

TII-499

Luas Finglas

Main Infrastructure

Design & Construction Works

Information Memorandum and Pre-Qualification Questionnaire (IMPQQ)

DOCUMENT HISTORY LOG

Current Version

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Executive Summary

This Information Memorandum and Pre-Qualification Questionnaire (IMPQQ) provides prospective Applicants with the essential information required to participate in the Selection Stage of the procurement process for the Luas Finglas Main Infrastructure Design & Construction Works (Contract TII-499).

The procurement will be conducted under the EU Utilities Directive using the Negotiated Procedure with prior call for competition. Applicants must submit a compliant Pre-Qualification Submission comprising a completed European Single Procurement Document (ESPD) and the Pre-Qualification Questionnaire (PQQ) along with necessary appendages.

To qualify, Applicants must meet all minimum pass/fail criteria relating to financial robustness, turnover, insurance capability, performance bond capacity, quality assurance, environmental management and health and safety accreditation.

Applicants must also demonstrate relevant experience through three Reference Projects as well as through detailed responses to qualitative questions.

Submissions will be assessed for compliance with mandatory requirements. Qualitative responses will be evaluated using a structured scoring methodology. A maximum of four Applicants will be shortlisted for the Tender Stage, subject to tie-break rules.

Definitions

In this Information Memorandum and Pre-Qualification Questionnaire (IMPQQ), unless the context otherwise requires, the following words and expressions shall have the meanings set out below:

“Acts” means any applicable laws, statutes, statutory instruments, regulations or directives having the force of law in Ireland or the European Union, as may be amended or replaced from time to time.

“Applicant(s)” means an entity (whether incorporated or not) or a Consortium submitting a Pre-Qualification Submission in response to this IMPQQ.

“Consortium” means an Applicant comprising more than one Member.

“Contractor” means the successful Tenderer appointed by TII to perform the Luas Finglas Main Infrastructure Design & Construction Works.

“Contract” means the agreement to be entered into between TII and the Contractor for the delivery of the Luas Finglas Main Infrastructure Design & Construction Works.

“Directive” means Directive 2014/25/EU of the European Parliament and of the Council (Utilities Directive).

“European Single Procurement Document” or “ESPD” means the standard self-declaration form used by Applicants as preliminary evidence of fulfilment of Exclusion grounds.

“Information Memorandum and Pre-Qualification Questionnaire” or “IMPQQ” means the document containing information provided in order to inform Applicants as to the background to the contract, selection criteria, procurement process and timetable envisaged, and the general scope of services required.

“Invitation to Tender” or “ITT” means the documentation issued following completion of the Selection Stage. The issue of the ITT formally commences the Tender Stage and sets out the rules for that stage.

“Member” means each member of the Applicant, where an Applicant consists of more than one economic operator.

“Pre-Qualification Questionnaire” or “PQQ” means Section 7 of this IMPQQ.

“Pre-Qualification Documents” means the IMPQQ and ESPD together with all supplements, appendices, amendments, clarifications and accompanying documents, as available from the eTenders website.

“Pre-Qualification Submission” means the completed Pre-Qualification Questionnaire and ESPD (including enclosed documentation where permitted by the IMPQQ), as submitted in response to this IMPQQ.

“Reference Project(s)” means any one of the projects that the Applicant has provided information about in the Reference Project Template included in this IMPQQ.

“Reference Project Template” means the template form(s) in respect of the Reference Projects included in this IMPQQ.

“Selection Stage” means the initial Pre-Qualification stage.

“Tender” means the proposal submitted by an Applicant in response to the Invitation to Tender to be published at Tender Stage by TII.

“Tender Stage” means the stage following the Selection Stage, commencing on the issuance of the Invitation to Tender.

“TII” or “the Authority” means Transport Infrastructure Ireland.

These definitions apply throughout the Pre-Qualification Documents, including the IMPQQ, the ESPD, all appendices, clarifications and any supplementary documentation issued by TII during the Selection Stage, and shall govern the interpretation of those documents.

Important Notice Summary

This Information Memorandum and Pre-Qualification Questionnaire (together, the “Pre-Qualification Documents”) are issued by Transport Infrastructure Ireland (“TII”) solely to assist Applicants in preparing submissions for Pre-qualification. They do not constitute an offer, commitment, or representation that a contract will be awarded or that the procurement process will proceed.

Applicants participate in this process entirely at their own risk and expense. TII accepts no liability for any costs incurred or for the accuracy, completeness, or continued validity of the information provided. Applicants are responsible for carrying out their own investigations and forming their own conclusions.

TII reserves full discretion in relation to this competition, including the right to amend the documents, change procedures, reject submissions, or terminate the process at any stage without liability. No legal relationship or contractual obligation arises unless and until a formal contract is executed.

Applicants must fully comply with the requirements of the Pre-Qualification Documents. Failure to do so may result in disqualification, although TII may, at its discretion, seek clarification or waive minor irregularities.

The procurement process is subject to Irish law, and TII is subject to the Freedom of Information Act 2014. Applicants should identify any confidential information provided, noting that disclosure may still be required by law.

This summary should be read in conjunction with the full Important Notice set out in Appendix 1.

1 Project Information

1.1 Transport Infrastructure Ireland

Transport Infrastructure Ireland (TII) is the national authority responsible for delivering and managing Ireland's strategic road and light rail infrastructure, with an expanding remit in sustainable mobility and future transport technologies. It plays a central role in delivering major national projects such as Luas extensions, MetroLink, national road upgrades, and active travel networks.

