Prison) and associated works.
- Development of a pocket park and children’s playground on the eastern section of the lands
- 172 no. private parking spaces (1 no. in-curtilage parking space per house), 14 no. on street public car parking spaces on the link road (includes 2 no. accessible parking spaces) and 10 no. public bicycle parking spaces.
- New boundary treatments to Cherry Orchard Hospital / Cloverhill Courthouse, incorporating provision for a future pedestrian entrance to Cherry Orchard Hospital and boundary treatment to Cherry Orchard Football Club.

The Cherry Orchard AFS site is in Dublin 10 with Wheatfield prison to the west, Cherry Orchard Hospital to the north, Cherry Orchard Football Club to the east and residential housing to the south. Developer community engagement & communication will be required prior to commencement and during construction.

The development is to achieve Home Performance Index Certification with the Irish Green Building Council on completion, and the successful Works Contractor will be required to provide information and input into this process. Requirements will be set out in the RFT.

Architectural elevation drawing of a row of houses. The drawing shows a long row of houses with varying rooflines and colors. Key dimensions are labeled: overall height of 12.950 m, overall width of 84.110 m, and individual house widths of 6.925 m, 6.700 m, 6.110 m, 6.620 m, and 6.670 m. The houses are labeled "House Type B" and "House Type A".

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The LDA are now seeking to carry out a procurement competition for the design, construction and delivery of **Cherry Orchard Affordable for Sale** of the development, commencing post grant of planning and running through to delivery of the affordable for sale homes to the respective purchasers. Delivery would include all residential units, ancillary facilities, and associated site development works including infrastructure, services, and utilities.

A contract (the “**Development Agreement**”) will be entered into between the successful tenderer (the “**Development Partner**”) and the Contracting Authority for the delivery of **Cherry Orchard Affordable for Sale**. It is anticipated that construction works will commence Q2 2027 and delivered on a sub-phased delivery basis in line with market absorption capacity, with overall completion by a predetermined completion date.

The Development Partner will be responsible for compliance with all building regulations and statutory requirements. Delivery will include all residential homes, ancillary facilities, and associated site development works. The development will be required to be delivered in compliance with the granted permission.

The Development Agreement will set out the agreed unit cost for delivery of the affordable for sale units as part of the agreement. The agreement will include the provision of a building licence to the Development Partner for the purpose of completion of the Link Road.

The tenure for **Cherry Orchard Affordable for Sale** will be affordable for sale units only. Below is an outline description of the envisaged delivery model, however further details of the delivery model will be set out in the request for tender (the “RFT”). Note, the LDA will forward fund delivery of the development (interim payment as delivery advances).

Affordable For Sale Tenure

- The Development Partner will deliver the affordable for sales homes, at pre-determined prices, to a pipeline of prequalified purchasers, and will be responsible for the marketing and managing of the sales process, and any post-handover defects.
- In the event that the affordable for sale homes do not transact within a predefined time period from when completed, a backstop will be provided to the Development Partner under which the homes will be acquired at the pre-agreed unit cost set out in the development agreement.
- The LDA will provide interim payments as delivery of the Affordable for Sale homes advances.

BIM is not specifically required on the project although it can be proposed by the Development Partner as part of their project delivery.

The Cherry Orchard surrounding area contains sensitive residential neighbourhoods; therefore, community engagement and communication is vital and will be required by the Development Partner prior to commencement and during construction.

The development **Design Team** appointed by the LDA are:

- Architect: Coady Architect
- Civil & Structural, Traffic Engineers: Punch Consulting Engineers
- Mechanical & Electrical Engineers: JVT Engineers
- Landscape Architects: Mitchell Associates
- Fire Safety Design: Jensen Hughes

LDA’s **Project Team** also includes:

- Quantity Surveyors: Mulcahy McDonagh & Partners
- Project Management: Seamus Monahan & Partners

The Development Partner will have the ability if they so choose to appoint the incumbent Design Team post tender, who will not have a role in the procurement evaluation process.

Market Engagement

The LDA co-hosted, with the Irish Home Builders Association (IHBA), a market engagement event on 23rd of June 2026. This event featured a presentation on the Cherry Orchard AFS Development. The presentation documents are included, for information purposes only, within the PQQ suite of documents in **Appendix B**. Applicants should note that where the contents of the presentation documents conflict with PQQ documents (the **“Tender Documents”**), the contents of the Tender Documents shall take precedence.

Project Overview

1.3 Site Location

The subject site – (hereafter referred to as **“the site”**), is approximately 5.82 ha and is located in Cherry Orchard, Dublin 10, with Wheatfield Prison to the east, Cherry Orchard Hospital to the north, Cherry Orchard Football Club to the east and residential housing to the south. The site is a greenfield site and is vacant.

The northern boundary between the site and Cherry Orchard AFS will require new boundary treatment works to be carried out on behalf of the HSE. Further details will be made available within the tender documents.



Figure 4. Cherry Orchard Site Layout



Figure 5. Cherry Orchard AFS – Proposed Link Road

The proposed Link Road will be delivered under a license to works agreement with Dublin City Council as the landowners. The project is anticipated to be completed in conjunction with the housing development.

1.4 Planning Permission

1.4.1 Housing Development

Planning was granted by Dublin City & County Council; reference number 24313/22 Further details of the approved development can be found at [Citizen Portal Planning - application details](https://planning.agileapplications.ie/dublincity/application-details/150762) (<https://planning.agileapplications.ie/dublincity/application-details/150762>)

1.4.2 Link Road Development

Planning was granted by Dublin City & County Council, reference number 3250/25.

2 Project Information and Service Requirements

2.1 Form of Contract

The successful tenderer will be required to enter into the Development Agreement with the LDA. The Development Agreement will be provided during the RFT stage of this competition.

This document (the “**PQQ**”) relates to the pre-qualification procedure whereby the Contracting Authority invites submissions from interested parties (the “**Applicants**”), in order to identify up to 5 (five) suitable applicants to be shortlisted and invited to tender for the Development Agreement. The PQQ should be read in conjunction with the Applicant Submission Document.

This procurement competition is being undertaken in accordance with applicable public procurement law requirements.

We also note that Applicants should note the Data Privacy Notice on the eTenders website (www.etenders.gov.ie).