Further information on TII can be found at www.tii.ie.

1.2 The Luas Finglas Project

Luas Finglas is a 4 km extension of the Luas Green Line, delivering a high-capacity light rail connection between Finglas and Dublin city centre to support sustainable transport and urban development.

The scheme will serve communities including Charlestown, Finglas Village, Finglas West, St Helena's, and the Tolka Valley, and will comprise four new stops at St Helena's, Finglas Village, St Margaret's Road, and Charlestown. It also includes a 350-space Park and Ride facility near St Margaret's Road, as well as interchange opportunities with bus services and with mainline rail services at Broombridge.

Figure 1 below illustrates the scheme alignment, while Figure 2 highlights the project's key facts.

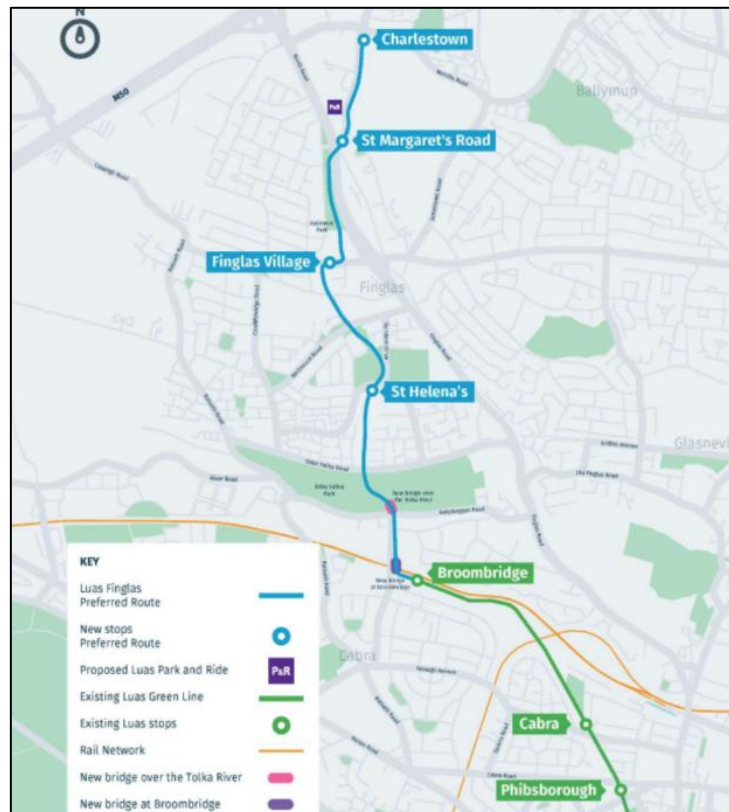


Figure 1 - Luas Finglas Alignment

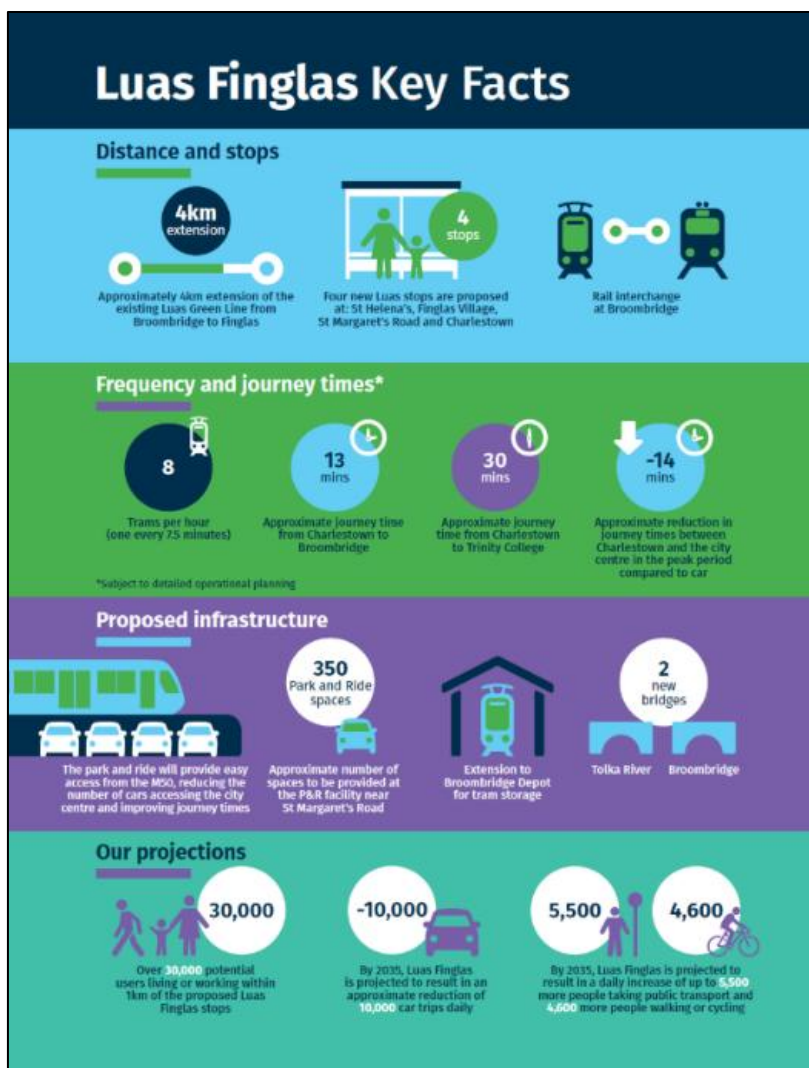


Figure 2 - Luas Finglas Key Facts

Further details of the proposed project can be obtained from the schemes Environmental Impact Assessment Report (EIAR) and the dedicated project website:

Link to EIAR	Chapter 5: Description of the Proposed Scheme
Link to Website	Luas Finglas

1.3 Luas Finglas Procurement Strategy

The Luas Finglas Procurement Strategy splits the scheme into the following discrete works packages:

- Package 1 – Construction of An Garda Síochána Building
- Package 2 – Main Infrastructure Design & Construction Works (Contract TII-499)
- Package 3 – Design & Construct - Core Railway Systems*
- Package 4 – Supply of Stop Furniture
- Package 5 – Supply of Validators and Ticket Vending Machines

**Power and Systems works will primarily be delivered as part of the standalone Main Infrastructure Design & Construction Works Contract.*

To maintain continuity across core railway systems, these elements will be directly awarded via Package 3 to ensure integration with the existing Luas network.

1.4 The Works Being Procured Under This IMPQQ

The scope of this Contract (TII-499) includes, but is not limited to, the design and construction of the following principal elements:

1. Site clearance and demolitions.
2. Track.
3. Luas Stops at St Helena's, Finglas Village, St Margaret's Road and Charlestown.
4. Broombridge stabling works.
5. Park & Ride facilities at St Margaret's Road.
6. Royal canal and rail overbridge at Broombridge.
7. Tolka Valley Park Bridge.
8. Fencing, retaining walls, boundary treatments and accommodation work.
9. Utility services realignment, diversion, replacement, and protection.
10. Road realignments and junction modifications.
11. Pedestrian and cycling facilities including cycle storage structures.
12. Road traffic signalling.
13. Landscape & urban realm upgrades.
14. Overhead Catenary System (OCS).
15. Power and Systems infrastructure.
16. Signalling, controls and other rail systems.
17. Working in live traffic environment on the busiest radial corridors in the greater Dublin area including property and business frontage reconfiguration.
18. Heritage / archaeology mitigation works.
19. Installation of stop furniture.
20. Installation of Validators and Ticket Vending Machines.
21. Other Ancillary works.

The successful Contractor will also be responsible for:

- Overall systems integration.
- Interfacing and co-ordinating with other works packages to facilitate completion of works.
- Interfacing and co-ordinating with stakeholders.
- Testing and commissioning.

Note: The scope described above is indicative and will be further defined in the Invitation to Tender. TII retains flexibility to adjust the scope in any way prior to the Tender Stage.

1.5 Indicative Programme

Table 1 below sets out an indicative timeline for the competition and is subject to change at TII's absolute discretion. Applicants will be advised of confirmed dates as the competition progresses. The exact closing date for receipt of Pre-Qualification Submissions is specified in the eTenders Contract Notice issued for this competition.

Stage	Indicative Completion Dates
Pre-Qualification Documents issued	As specified in the eTenders Contract Notice
Deadline for receipt of Pre-Qualification queries	As specified in the eTenders Contract Notice
Deadline for receipt of Pre-Qualification submissions	As specified in the eTenders Contract Notice
Notification of Applicants Shortlisted	Q1 2027
Issue of Tender Documents	Q3 2027
Return of Tender Documents	Q4 2027
Award of Contract	Q2 2028

Table 1: Indicative Programme

2 Procurement Process

2.1 General

A notice has been dispatched by TII to the Official Journal of the European Union (OJEU) with respect to this Contract inviting expressions of interest from potential Applicants wishing to be considered for the Contract. This document (the IMPQQ) provides Applicants with the information necessary to participate in the Selection Stage of the competition.

The procurement process will be conducted in accordance with the two-stage negotiated procedure with prior call for competition, under Directive 2014/25/EU (the Utilities Directive).

Following assessment of submissions received in response to this IMPQQ, and subject to a sufficient number of suitable applications, TII intends to shortlist Applicants to proceed to the Tender Stage. TII reserves the right to verify any declarations made by Applicants in their ESPD or Pre-Qualification Questionnaire submissions prior to shortlisting.

No further information relating to the Contract or the award stage will be provided during the Pre-Qualification Stage, other than responses to clarification queries. An Invitation to Tender (ITT) will be issued to shortlisted Applicants and will set out detailed requirements for the Tender Stage, including the proposed rules for the conduct of the tender.

2.2 The Regulatory Framework

This procurement is conducted in accordance with Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014, which governs procurement by entities operating in the water, energy, transport and postal services sectors and repeals Directive 2004/17/EC.

The procedure leading to the award of the Contract will comprise two distinct stages:

- the Selection Stage; and
- the Tender Stage.

This Information Memorandum pertains exclusively to the Selection Stage. It is accompanied by the European Single Procurement Document (ESPD), which must be completed and submitted by all Applicants seeking to be shortlisted for participation in the Tender Stage. The ESPD addresses the exclusion grounds at this stage of the competition.

TII reserves the absolute right, at any time and without obligation to provide justification, to take whatever actions it considers appropriate in relation to this procurement process, as outlined in the *'Important Notice'* (Refer to Appendix Nr.1). Such actions may include, without limitation, the amendment, suspension, or termination of the process, either in whole or in part.

2.3 Contract Details

The Luas Finglas Main Infrastructure Design & Construction Works will be delivered under the NEC4 Engineering and Construction Contract (ECC) Option C (Target Cost with Activity Schedule).