2.2 Submission of Pre-Qualification and Application Submissions

- Applicants must submit their applications electronically through the e-tender Tender Box facility (the “**eTenders platform**”) on www.etenders.gov.ie only. Only applications/tenders submitted to the eTenders platform will be accepted. Tenders submitted by any other means (including but not limited to by email, fax, post or hand delivery) are liable to be rejected.
- Tenderers not familiar with uploading to the e-Tenders platform should ensure that they familiarise themselves with the process prior to the deadline for receipt of submissions as detailed in Section 2.3 of this PQQ (the “**Submission Deadline**”). *This is emphasised as the procurement procedure is being carried out on the new eTenders platform. It is the Applicant’s responsibility to familiarise itself with the eTenders website in advance of the Submission Deadline.*
- The application is to be structured as follows:
 - (i) 1 nr. PDF document containing the **Applicant Submission Document**, with the following items completed:
 - o Section 1 (Applicant Details), Section 2 (Development Partner Submissions) and Section 3 (Submission Checklist) to confirm that all required information is provided.
 - o Appendix A – Applicant Declaration.
 - (ii) 1 nr. PDF document containing responses to all **Quantitative Criteria** labelled as follows “**Cherry Orchard Affordable for Sale – [Insert Applicant Name] – PQQ Part A**”. The submission must contain 1 nr. PDF document only, containing the following sections.
 - o Section 4.1 – Evidence of Development Partner Financial and Economic Standing
 - o Section 4.2 – Evidence of Development Partner Insurances
 - o Section 4.3 – Evidence of Development Partner CAR Insurances
 - o Section 4.4 – Evidence of Development Partner Undertaking for the Performance Bond
 - o Section 4.5 – Evidence of Development Partner Health, Safety, Environmental and Quality Information
 - o Section 4.6 – Evidence of Self-Declaration re Regulation 57
 - (iii) 1 nr. PDF document containing responses to all **Qualitative/Scored Criteria** labelled as follows “**Cherry Orchard Affordable for Sale Development Partner – [Insert Applicant Name] – PQQ Part B**”. The submission must contain 1 nr. PDF document only, containing the following sections.
 - o Section 4.7 – Evidence of Development Partner Technical and Professional Resources and Experience

- Applicants should note when finalising their PQQ/tender submission please upload the final response as a **ZIP file** as individual documents may lose their titles/naming convention if uploaded individually. Applicants should also ensure that they receive a message under the status header called Submitted, as the percentage tab does not necessarily imply that a response has been successfully submitted.
- All submissions shall be in A4 format. Response page limits are detailed at relevant sections within the PQQ, and Applicants are advised to use a minimum size 10 (ten) font and single line spacing.
- Applicants should also note that if they exceed the page numbers limit, only that number of pages stated within each criterion in the PQQ will be reviewed and any information contained in pages beyond this will not be reviewed.
- The Contracting Authority is not responsible for corruption in electronic documents. Applicants must ensure electronic documents are not corrupt and should ensure they give themselves sufficient time to upload their submission. It is the Applicant's responsibility to upload the submission before the Submission Deadline.
- Applications must be submitted in English.
- Please note that upload speeds vary. There is a maximum of 250MB for uploading individual files and a total size for all uploaded files up to 500MB. These size limits are visible to Applicants that access the Document Library in order to upload files. An Applicant shall be entitled to modify and re-submit a submission up until the Submission Deadline. Applicants should be aware that they cannot modify or submit a response after the submission deadline. It is the Applicant's responsibility to familiarise themselves with the eTenders platform in advance of the Submission Deadline. The Applicant must contact the eTenders platform directly for technical support should it be required.
- It is the responsibility of the Applicant to ensure that their application is complete and is uploaded by the Submission Deadline. Applications that are received late or via other means are liable to be rejected.
- If Applicants experience difficulty when uploading documents, please contact the eTenders Support Desk for technical assistance. Email irish-eproc-helpdesk@eurodym.com or Telephone: 0818 001459 (Ireland) or +353 818001459 (International) (09:00 – 17:00 hours IST).

2.3 Timeline

The deadline for receipt of applications/submissions from interested parties is:	Tuesday 25th of August 2026 at 16:00 (Irish Standard Time)
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Any Applications that are submitted after the Submission Deadline are liable to be rejected.

The target timetable for the Development Partner selection and award process is set out below. This timetable is indicative only and the Contracting Authority will advise of firm dates at later stages in the competition.

Activity	Date
PQQ issued by the CA	July-26
Submission Deadline	August-26
CA concludes evaluation of Pre-Qualification Submissions	September-26
CA confirms shortlisted Applicants	September-26
CA issues RFT to shortlisted Applicants	October-26
Tenderers submit Tender Proposals	December-26
CA completes Tender Evaluation	February-27

Table 1. Indicative Timeline of Activities

The proposed procurement process is set out in Section 3.

2.4 Queries/Clarification Requests

All queries in relation to any aspect of the application documents should be submitted through the Irish Government Procurement Opportunities Portal (www.etenders.gov.ie) as a specific question, clearly marked with the subject line “**QUERY – Cherry Orchard Affordable for Sale PQQ**”. The following additional conditions govern the submission of queries:

- (i) No approach of any kind should be made to any other person within, or associated with, the Contracting Authority in connection with the procurement procedure. Any such approach may, at the absolute discretion of the Contracting Authority, result in the elimination of the Applicant in question from this process; and
- (ii) The Contracting Authority will endeavour to respond to all reasonable queries received but does not undertake to respond to all queries indiscriminately.

Applicants should note that responses to queries and other communications from the Contracting Authority will be issued via the messaging facility available on www.etenders.gov.ie. Responses will therefore be issued only to those Applicants that have registered an interest in the competition / associated its Economic Operator entity with the competition on www.etenders.gov.ie. Applicants must register their interest in the competition so as to ensure that they receive communications from the Contracting Authority. The Contracting Authority has no responsibility for communications which are not received by any Applicant (whether registered for the competition or not).

The closing date for queries/clarification requests is:	10th August 2026 at 16:00 (Irish Standard Time)
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3 Procurement Process and Evaluation

3.1 Introduction

A notice has been dispatched by the Contracting Authority to the Official Journal of the European Union and e-tenders with respect to the Development Agreement inviting submissions from interested parties with a view to being shortlisted to submit a tender for the works. This section provides additional information in relation to the competition.

3.2 Procurement Process

The proposed procurement process is a two stage, restricted procedure with the objective of appointing an economic operator to design, construct, and deliver the development as described in this PQQ.

The procurement stages are further described below and a flow chart for this process is set out in Appendix A for information. Stage 2 will be set out in full detail in the RFT.

3.3 Pre-qualification Procedure

The first stage of the competition is a pre-qualification stage, which is open to all interested parties who wish to submit a pre-qualification submission (the “**PQ Submission**”).

The first stage requires interested Applicants to submit a PQ Submission and to self-declare (in accordance with Section 4.6 below), that they are not subject to any exclusion grounds set out in Article 57 of the Procurement Directive (Directive 2014/24/EU, as transposed into Irish law pursuant to the EU (Award of Public Authority Contracts) Regulations 2016 (S.I. 284 of 2016) (as amended)) (the “**European Procurement Regulations**”) and can meet the relevant Selection Criteria set for the competition. The purpose of the Selection Criteria is to assess the capability of each Applicant to carry out the required works.

The Contracting Authority intends to shortlist up to five (5) Applicants. Applicants who are shortlisted may be asked to provide evidence and supporting documents in order to prove that they meet the Selection Criteria and are not subject to any exclusion grounds as declared, prior to being invited to tender.

The PQ Submissions will be assessed by the Contracting Authority and those Applicants who are successful in the first stage will be shortlisted and invited to submit tenders at the second stage of the procurement competition.

The tenders submitted by the shortlisted Applicants (the “**Tender Submissions**”) shall be assessed against the Award Criteria set out in the RFT. Tender Submissions will be assessed in accordance with the rules, criteria and weightings set out in this PQQ and the RFT.

3.4 Design Team

The LDA Design Team referred to in Section 1.2 above, with the exception of the Quantity Surveyor and Project Manager, will not play a role in the evaluation of the PQ Submissions or Tender Submissions (and will not have access to PQ Submissions or Tender Submissions).

Applicants, at their discretion, may include members of the LDA Design Team, with the exception of the Quantity Surveyor and Project Manager, as part of their design team in their PQQ Submission. In relation to this, applicants should note the requirements set out under section 6.2 Reliance on Resources and section 6.7 Conflicts of Interest.

3.5 Self-Declaration by Applicants

The PQQ has been structured to permit Applicants to self-declare criteria, where appropriate, with evidence of these self-declarations to be submitted to the Contracting Authority when requested. This aims to reduce the upfront submission requirements for Applicants, ensuring that only the successful Applicant is required to provide evidence to verify the initial declarations provided by them.

If self-declaration is requested, this will be outlined in the PQQ. Otherwise, all Applicants are required to submit the evidence requested in each criterion.

In this respect, please note that the Contracting Authority proposes to shortlist Applicants based on the PQ Submissions. This includes the matters which are the subject of self-declaration. While the Contracting Authority reserves the right to seek this information at any stage throughout the tender process, the Contracting Authority intends to seek verification of matters that are the subject of self-declaration at a later stage in the procurement process.

The successful Applicant shall be required, to provide this information in support of the self-declarations made in their application within 5 (five) business days of a Contracting Authority request. An Applicant's continued participation in the tender process shall be conditional upon providing the required and satisfactory information in the form required.

Please note that in the event an Applicant fails to provide any of the information requested, where the information submitted does not meet the required minimum standards, or where the Applicant otherwise fails to verify the information the subject of the self-declaration, such Applicant is liable to be eliminated from the tender process. Should this occur, the Contracting Authority reserves the right, at that stage, to revert to the next ranked Applicant and to invite such Applicant to provide the documentation in support of the self-declarations made in their application within 5 (five) business days of the Contracting Authority's request. The Contracting Authority reserves the right to continue the process of reverting to the next ranked Applicant until an Applicant has submitted the required and satisfactory information.

3.6 Contracting Authority Information

Information	Details
Contracting Authority Name:	The Land Development Agency
Contracting Authority Address:	Ground and 1 st Floor, George's Court, 54-62 Townsend St, Dublin 2, D02 R156
Contact Name:	LDA Procurement Department
Contact Address (if different from Contracting Authority):	As above
Contact Telephone No:	01 910 3400
Contact Email Address:	procurement@lda.ie

3.7 Development Partner's Role

As noted in Section 1.2, the Development Partner will be fully responsible for the design, construction and delivery of Cherry Orchard Affordable for Sale development, commencing post grant of planning and running through to delivery of tenure (affordable for sale) to the respective purchasers. The Development Partner will be responsible for compliance with all building regulations and statutory requirements. Delivery will include all residential units, ancillary facilities, and associated site development works. The development will require to be delivered in compliance with the granted permission.

4 Development Partner Prequalification Requirements (Pass/Fail)

4.1 Financial and Economic Standing

4.1.1 Certified Minimum Turnover – Pass / Fail

The evidence required to pass this criterion is certified statements of yearly turnover of twenty-five million euro (€25,000,000) per annum over any three (3) of the last five (5) financial years or one hundred and twenty million euro (€120,000,000) in aggregate over the last five (5) financial years preceding submission of the Application. If, for a reason deemed valid by the Contracting Authority, the evidence sought cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided.

The aggregated turnover for all members of a consortium or joint venture must meet the turnover requirement set out above. If only 1 (one) member has the skills, resources, and experience for the work, that member must have an average turnover that demonstrates financial capacity for the work as set out below.

Note - Minimum Turnover requirements must be in Property Development related works.

4.1.2 Statement of Going Concern – Pass / Fail

The evidence required to pass this criterion is a statement from a director of the Applicant; or where the Applicant is a consortium, joint venture or partnership, then a statement from a director of each member of the Applicant; certifying that:

Based on the current financial evidence available, the Applicant is a going concern and has the financial and operational capacity to:

- (i) Continue to trade as a going concern for, at least, the next 12 months, and
 - (ii) Fulfil the requirements of the Development Agreement insofar as they are outlined in this PQQ,
- (the “Statement of Going Concern”)

4.2 Insurance – Pass / Fail

Applicants are required to provide written confirmation from their insurance broker in the form of the template provided in Appendix D of the Applicant Submission Document, that the Applicant has the below minimum levels of insurance cover in place or can provide those levels if necessary.

Note: Appendix D is available in the Applicant Submission Document.

Insurance	Level Required
Public Liability	€13,000,000 any one occurrence
Employer’s Liability	€13,000,000 any one occurrence
Other Insurance Requirements	Details in relation to other insurance requirements, including (without limitation) Professional Indemnity insurance and Construction All-Risk insurance, will be contained in the RFT.

Please note that the LDA reserves the right to procure OCIP insurance.

4.3 Contractors All Risk Insurance – Pass / Fail

Applicants are required to provide written confirmation from their insurance broker in the form of the template provided in Appendix D of the Applicant Submission Document, that the Applicant has the below levels of insurance cover in place or can provide those levels if necessary.

Note: Appendix D is available in the Applicant Submission Document.

Insurance	Level Required
Contractors All Risk Insurance	Full reinstatement value plus 20%

4.4 Performance Bond – Pass / Fail

Applicants are required to provide a Letter of Undertaking issued by a surety, authorised to do guarantee business in Ireland, confirming that the surety is in a position to provide a performance bond to meet the requirements listed below.

Performance Bond Requirements	Level Required
The amount of the Performance Bond required (expressed as a percentage of the eventual vat inclusive contract sum)	10 %
Period after Practical Completion where the surety is released of their total liability	12 Months

The surety providing the Letter of Undertaking must be rated AAA, AA, A or a BBB by a recognised international ratings agency

4.5 Health, Safety, Environmental and Quality Information – Pass / Fail

4.5.1 Health, Safety, Environmental and Quality Management Systems

Applicants should provide information on the company's Health, Safety, Environmental and Quality management systems as they relate to delivering this scope of works. In addition, where available, applicants should include evidence of any third-party certification of its Health, Safety, Environmental and Quality management systems. Max 4 (four) A4 pages (excluding evidence of third-party certification).

The Applicant should note that full details of the company's Health, Safety, Environmental and Quality management systems are not required, and the page limit outlined in this section applies.

4.5.2 Enforcement Actions

The Applicant must confirm whether its organisation (or any subsidiaries) or any of its directors or executive officers been served with an improvement notice, a prohibition notice, or been convicted of any offences under Safety, Health & Welfare legislation (or equivalent, outside Ireland) in the previous 3 (three) years to the date of this PQ Submission.