2.4 Selection and Award Process

Applicants will be assessed on the basis of:

- Compliance with the pass/fail requirements set out in the ESPD/IMPQQ/PQQ; and
- The quality of responses to the qualitative criteria contained in the IMPQQ/PQQ.

A maximum of **four** Applicants will be shortlisted to proceed to the Tender Stage (except in the event of a tie). Following the Tender Stage, TII intends to award the Contract to the tenderer submitting the most economically advantageous tender (MEAT).

The Tender Stage will commence upon the issue of an Invitation to Tender (ITT) to all shortlisted Applicants. Full details of the award criteria and process shall be contained within this document.

Shortlisted Applicants should note that, at Contract Award stage, they will be required to:

- Demonstrate compliance with the insurance requirements set out in the Contract; and
- Hold and provide a valid Tax Clearance Certificate issued by the Revenue Commissioners of Ireland.
- Provide full details to support BPC1 and BPC2 Declarations.
- Satisfy any other requirements deemed necessary by TII.

2.5 Group Tenderers

Applications may be submitted either by a single entity or by a consortium (the “Group”). TII recognises that Applicants may wish to form a Group in order to combine the resources and expertise required for the Project.

Where an application is submitted by a Group, the Applicant must identify a Lead Member within its Pre-Qualification Questionnaire submission. The Lead Member will be the entity that, if successful, enters into the Contract with TII.

If a Group is shortlisted and subsequently awarded the Contract, it is anticipated that:

- The Lead Member will assume full responsibility for the performance of the works; and
- Other Group members will act as subcontractors and may be required to provide collateral warranties to TII.

TII reserves the right, at its discretion, to require the Group to contract on an alternative basis, including joint and several liability among Group members.

2.6 Reliance on the Capacities of Others

If an Applicant is relying on the resources or capacity of a parent or other entity in its Pre-Qualification Submission for this competition (including, for the avoidance of doubt, with a view to meeting the Financial Robustness and Annual or Average Annual Turnover criteria), the Applicant must demonstrate to the satisfaction of TII (in its absolute discretion) that the resources being relied upon

will be available to the Applicant, if it is successful. In order to demonstrate this in the first instance, it will suffice for the relevant entity to provide guarantees duly completed and signed by the relevant entity concerned, by providing letters in the form set out in Appendix 3 & Appendix 4.

In providing a completed ESPD form, the parent company or other entity is confirming that the resources relied upon will be made available and confirming that a contractual commitment in a form acceptable to TII will be entered into by such parent or other entity at contract execution stage if required by TII. Applicants should note that, where an Applicant is relying on the capacities of another entity with respect to its responses to the Relevant Experience sub-criterion, the Applicant must demonstrate to the satisfaction of TII (in its absolute discretion) that the entity will be involved in the performance of the work for which these capacities are required.

If any Applicant wishes to rely on the resources of any person or other entity or entities (including for example, any sub-contractors, or a parent entity), in order to fulfil any of the Selection Criteria, whether of financial standing or of technical and qualitative standing, or both, the Applicant must set out its detailed responses as to what are the precise arrangements by which it proposes to rely on the capacity and resources of other persons or entities.

It is anticipated that TII will require entities who offer resources or support to Applicants to contract on a joint and several basis, provide guarantees, collateral warranties, direct agreements or some other structure or contractual mechanism as TII considers necessary in order for it to have appropriate recourse to the substantive entities bidding for this service.

In accordance with the Selection Criteria of this IMPQQ, TII intends to evaluate the Applicant:

- i) in respect of financial standing, in accordance with section 5.2 (Financial Standing), based on the financial standing of the undertaking whose resources are being relied upon; and
- ii) in respect of technical capability and relevant experience standing, in accordance with sections 5.3 and 5.4, assessment will be based on both the technical capacity of the entity whose resources are relied upon and the Applicant's own technical capability.

In the event that TII deems that the evidence provided in respect of reliance on resources is insufficient following clarification, if necessary (or where no reliance on resources is sought), the Applicant will be evaluated based on its own financial and technical standing.

TII reserves the right to require collateral warranties or other forms of agreement (in each case in form and substance acceptable to TII) from any service provider ultimately appointed, should the Applicant be successful.

2.7 Multiple Participations During the Competition

Applicants must ensure that their proposed Consortium members, subcontractors, entities being relied upon, and advisors are fully informed of the provisions of this IMPQQ.

No entity may participate in, or act as an advisor to (including, for the avoidance of doubt, any proposed specialist or subcontractor), more than one Applicant or Member of an Applicant without the prior written approval of TII.

Where any entity proposes to participate in, or act as an advisor to, more than one Applicant, or proposes to tender both in its own right and as part of another Applicant, that entity must, as soon as reasonably practicable and in any event no later than four (4) weeks prior to the closing date for Pre-Qualification Submissions, notify each Applicant with whom it proposes to be involved of such proposed multiple participation. The entity must be able to produce evidence of such notification to TII upon request.

Within two (2) working days of being notified of any proposed multiple participation, each Applicant concerned must notify TII and formally seek approval for the proposed arrangement. Such approval may be granted or refused, or granted subject to such conditions as TII, in its absolute discretion, considers appropriate.

TII will take such steps as it considers appropriate, which may include prohibiting the entity from being involved with more than one Applicant or making such involvement conditional on certain conditions being met. TII reserves the right, following such notification by the entity concerned, to require further information from such entity as to how it will manage such multiple shortlisting / multiple participation, and to consider whether such multiple shortlisting / multiple participation will have an adverse impact on the competition.