If any of enforcement actions set out above have occurred, the Applicant must provide details of such event(s) including information detailing the remedial actions or changes the organisation has made as a result of such event(s) and evidence that any improvement notice or prohibition notice has been lifted to the satisfaction of the relevant health and safety regulator (in Ireland, the Health & Safety Authority), or that appropriate and detailed proposals have been prepared for submission to the relevant regulator to the satisfaction of the Contracting Authority.

If the enforcement actions set out above have occurred, the details of provided in relation to these events must be satisfactory to the Contracting Authority in order to pass this criterion.

The Contracting Authority reserves the right to raise further queries and/or seek further information during the PQQ evaluation stage of the competition in order to validate compliance with its requirements. This shall apply generally to Section 4.5.

Note: Refer to **Appendix E** of the Applicant Submission Document.

4.6 Self-Declaration Re Regulation 57 (Pass / Fail)

Applicants must complete and submit a self-declaration regarding the Applicant's circumstances in the form set out in the 'Self-Declaration re Regulation 57' in Appendix F of the Applicant Submission Document.

The grounds under which the Contracting Authority may exclude an Applicant, any member of the Applicant (where the Applicant is a consortium, joint venture or partnership), or any entity relied upon by the Applicant, from participation in this competition are set out below.

The term 'Applicant' as used below refers to each of (a) the Applicant (b) any member of the Applicant (c) any entity being relied upon by the Applicant.

Subject always to the provisions of Regulation 57 of the European Procurement Regulations:

(a) if:

(i) the Applicant is in one of the situations listed in Regulations 57(1) or 57(3) of the European Procurement Regulations; or

(ii) a member of the administrative, management or supervisory body of the Applicant/member of the Applicant, or a person having powers of representation, decision or control therein, is in one of the situations listed in Regulation 57(1) of the European Procurement Regulations,

the Applicant shall be excluded from the competition;

(b) if the Applicant (or a member of the Applicant, where the applicant is a consortium, joint venture or partnership), is in any of the situations listed in Regulation 57(4) or 57(8) of the European Procurement Regulations that are applied by the Contracting Authority for the purposes of this competition, the Applicant may be excluded from the competition.

Any Applicant which is in one of the situations referred to above must provide details of any factors or circumstances which it believes are relevant to the Contracting Authority's assessment of whether the existence of these grounds should lead to the exclusion of the Applicant. For example, where an Applicant is in one of the situations referred to above but has taken measures which it believes are sufficient to demonstrate its reliability, that Applicant may provide evidence of such measures to the Contracting Authority for consideration. Applicants should note that, with regard to the situations listed in (a) above, the circumstances which the Contracting Authority may take into account before deciding whether or not to exclude an Applicant are prescribed by law, and Applicants are directed to Regulation 57 of the European Procurement Regulations in this regard.

If an entity being relied upon is in one of the situations listed above, the Contracting Authority may require that the Applicant replaces such entity with another entity which is not in any of these situations. In the event that the entity cannot be replaced with another entity to whom the grounds do not apply (including where the Contracting Authority concludes that to permit such replacement would be contrary to law), the Contracting Authority reserves the right to eliminate the Applicant from the competition.

Where grounds for exclusion apply in the competition, the Applicant, each member of the Applicant and any entity being relied upon by the Applicant (or any member of the Applicant), must provide a self-declaration regarding the situations referred to above in the form in the 'Self-Declaration re Regulation 57' in Appendix F of the Applicant Submission Document.

The Contracting Authority reserves the right to exclude any Applicant from the competition should the Contracting Authority be of the view that entry into the Development Agreement with such Applicant (bearing in mind any Applicant members (here the Applicant is a consortium, joint venture or partnership),

entities relied upon or subcontractors) would be contrary to any applicable law or regulation, including any applicable sanctions regimes.

Where required Applicants shall be required to disclose in the Applicant Submission any issues giving rise to possible sanctions applications.

Applicants are required to provide a declaration (in the form 'Self-Declaration re Regulation 57' in Appendix F of the Applicant Submission Document) in relation to Regulation 57 (Exclusion Grounds) of the European Procurement Regulations.

4.7 Technical and Professional Resources and Experience (Qualitative)

The Applicant must demonstrate that it has sufficient technical and professional ability to perform the contract by providing the following information as outlined below in Sections 4.7.1 to 4.7.4.

4.7.1 Development Partner's Proposed Project (organisational) Structure (100 Marks)

(Maximum 2 (two) A4 pages for narrative. Maximum of 100 Marks available for this Criterion)

Applicants must demonstrate their proposed project (organisational) structure chart to clearly identify the parties proposed and their intended role for delivering the project requirements. The chart is to be accompanied with a narrative to illustrate the proposed structure.

The chart must identify the proposed design team. The chart must also identify the proposed estate agent (or other similar independent party) who will be responsible, on behalf of the Developer, for management of scheme sales and marketing.

Where an Applicant is a Consortium, Joint Venture or Partnership, one member of the Consortium must act as the lead member.

4.7.2 Development Partner - Personnel CVs (200 marks)

(Three (3) no. Curriculum Vitae, maximum 2 (two) A4 pages each.)

Each CV must be in the CV template format provided at Appendix B of the Applicant Submission Document and must be limited to a maximum of 2 (two) no. A4 pages.

Applicants must demonstrate that they possess suitably qualified and experienced management staff to undertake this project, have the necessary experience of delivering projects of similar nature, scale & complexity with relevant experience of multi-unit housing developments. Any project examples must have been substantially completed within the last 7 (seven) years prior to the date of issue of this Pre-qualification Questionnaire.

Applicants are to propose (i) Developer Lead (ii) Construction Lead and (iii) Environmental, Health & Safety Manager personnel. The same person cannot be nominated to fulfil any more than a single role.

(i) Developer Lead (75 Marks):

The person nominated in the role of Developer Lead shall have a background and experience in residential development relevant to projects of a similar scale and complexity. The Developer Lead shall be responsible for delivery of the overall project/model and will be the single point of contact in communications with regard to the Development Agreement. They shall have a minimum of ten (10) years' experience or greater in a development management role.

This may be demonstrated through the following:

- a) relevant experience on residential developer delivery projects (of a similar scale and complexity)
- b) educational, professional qualifications to compliment developer delivery
- c) Experience in dealing with Clients, and main stakeholders in relation to development projects

(ii) Construction Lead (75 Marks):

The person nominated in the role of Construction Lead shall have training and experience in Building Construction, relevant to projects of a similar scale and complexity. The Construction Lead shall be responsible for delivery of the project and shall have a minimum of ten (10) years' experience or greater in a management role.

This may be demonstrated through the following:

- a) relevant experience on residential construction projects (of a similar scale and complexity)
- b) educational, professional qualifications and project management skills
- c) Experience in working with and managing other Contractors/sub-contractors

(iii) Environmental, Health & Safety Manager (50 Marks):

Applicants must demonstrate that they possess suitably qualified and experienced Environmental, Health & Safety Manager to undertake this project.

The person nominated in the role of Environmental, Health & Safety Manager shall have training and experience in both Building Construction and in Health & Safety, relevant to projects of a similar scale and complexity. The Environmental, Health & Safety Manager shall have a minimum of seven (7) years' experience or greater in the Building Trade and must have formal externally accredited training in Health and Safety.

This may be demonstrated through the following:

- a) relevant experience on construction projects (of a similar scale and complexity)
- b) educational, professional qualifications and project management skills
- c) Safety and health qualifications and training (e.g. degree, diploma, certificate, managing safety in construction, continual professional development)
- d) Experience in working with and managing other Contractors/sub-contractors

Applicants' CVs should identify, where possible, projects that are similar in nature, size and complexity to the Cherry Orchard Affordable for Sale project, as described in Sections 1 and 2 of this PQQ. Any project examples must have been substantially completed within the last 7 (seven) years prior to the date of issue of this Pre-qualification Questionnaire.

Higher marks will be awarded to Applicants demonstrating experience on projects more similar to the Cherry Orchard Affordable for Sale project in terms of nature, size, complexity and likely challenges and Applicants should highlight these similarities and their specific involvement in the project descriptions.

The Contracting Authority will assess and score the CVs presented and any Applicant who fails to achieve at least 40% of the available marks for this criterion will be eliminated.

4.7.3 Development Partner - Previous Completed Projects (375 marks)

(3 (three) no. projects, maximum 3 (three) A4 pages each. Maximum of 375 Marks available for this Criterion)

The Applicant must provide examples of residential schemes (the "Reference Projects") that it has developed and completed over the last 7 (seven) years that are similar in nature, size and complexity to

the works required for the Cherry Orchard Affordable for Sale project. The evidence must be provided in the format specified below.

3 (three) no. projects must be submitted in response to this criterion. The Project Experience Template at Appendix C of the Applicant Submission Document must be used for each Reference Project and must be limited to a maximum of three (3) no. A4 pages for each Reference Project. Applicants may include photographs on one (1) additional standalone A4 page only; no further pages will be considered. If the Applicant submits more than three (3) reference projects, only the first three (3) listed/included in the response will be considered. Each of the 3 (three) projects will be assessed and marked out of 125, with a total of 375 marks available for this criterion.

Responses should include the following information for each such scheme:

Name & Address of the Development, and name of Client
Design Team and Specialist Consultants engaged for the Development
Total number of housing units and type of units (i.e. house types, apartments etc.)
Details of infrastructural elements
Details of the landscaping & public green spaces
Type of Contract utilised and the value of the Contract
Photographs of the finished units including landscaping & public open spaces
Construction start & completion dates
BER Rating achieved
Applicants should demonstrate how defects were managed during the course of the project construction stage and the defects period

Higher marks will be awarded for demonstration of experience with previous residential schemes directly comparable to the proposed project in terms of nature, size and complexity, including infrastructural and landscaping elements.

The Reference Projects must have been substantially completed within the last 7 (seven) years prior to the date of issue of this Pre-qualification Questionnaire. A minimum of 2 (two) of the Reference Projects must be occupied with residents in place.

The Contracting Authority will assess and score the Reference Projects presented and any Applicant who fails to achieve at least 40% of the available marks applicable to this criterion will be eliminated.

4.7.4 Development Partner – Key Design Team Members (325 marks)

(i) Architect – Previous Completed Projects (125 marks)

The Applicant must provide examples of residential schemes (the “**Reference Projects**”) that it has completed over the last 7 (seven) years that are similar in nature, size and complexity to the works required for the Cherry Orchard Affordable for Sale project. The evidence must be provided in the format specified below.

Three (3) no. projects must be submitted in response to this criterion. The Project Experience Template at Appendix C of the Applicant Submission Document must be used for each Reference Project and must be limited to a maximum of two (2) no. A4 pages for each Reference Project. Applicants may include photographs on one (1) additional standalone A4 page only; no further pages will be considered. If the Applicant submits more than three (3) reference projects, only the first three (3) listed/included in the response will be considered. responses should include the following information for each such scheme:

Name & Address of the Development, and name of Client
Design Team and Specialist Consultants engaged for the Development
Total number of housing units and type of units (i.e. house types, apartments etc.)
Details of infrastructural elements
Details of the landscaping & public green spaces
Type of Contract utilised and the value of the Contract
Photographs of the finished units including landscaping and public open spaces
Construction start & completion dates
BER Rating achieved
Services provided throughout the project (including, but not limited to, design, construction, handover and defects period stages.

Higher marks will be awarded for demonstration of experience with previous residential schemes directly comparable to the proposed project in terms of nature, size and complexity, including infrastructural and landscaping elements.

The Reference Projects must have been substantially completed within the last 7 (seven) years prior to the date of issue of this Pre-qualification Questionnaire. A minimum of 2 (two) of the Reference Projects must be occupied with residents in place.

(ii) Civil & Structural Engineer - Previous Completed Projects (50 marks)

The Applicant must provide examples of residential schemes (the “**Reference Projects**”) that it has completed over the last 7 (seven) years that are similar in nature, size and complexity to the works required for the Cherry Orchard Affordable for Sale project. The evidence must be provided in the format specified below.

Three (3) no. projects must be submitted in response to this criterion. The Project Experience Template at Appendix C of the Applicant Submission Document must be used for each Reference Project and must be limited to a maximum of two (2) no A4 pages for each Reference Project. Applicants may include photographs on one (1) additional standalone A4 page only; no further pages will be considered. If the Applicant submits more than three (3) reference projects, only the first three (3) listed/included in the response will be considered.

Responses should include the following information for each such scheme:

Name & Address of the Development, and name of Client
Design Team and Specialist Consultants engaged for the Development
Total number of housing units and type of units (i.e. house types, apartments etc.)
Details of infrastructural elements
Type of Contract utilised and the value of the Contract
Photographs of the finished units
Construction start & completion dates
BER Rating achieved
Services provided throughout the project (including, but not limited to, design, construction, hand-over and defects period stages.

Higher marks will be awarded for demonstration of experience with previous residential schemes directly comparable to the proposed project in terms of nature, size and complexity, including infrastructural and landscaping elements.

The Reference Projects must have been substantially completed within the last 7 (seven) years prior to the date of issue of this Pre-qualification Questionnaire. A minimum of 2 (two) of the Reference Projects must be occupied with residents in place.

(iii) Mechanical & Electrical Engineer - Previous Completed Projects (50 marks)

The Applicant must provide examples of residential schemes (the “**Reference Projects**”) that it has completed over the last 7 (seven) years that are similar in nature, size and complexity to the works required for the Cherry Orchard Affordable for Sale project. The evidence must be provided in the format specified below.

Three (3) no. projects must be submitted in response to this criterion. The Project Experience Template at Appendix C of the Applicant Submission Document must be used for each Reference Project and must be limited to a maximum of two (2) no A4 pages for each Reference Project. Applicants may include photographs on one (1) additional standalone A4 page only; no further pages will be considered. If the Applicant submits more than three (3) reference projects, only the first three (3) listed/included in the response will be considered.