Exclusion of the Implementation Consultant

Applicants are advised that the TII-372 Technical Consultancy Services Framework member (and any of its sub-consultants) appointed as the Luas Finglas Implementation Consultant is prohibited from providing any support or services to any Applicant participating in this competition (Contract TII-499) during both the Selection Stage and the Tender Stage. This exclusion is applied to ensure the integrity, fairness, and independence of the procurement process, and to avoid any conflict of interest.

2.8 Conflict of Interest, Registrable Interest, Canvassing and Collusion

Any conflict of interest or potential conflict of interest must be fully disclosed to TII as soon as such conflict or potential conflict becomes apparent, in accordance with TII's policies and procedures related to the probity and ethics for the procurement of the Contract.

In the event of a conflict of interest or potential conflict of interest, the Applicant must contact TII to fully disclose (in writing) about such conflict of interest or potential conflict of interest. Following receipt of such information, TII will, in its absolute discretion, decide on the appropriate course of action, which may include (but not be limited to) excluding the Applicant from the competition or permitting the Applicant to continue, subject to safeguards, approved by TII, being put in place and observed, in which case, TII may require supporting documentation from the Applicant in relation to such safeguard mechanisms or mitigation systems.

Without prejudice to the foregoing, any registrable interest involving the Applicant and TII, members of the Board of TII, members of the Government, members of the Oireachtas, employees of TII or their relatives must be fully disclosed in the application, or must be communicated to TII immediately upon such information becoming known to the Applicant where such information only comes to its

notice after submission of the Pre-Qualification Submission. The terms “registrable interest” and “relatives” shall be interpreted in line with the Ethics in Public Office Act 1995 (as amended).

If any Applicant (or a person associated with an Applicant), in connection with this competition, either:

- i) canvasses or offers any inducement, fee or reward to any employee, servant or agent of the Authority or its advisers; or
- ii) does anything which would constitute a breach of the Criminal Justice (Corruption Offences) Act 2018 as amended or the Registration of Lobbying Act 2015 as amended; or
- iii) approaches any employee, servant or agent of the Authority or its advisors except as authorised in this IMPQQ, including for the purposes of soliciting the employment of any such persons or soliciting information about the competition or the Contract,

that Applicant may be eliminated from the competition, without prejudice to any other civil remedies available to the Authority and without prejudice to any criminal liability which such conduct may attract.

Applicants are expressly and strictly prohibited from discussing any aspect of their Pre-Qualification Submission or Pre-Qualification Documents with any other Applicant or otherwise exchanging information or colluding in respect of the services required under the proposed Contract. Any Applicant who fails to comply with this requirement may be disqualified if an Applicant, in connection with this competition or the Project, either:

- i) fixes or adjusts the manner or context of its Pre-Qualification Submission by or in accordance with any agreement or arrangement with any other Applicant; or
- ii) enters into any agreement or arrangement with any other Applicant that it shall refrain from participating in the competition or any part of it; or
- iii) causes or induces any person to enter such agreement as is mentioned in this paragraph; or
- iv) offers or agrees to pay or give or does pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done any act or omission which is likely to affect the competition or any other Pre-Qualification Submission or proposed Pre-Qualification Submission; or
- v) communicates to any person other than the Authority the contents of its Pre-Qualification Submission (except where such disclosure is permitted by this IMPQQ) or carries on any other form of co-operation or collusion which the Authority considers has actually or potentially undermined the competition.

The Applicant may be disqualified without prejudice to any other civil remedies available to the Authority and without prejudice to any criminal liability which such conduct may attract.

Applicants’ attention is drawn to the Competition Acts 2002 to 2022, which make it a criminal offence for Applicants to collude on prices or terms in a public procurement competition.

2.9 Change in Circumstances

The information submitted in response to the Pre-Qualification Documents (including, without limitation, information relating to the circumstances, ownership, structure, and/or control of an Applicant and/or any Member of a Consortium) may only be changed following submission of the Pre-Qualification Submission with the prior written consent of TII. Such consent must be sought from TII, in writing, as soon as the Applicant becomes aware of any actual or proposed change in circumstances. Failure to do so may result in disqualification of the Applicant. TII reserves the right, in its absolute discretion, to withhold consent for any change in circumstances and to disqualify the Applicant from further participation in the procurement process.

Where it comes to the attention of the Authority that:

- i) there has been a change in circumstances concerning an Applicant that could affect the Authority's assessment of that Applicant's Pre-Qualification Submission or the Authority's decision to open that Applicant's Pre-Qualification Submission; or
- ii) information submitted by an Applicant was (when submitted) or has become (by reference to the facts as they then stand) untrue, incomplete or misleading,

the Authority may (but is not required to) revise its assessment of the Applicant's Pre-Qualification Submission on the basis of the information then available to the Authority.

2.10 Exclusion Grounds

As regards Regulation 57 of the Public Sector Regulations, an Applicant, each Member, and any entity that is being relied on¹, must declare in the ESPD that either no grounds for exclusion of the Applicant pursuant to Regulation 57 apply, or that, although exclusion grounds do apply to the Applicant (or the relevant entity/person), the Applicant can, where permitted by Regulation 57, provide evidence to satisfy TII that measures taken by the Applicant are sufficient to demonstrate its reliability despite the existence of the exclusion grounds.

In such circumstances, TII shall consider the matter in accordance with applicable law and shall make such decision as it deems appropriate, which may include eliminating the Applicant from the competition. TII reserves the right to seek further information from Applicants in connection with any such decision.