Responses should include the following information for each such scheme:

Name & Address of the Development, and name of Client
Design Team and Specialist Consultants engaged for the Development
Total number of housing units and type of units (i.e. house types, apartments etc.)
Details of Mechanical & Electrical systems
Type of Contract utilised and the value of the Contract
Photographs of the finished units
Construction start & completion dates
BER Rating achieved
Services provided throughout the project (including, but not limited to, design, construction, hand-over and defects period stages.

Higher marks will be awarded for demonstration of experience with previous residential schemes directly comparable to the proposed project in terms of nature, size and complexity, including infrastructural and landscaping elements.

The Reference Projects must have been substantially completed within the last 7 (seven) years prior to the date of issue of this Pre-qualification Questionnaire. A minimum of 2 (two) of the Reference Projects must be occupied with residents in place.

(iv) Assigned Certifier - Personnel (50 marks)

(One (1) no. Curriculum Vitae, maximum 2 (two) A4 pages.)

The CV must be in the CV template format provided at Appendix B of the Applicant Submission Document and must be limited to a maximum of 2 (two) no. A4 pages.

The person nominated in the role of Assigned Certifier shall have training and experience of relevance to Assigned Certifier services and projects of a similar scale and complexity. The Assigned Certifier shall be a

registered professional responsible for Certification, coordination of all Ancillary Certification, and shall have a minimum of ten (10) years' experience in construction design or greater.

This may be demonstrated through the following:

- a) relevant experience on similar construction projects (of a similar scale and complexity)
- b) educational, professional qualifications and project management skills
- c) experience and expertise in relation to delivery of Assigned Certifier services
- d) Experience in working with and managing other contractors/ancillary certifiers

The Assigned Certifier must provide evidence to demonstrate their experience with delivering assigned certifier services and completion certification on three (3 No.) projects of similar nature, scale & complexity to Cherry Orchard Affordable for Sale, with relevant experience of multi-unit housing developments. Any project examples must have been substantially completed within the last 7 (seven) years prior to the date of issue of this Pre-qualification Questionnaire

(v) Sales and Marketing (50 marks)

The applicant must provide details of their proposed sales and marketing agent for the proposed development. Applicants are to provide details of projects of a similar size and nature with supporting documentation detailing historical projects where the applicant has been responsible for the marketing, branding and sales of homes following their completion.

The Applicant must provide examples of residential schemes (the “**Reference Projects**”) that it has completed over the last 7 (seven) years that are similar in nature, size and complexity to the works required for the Cherry Orchard Affordable for Sale project. The evidence must be provided in the format specified below.

Three (3) no. projects must be submitted in response to this criterion. The Project Experience Template at Appendix C of the Applicant Submission Document must be used for each Reference Project and must be limited to a maximum of two (2) no A4 pages for each Reference Project. Applicants may include photographs on one (1) additional standalone A4 page only; no further pages will be considered. If the Applicant submits more than three (3) reference projects, only the first three (3) listed/included in the response will be considered. A total of 50 marks is available for this criterion.

Responses should include the following information for each such scheme:

Name & Address of the Development, and name of Client
Sales and marketing agent details
Total number of housing units and type of units (i.e. house types, apartments etc.)
Branding for schemes
Type of Contract utilised and the value of the Contract
Marketing strategy and launch strategy
Allocation process methodology
Sales completion methodology

5 Evaluation of Submissions

Applicants should refer to Section 5 of this document, which identifies the information to be submitted (Pass/Fail & Qualitative criteria). Each application will be assessed in accordance with the criteria outlined, a summary of which is provided in the table below:

PQQ Ref	Description	Max. Score Achievable
4.1	Financial and Economic Standing	
4.1.1	Certified Minimum Turnover	Pass / Fail
4.1.2	Statement of Going Concern	Pass / Fail
4.2	Insurance	Pass / Fail
4.3	Contractors All Risk Insurance	Pass / Fail
4.4	Performance Bond	Pass / Fail
4.5	Health, Safety Environmental and Quality Information	Pass / Fail
4.6	Self-Declaration Re Regulation 57	Pass / Fail
4.7	Technical and Professional Resources and Experience	
4.7.1	Development Partner's Proposed Project (organisational) Structure	100
4.7.2	Development Partner - Personnel CVs	200
(1)	Developer Lead	75
(2)	Construction Lead	75
(3)	Environmental, Health & Safety Manager	50
4.7.3	Development Partner - Previous Completed Projects	375
(1)	Reference Project 1	125
(2)	Reference Project 2	125
(3)	Reference Project 3	125
4.7.4	Development Partner – Key Design Team Members	325
(1)	Architect - Previous Completed Projects	125
(2)	Civil & Structural Engineer - Previous Completed Projects	50
(3)	Mechanical & Electrical Engineer - Previous Completed Projects	50
(4)	Assigned Certifier - Personnel	50
(5)	Sales and Marketing	50
	TOTAL SCORE:	1000

- Applications will firstly be assessed according to the Pass / Fail criteria set out within the PQQ at Sections 4.1 to 4.6 inclusive (Pass/Fail).

- If an application passes all criteria in the Pass/Fail criteria, it will be evaluated under the Qualitative Assessment at Section 4.7. Applications must pass the minimum standard before receiving marks under the Qualitative Assessment.
- If an application does not achieve the minimum standard for any criterion, it will be deemed to have failed the pre-qualification assessment and will be eliminated from the procurement procedure. Applicants should note that they must achieve a minimum rating of 40% for each of the Criterion 4.7.1 to 4.7.4 (inclusive) in order to avoid elimination from the procurement procedure. If during PQQ evaluation it is assessed that the Applicant has not achieved the minimum score required for any of these criteria, the Applicant will be eliminated from the evaluation process and the other criteria will not be evaluated.
- It is the Applicant's responsibility to clearly outline its compliance with the PQQ requirements.
- Applicants should note the page limits noted in each respective selection criteria and sub-criteria. The Contracting Authority shall only consider and evaluate the response up to the maximum page limit as noted for each respective criterion and sub-criteria. If an Applicant exceeds the maximum page limit the Contracting Authority will only evaluate that part of the Applicant's response up to the maximum page limit. Any part of the Applicant's response which exceeds the maximum page limit shall not be evaluated. The page limit applies to any photographs / graphics, etc. provided as part of the Applicant's responses.

If an application fails to comply in any respect with the requirements set out in this PQQ or the Applicant Submission Document or is ambiguous, the Contracting Authority will be entitled at its absolute discretion (but will not be obliged), to take such steps as it considers appropriate (at its sole discretion) including (but not limited to):

- a) rejecting the relevant response as non-compliant.
- b) without prejudice to the Contracting Authority's right to reject the response:
 - a. meet with, raise issues and/or seek clarification from the Applicant in respect of the relevant response;
 - b. request the Applicant to provide the Contracting Authority with information or items which have not been provided or have been provided in an incorrect form or on an incorrect basis;
 - c. waive a requirement which, in the opinion of the Contracting Authority, is not material and/or is procedural; and/or
 - d. amend the relevant requirement and invite the other Applicants to adjust their respective responses on the basis of such revised requirement.

The Contracting Authority may seek clarification of any aspect of any response. The Contracting Authority may, at its absolute discretion (but will not be obliged) seek clarification or verification of any aspect of an Applicant's submission or any response. Therefore, Applicants are advised to ensure that they return completed documentation in order to avoid the risk of elimination from the competition.

5.1 Evaluation Matrix

The criteria within the PQQ will be evaluated based on the following matrix:

Evaluation	Rating (%)	Interpretation
Excellent	91 – 100	Requirements are fully addressed; responses are very detailed in content/justification and explanation; inspires confidence about ability to meet requirements to an excellent standard.
Very Good	81 – 90	Requirements are addressed; demonstrates that tenderer could exceed some of the requirements; responses are detailed in content/justification and explanation; assurance that the tenderer will meet the requirements to a very good/high standard.
Good	71 – 80	Requirements are addressed; responses have a good level of content/justification and explanation; offers a high level of degree of confidence over ability to meet the requirements to a good standard.
Satisfactory	61 – 70	Requirements are broadly addressed; responses have a reasonable level of content/justification and explanation; offers confidence over ability to meet the requirements.
Acceptable	40 – 60	Requirements are addressed to some extent; some responses lack content/explanation.
Poor	0 – 39	Submission is below the expected standard, there are significant gaps or omissions in addressing the requirements.

Table 2. Evaluation Matrix

5.2 Applicant's Final Score for Shortlisting

The weighted scores for each Criterion added together will represent each Applicant's final score. The highest ranked Applicants will be placed on a shortlist for tendering, with the intention being to qualify up to five (5) Applicants. The Contracting Authority reserves the right to increase the number of Applicants should there be a tie for fifth place.

The Contracting Authority reserves the right to proceed to tender with less than five (5) Applicants.

If an Applicant who has been shortlisted subsequently either withdraws or is excluded from the procurement process, the Contracting Authority may, at its discretion and without any obligation whatsoever, invite the next highest scored Applicant, to enter into the procurement process and to receive the RFT. In such circumstances the Contracting Authority will notify Applicants accordingly and may amend the indicative procurement timetable.

6 Conditions

6.1 Important Notice

The information in this document is preliminary only and will be superseded by the RFT documents. The information provided is offered in good faith for guidance purposes to each specialist Applicant, but no warranty or representation is given as to the accuracy or completeness of any of it and the Land Development Agency and its advisors shall not be under any liability for any error, misstatement, or omission in this PQQ. No Applicant will be reimbursed for any expense incurred in making a pre-qualification submission.

The document is for information only and does not constitute, and shall not be interpreted as, the basis of an offer or commitment to enter into a Development Agreement or part of a Development Agreement between the Contracting Authority and any Applicant. The Contracting Authority reserves the right not to follow up this invitation in any way and / or to change the tender procedure and / or to terminate discussions with any or all of the Applicants at any time. The Contracting Authority shall not be obliged to enter into a Development Agreement with any Applicant. No legal relationship or other obligation shall arise between any Applicant and the Contracting Authority unless and until the Development Agreement has been formally executed in writing by the Contracting Authority and the successful tenderer and any conditions precedent to the effectiveness of such Development Agreement have been fulfilled.

The Contracting Authority reserves the right to amend the project information, its requirements and any information contained herein at any time by notice, in writing, to the Applicants.

Nothing in this document is, nor shall it be relied upon as constituting a promise or representation as to the Contracting Authority's ultimate decision in relation to the award of the Development Agreement.

Nothing contained in this document is, nor shall it be relied upon as constituting a representation of fact or promise as to the future dealings of the Contracting Authority. Any summaries or descriptions of documents or contractual arrangements contained in any part of this document cannot be and are not intended to be comprehensive, nor any substitute for the underlying documentation (whether existing or to be concluded in the future) and are in all respects qualified in their entirety by reference to them.

Reference in this Important Notice to the PQQ shall include all information contained in this document together with any appendices attached hereto and any other information (whether written, oral, or in machine-readable form) or opinions made available during the pre-qualification stage of the competition by or on behalf of the Contracting Authority, its respective advisors, consultants, contractors, servants and / or agents in connection with this PQQ. The Contracting Authority reserves the right, at any time and without notice or liability, not to proceed with some or all of the Applicants to terminate the procurement process (or any part thereof), to change the basis of and the procedures for the bidding process and/or to procure Cherry orchard Phase 2 by alternative means if, in the Contracting Authority's opinion and at its sole discretion, it appears that the Cherry Orchard Affordable for Sale can be thereby more advantageously procured.

Defined terms contained within this Section 7.1 (Important Notice) shall have the meanings given to them within this PQQ.

Irish law is applicable to this PQQ. The Irish courts shall have exclusive jurisdiction in relation to any disputes arising from this PQQ.

6.2 Reliance on Resources

Where, in order to prove its financial, economic and technical standing with a view to being admitted to participate in the tendering procedure, an Applicant or a member of an Applicant relies on the resources of entities or undertakings with which it is directly or indirectly linked, whatever the legal nature of those links may be (including, for example, but not limited to, reliance on a parent company's resources) it must establish that it has available to it the resources of those entities or undertakings which are necessary for

the performance of the Development Agreement in accordance with Section 7.3 below. If sufficient evidence is not provided then the Applicant or member of the Applicant will be evaluated based on its own financial, economic and technical standing.

Where the Applicant is relying on a parent or other entity to meet the turnover requirement, the Applicant must provide with its response to the PQQ, a letter from such parent or other entity confirming that it (i.e. the parent or other entity) has the required turnover and that it will, if the Applicant is successful and if requested to do so by the Contracting Authority, enter into an appropriate contractual commitment in favour of the Contracting Authority. Before being invited to tender the Contracting Authority may require Applicants to provide satisfactory evidence of turnover, such as a certificate from their auditor (and / or the auditor of the parent or other entity on which it is relying for the purpose of meeting the turnover requirement, if applicable). Combined total turnover for all members of a consortium (including any entities being relied upon) must meet the minimum turnover. If only 1 (one) member has the skills, resources and experience for the services, that member must have an average turnover that demonstrates (to the Authority's satisfaction) financial capacity for the work.

6.3 Applicant Composition

In order to offer the resources and the range and depth of skills required, interested parties may wish to collaborate to form a consortium which will then apply as a single Applicant for the purposes of the competition.

If the Applicant is a consortium or grouping of members, the Applicant must specify in its Applicant Submission Document the commercial and legal relationship amongst its members and any agreements giving effect to same. The Contracting Authority reserves the right to request copies of any such agreements and to comment upon them and make them subject to its approval as a condition of award. However, these agreements should not be provided as part of the Applicant's application.