Where grounds for exclusion apply to an entity being relied upon and that entity being is unable to demonstrate that it should not be excluded, TII may require the Applicant to replace that entity, subject always to applicable law. Where TII is not satisfied that it would be appropriate to allow an Applicant to replace an entity relied upon, the Applicant may be eliminated.

Please note: The mandatory exclusion grounds set out in Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016 (transposing Article 57(1) of Directive 2014/24/EU), as applied to utilities procurements through Regulation 80 of the European Union (Award of Contracts by Utility Undertakings) Regulations 2016.

¹ Note that certain questions in the ESPD also require confirmations relating to persons who are members of the administrative, management or supervisory body of the entities.

2.11 Sanctions

The Authority reserves the right to exclude any Tenderer or Applicant from the competition should the Authority be of the view that entry into the Contract with such Tenderer or Applicant (bearing in mind any consortium members, entities relied upon or subcontractors) would be contrary to any applicable law or regulation, including any applicable sanctions regime. Tenderers / Applicants shall be required to disclose in their Tender or Pre-Qualification Submission any issues giving rise to possible sanctions application.

2.12 Tax Clearance

The successful Applicant must demonstrate tax clearance in accordance with the terms of Department of Finance Circular 43/2006: Tax Clearance Procedure: Public Sector Contracts (or any replacement) as a pre-condition to Contract Award.

2.13 Foreign Subsidies Regulations

Applicants should be aware of the Foreign Subsidies Regulation (EU) Regulation 2022/2560 (the “FSR”), which requires Applicants (as well as their subsidiaries without commercial autonomy and holding companies, and their main subcontractors and main suppliers involved in the tender, being those whose products or services relate to key elements of the contract or exceed 20% of the value of the contract) to notify TII whether they are in receipt of foreign financial contributions.

The following is a high-level summary of the FSR, but Applicants are directed to the FSR itself for a definitive explanation of the position. All summaries in this document and its appendices are provided for information only, are not warranted in terms of accuracy, and are qualified entirely by the terms of the FSR itself, as well as the Implementing Regulation 2023/1441 of 10 July 2023 (**the “Implementing Regulation”**) and any applicable EU guidance.

Applicants are required to confirm as part of the Appendix 8 - Applicant’s Authorised Representative - Confirmations and Acknowledgements of this IMPQQ, that they (as well as their subsidiaries without commercial autonomy and holding companies, and their main subcontractors and main suppliers involved in the tender) have included with their Pre-Qualification Submission either:

- An FSR Notification, as per Form FS-PP of the Implementing Regulation detailing foreign financial contributions received; or
- An FSR Declaration, in the form of completed sections 1, 2, 7 and 8 of Form FS-PP of Implementing Regulation declaring that no notifiable foreign financial contributions were received.

All Applicants must include either an FSR Notification or an FSR Declaration in their PQQ Submission, as applicable.

In determining whether an FSR Notification or an FSR Declaration should be submitted, Applicants are directed to the provisions of the FSR itself and to the Implementing Regulation. A high-level overview is provided below but is intended as a guide only and the provisions of the legislation shall be determinative.

The FSR applies to foreign financial contributions from third countries (i.e. any country other than the EU member states – for example the United Kingdom is a “third country” for these purposes). The following are included within the concept of a “foreign financial contribution”:

- a) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, the setting-off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling;
- b) the foregoing of revenue that is otherwise due, such as tax exemptions or the granting of special or exclusive rights without adequate remuneration; or
- c) the provision of goods or services or the purchase of goods or services.

A financial contribution provided by a third country shall include a financial contribution provided by:

- a) the central government and public authorities at all other levels of such third country;
- b) a foreign public entity whose actions can be attributed to the third country, taking into account elements such as the characteristics of the entity and the legal and economic environment prevailing in the State in which the entity operates, including the government’s role in the economy; or
- c) a private entity whose actions can be attributed to the third country, taking into account all relevant circumstances.

An FSR Notification shall be required where the foreign financial contributions from any third country have a value of €4million or above per third country (the “**Notification Threshold**”) in the three (3) years prior to the date of the FSR Notification.

An FSR Declaration shall be required where foreign financial contributions from any third country do not reach the Notification Threshold in the three (3) years prior to the date of the FSR Declaration.

The Authority is required to transmit all FSR Notifications and FSR Declarations received to the European Commission, which may take various steps as set out in the FSR. The Authority will not conclude the public Contract with any preferred tenderer who has received foreign financial contributions above the Notification Threshold until the European Commission has concluded its review or investigation. Where the European Commission has determined that a contract may not be awarded to a particular Applicant by virtue of a distorting subsidy, the Authority shall eliminate the Applicant in question and may award the contract to the Tenderer having submitted the next ranked Tender.

The Authority is also entitled to make inquiries of Applicants to determine whether an Applicant is in receipt of a foreign financial contribution that has not been disclosed in the PQQ Submission and may also communicate to the European Commission any suspicions that it has that an Applicant may be in receipt of an undisclosed foreign financial contribution.

For the avoidance of doubt, the FSR Notification or FSR Declaration (as applicable) must be submitted as part of the Pre-Qualification Submission at the Selection Stage.

Failure to submit the required FSR documentation at this stage may result in the Applicant being excluded from further participation in the competition.

2.14 Freedom of Information and Data Protection

Appendix 5 deals with Confidentiality and Freedom of Information as well as Data Protection. Applicants shall read and understand the requirements of this Appendix as well as complete, sign and return the GDPR Declaration under Appendix 5 along with your submission.