If the Applicant is a consortium or grouping of members, the Applicant must nominate a lead firm which will act as the Contracting Authority's principal contact in respect of this process and, if applicable, the works. The lead firm will be the prime contractor and may participate in 1 (one) Pre-Qualification Submission only. Other consortium members may only participate in more than 1 (one) Pre-Qualification Submission with prior Contracting Authority approval.

6.4 Change in Applicant or Consortium Members

To facilitate participation by the SME sector in public procurement, applications will be accepted from groups of economic operators who combine their resources in order to satisfy the minimum requirements of the PQQ.

The Applicant must notify the Contracting Authority in writing if any of the information submitted or declared as part of the Pre-Qualification Submission subsequently changes.

6.5 Confidentiality

Notwithstanding anything set out in the PQQ, these documents shall be treated as private and confidential by the Applicants, who shall not release details of these documents other than on a confidential basis to those who have a legitimate need to know or to whom they need to consult for the purpose of preparing their application.

Applicants shall not at any time release information concerning these documents and / or the scope of works and / or services for publication in the press or on radio, television, screen or any other medium.

6.6 Amendments to and / or Clarifications of the PQQ

Notwithstanding anything else in the PQQ, the Contracting Authority has the right, at any time, to issue clarifications or updated information to Applicants, via the eTenders platform messaging facility. This may

include information prompted by a confidential query, even if the confidential query has been withdrawn by an Applicant.

6.7 Conflict of Interest

Any conflict of interest or potential conflict of interest must be fully disclosed to the Contracting Authority as soon as such conflict or potential conflict becomes apparent. In the event of any conflict or potential conflict of interest, the Contracting Authority shall, in its absolute discretion, decide on the appropriate course of action.

6.8 Tax Clearance Certificates

It is a condition of entry into the Development Agreement that the successful Applicant is required to produce for inspection by the Contracting Authority a current tax clearance certificate within 2 (two) weeks of request or such further period as may be permitted by the Contracting Authority. The successful tenderer and other relevant parties must continue to hold current versions of such certificate until the final payment becomes due under the Development Agreement.

6.9 Own Costs

The Contracting Authority is not responsible for and will not pay for any expense or cost incurred or loss or damage suffered or incurred by an Applicant in the preparation or submission of its Pre-Qualification Submission, participation in this competition or otherwise. Each Applicant is fully responsible for the entirety of all expenses and / or costs it incurs in the presentation or submission of a Pre-Qualification Submission or in participating in this process and competition.

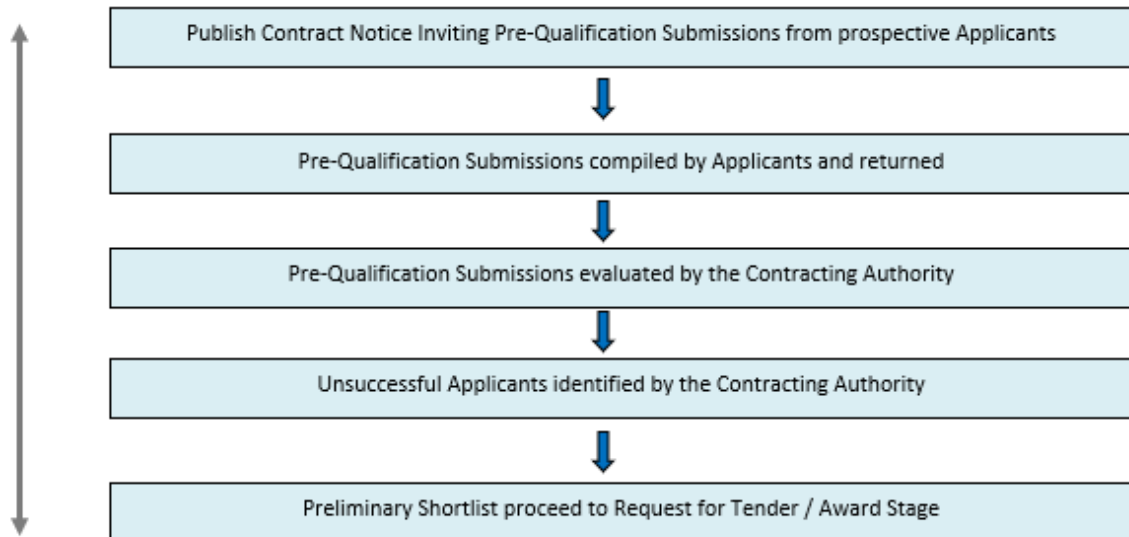
6.10 Governing Law

This document and any matter or disputes related to or in any way connected with or arising out of this competition are governed by and construed in accordance with Irish law and subject to the exclusive jurisdiction of the Irish courts.

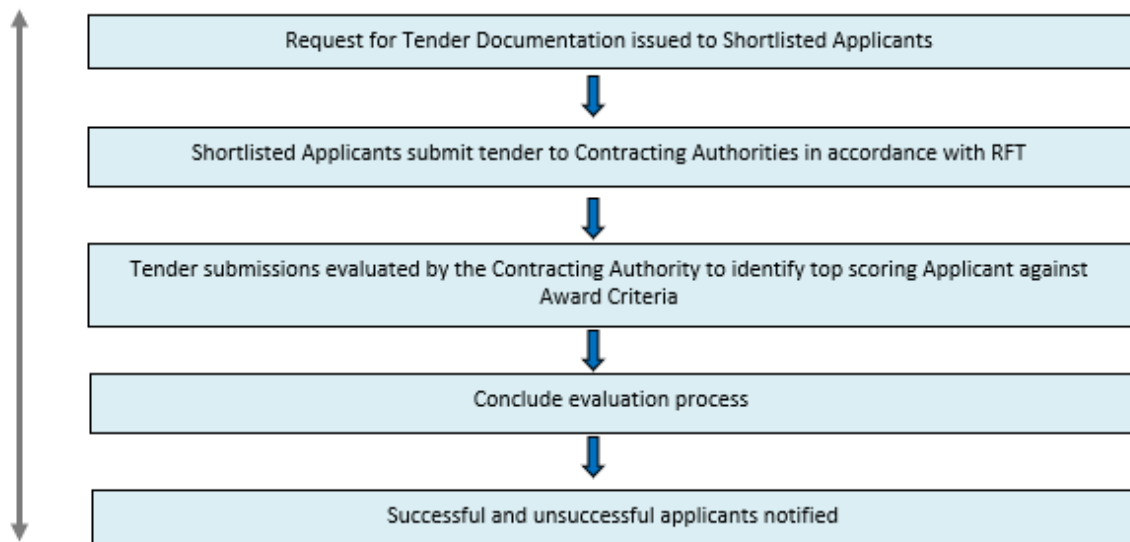
Appendix A

Two Stage Restrictive Procedure overview

STAGE 1: Prequalification Stage



STAGE 2: Tender Evaluation / Award



Restrictive Procedure Process Flow Chart

Appendix B

LDA_Cherry Orchard AFS Market Engagement Event – Presentation Slides

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