3 General Procedures for Pre-Qualification Submission

3.1 General Procedures for Pre-Qualification Submission

This section sets out the procedures that Applicants must follow when preparing and submitting their Pre-Qualification Submission, including requirements relating to the completion of the questionnaire, submission format, page limits, clarifications and interviews, as further detailed in the sections below.

Applicants must complete and submit the following documents in accordance with the requirements, instructions, and guidance set out in this IMPQQ.

- European Single Procurement Document (ESPD) – Attached as Appendix 2 (MS Word format).
- Pre-Qualification Questionnaire (PQQ) – Included in Section 7 of this IMPQQ.

In summary submissions must:

- Be submitted electronically via eTenders;
- Comply with any applicable page limits (as set out in Section 3.5);
- Follow the structure and format specified (as set out in Section 3.5 and Section 7);
- Be submitted in English; and
- Be received before the deadline specified in the eTenders Contract Notice.

3.2 Completion of Pre-Qualification Questionnaire & ESPD

Applicants must complete the PQQ and ESPD exactly as required in the IMPQQ and by TII. All requested documents and supporting information must be included in the Pre-Qualification Submission, and responses must be clear, concise, and complete.

TII may request evidence supporting any ESPD declaration at any stage. Applicants who cannot provide the required evidence within the specified timeframe (or any extension granted by TII), or whose evidence shows they do not meet the minimum criteria, will be eliminated.

All sections of the PQQ must be completed. If an Applicant believes a section is not relevant, they must submit a clarification request to TII through eTenders explaining why. No section should be left blank.

Where the same information is required under multiple questions or sub-criteria, it must be provided each time, with a unique reference number, and placed in the correct folder.

Applicants must provide enough detail for TII to fully understand their organisation and experience. Applicants should not assume TII has prior knowledge of them. Missing information, insufficient detail, or failure to follow the IMPQQ instructions may result in exclusion. TII may also seek clarifications or additional information and may contact referees to verify submitted details.

Applicants are reminded of TII's rights as reserved in the '*Important Notice*' (Refer to Appendix Nr.1) with regard to Pre-Qualification Submissions that are non-compliant or that are ambiguous.

Additional Requirements

- a) Terms used in the PQQ have the same meaning as in the IMPQQ.
- b) Applicants may add lines to tables but may not alter any headings or questions.
- c) Where relevant additional information is provided in response to a section in the Pre-Qualification Questionnaire, a unique reference number shall be clearly marked on the supporting material and inserted in the relevant response / folder. Any additional information provided in responses that exceed the page limits prescribed in the IMPQQ will not be considered in the evaluation.
- d) Any reference in the IMPQQ to project experience gained within a previous number of years means experience gained within the required period prior to the Pre-Qualification Submission Deadline.
- e) Reference Projects used to demonstrate relevant experience shall be limited to the maximum number specified in the IMPQQ. Where more than the permitted number is provided, only the projects listed first, up to the maximum number permitted, will be considered, and the remaining Reference Projects will not be evaluated. For the avoidance of doubt, only three (3) Reference Projects will be reviewed.

3.3 Submission Requirements

Each Applicant shall submit one (1) electronic copy of its completed Pre-Qualification Submission via the eTenders website no later than the Pre-Qualification Submission Deadline as stated on eTenders.

Submissions delivered by hand, post, fax, or email **will not** be accepted and will not be evaluated.

It is the sole responsibility of each Applicant to ensure that its Pre-Qualification Submission is successfully uploaded to eTenders prior to the applicable deadline. Applicants are strongly advised to familiarise themselves with the eTenders system and to allow sufficient time for uploading their submission. Other than in exceptional circumstances (as determined by TII), consideration will not be given to any Pre-Qualification Submission received after the Pre-Qualification Submission Deadline or the receipt of Pre-Qualification Submission by any means other than the eTenders website.

TII is not responsible for corruption in electronic documents. Applicants must ensure electronic documents are not corrupted.

The Pre-Qualification Submission, including all information and documentation, should be submitted in English and where copies of original documents are provided in languages other than English, a complete and accurate and certified English translation must be provided, or the documents will not be considered during the Pre-Qualification evaluation. In the event of any discrepancy or difference between various languages, the version in the English language shall prevail.

Any technical problems with the eTenders system or questions of the functionality in the eTenders system should be directed to the eTenders helpdesk. Applicants should contact eTenders helpdesk either via email **irish-eproc-helpdesk@eurodyn.com** or by phone **0818 001459 (Ireland) or +353**

818001459 (International) during office hours (09:00am – 17:00pm Irish standard time, Monday-Friday).

Guidance is provided on the eTenders platform as to how to successfully submit a tender, See link: [European Dynamics - Short User Guides](#). It is the tenderers responsibility to successful upload the submission and TII take no responsibility in this regard.

3.4 Submission Structure and File Requirements

Applicants shall submit their Pre-Qualification Submission in a **Zip File**, containing the following three folders:

PQQ Requirements and applicable additional information to be included in Folder 1:

Folder Nr.1 - Completed Sections A to C of the PQQ (Refer Section 7). All necessary additional information outlined under Table 2 (and in IMPQQ generally) to be included in the following sub folders under Folder 1:

- A. Sub-Folder 1A - for Section A (Details about the Applicant) additional information.
- B. Sub-Folder 1B - for Section B (Financial Standing & Technical Capabilities) additional information.
- C. Sub-Folder 1C - for Section C (Professional Experience of the Applicant) additional information.

Other IMPQQ Requirements to be included in Folders 2 and 3:

Folder Nr.2 - Completed ESPD's (Refer Appendix 2).

Folder Nr.3 - Signed and Completed GDPR Declaration (Refer Appendix 5).

When uploading submissions into the three folders listed above, Applicants shall follow the naming convention for each individual file as set out in Table 2 below:

PQQ Reference	Additional Information to be Submitted by Applicant (Yes / No)	Returnable File Naming Convention	To be Included in Folder:
Sections A to C of the Pre-Qualification Questionnaire (PQQ)			
PQQ	See below	Pre-Qualification Questionnaire (PQQ) (Applicant Name)	Folder Nr.1
Section A: Details about the Applicant			
A1.1	No - To be Addressed in PQQ by Applicant	N/A	
A2.1	No - To be Addressed in PQQ by Applicant	N/A	
A2.2	Yes - If Applicable	Organisation Chart (Applicant Name)	Sub-Folder 1A
A3	Yes - If Applicable	Appendix 8 - Applicant's Authorised Representative Confirmations and Acknowledgements (Applicant Name)	Sub-Folder 1A
A4.1	No - To be Addressed in PQQ by Applicant	N/A	
A4.2	No - To be Addressed in PQQ by Applicant	N/A	
A5	No - To be Addressed in PQQ by Applicant	N/A	
A6.1	No - To be Addressed in PQQ by Applicant	N/A	
A6.2(a)	Yes - If Applicable	Appendix 3 - Financial Standing Letter (Applicant Name)	Sub-Folder 1A
A6.2(b)	Yes - If Applicable	Appendix 4 Technical Standing Letter (Applicant Name)	Sub-Folder 1A
Section B: Financial Standing			
B1.1(a)	Yes	Financial Statement A (Applicant Name)	Sub-Folder 1B
B1.1(b)	Yes	Financial Statement B (Applicant Name)	Sub-Folder 1B
B1.1(c)	Yes	Financial Statement C (Applicant Name)	Sub-Folder 1B
B1.1(d)(i)	No - To be Addressed in PQQ by Applicant	N/A	
B1.1(d)(ii)	No - To be Addressed in PQQ by Applicant	N/A	
B1.1(d)(iii)	No - To be Addressed in PQQ by Applicant	N/A	
B1.1(d)(iv)	Yes - If Applicable	B1.1(d) - Circumstances (Applicant Name)	Sub-Folder 1B
B1.2	Yes	Credit Rating Report (Applicant Name)	Sub-Folder 1B
B1 (other)	Yes - If Applicable	B1 Other Information (Applicant Name)	Sub-Folder 1B
B2.1	No - To be Addressed in PQQ by Applicant	N/A	
B2.2	Yes - If Applicable	Accountant's Letter (Applicant Name)	Sub-Folder 1B
B3	Yes	Appendix 6 Insurance Provision Undertaking (Applicant Name)	Sub-Folder 1B
B4	No - To be Addressed in PQQ by Applicant	N/A	
B5	Yes	Bankers Letter (Applicant Name)	Sub-Folder 1B
Section B: Technical Capabilities			
B6 (a)	Yes - If Applicable	QA Accreditation Cert (Applicant Name)	Sub-Folder 1B
B6 (b)	No - To be Addressed in PQQ by Applicant	N/A	
B7 (a)	No - To be Addressed in PQQ by Applicant	N/A	

PQQ Reference	Additional Information to be Submitted by Applicant (Yes / No)	Returnable File Naming Convention	To be Included in Folder:
B7 (b)	No - To be Addressed in PQQ by Applicant	N/A	
B7 (c)	Yes	Environmental Accreditation Cert (Applicant Name)	Sub-Folder 1B
B8 (a)	Yes	H&S Accreditation Cert (Applicant Name)	Sub-Folder 1B
B8 (b)	Yes	Appendix 7 BPC 1&2 (Applicant Name)	Sub-Folder 1B
Section C: Professional Experience of the Applicant			
C1 (1)	No - To be Addressed in PQQ by Completing Reference Project Template	Reference Project No. 1 (Applicant Name)	Reference Project Submissions Will Be Accepted as Individual Documents to be included Under Sub-Folder 1C.
C1 (2)	No - To be Addressed in PQQ by Completing Reference Project Template	Reference Project No. 2 (Applicant Name)	Reference Project Submissions Will Be Accepted as Individual Documents to be included Under Sub-Folder 1C.
C1 (3)	No - To be Addressed in PQQ by Completing Reference Project Template	Reference Project No. 3 (Applicant Name)	Reference Project Submissions Will Be Accepted as Individual Documents to be included Under Sub-Folder 1C.
C2 (Q1)	Yes - Response to Question Required	Relevant Experience Question 1 (Applicants Name)	Sub-Folder 1C
C2 (Q2)	Yes - Response to Question Required	Relevant Experience Question 2 (Applicants Name)	Sub-Folder 1C
C2 (Q3)	Yes - Response to Question Required	Relevant Experience Question 3 (Applicants Name)	Sub-Folder 1C
C2 (Q4)	Yes - Response to Question Required	Relevant Experience Question 4 (Applicants Name)	Sub-Folder 1C
Other Requirements Under IMPQQ			
IMPQQ 4.1	Yes	ESPD (Applicants Name)	Folder Nr.2
IMPQQ 2.13	Yes	FSR Declaration (Applicants Name)	Incorporated into Appendix 8 - Applicant's Authorised Representative Confirmations and Acknowledgements – To be submitted under Sub-Folder 1A – So no separate document required to be submitted for the FSR Declaration
IMPQQ 2.14	Yes	Appendix 5 - GDPR Declaration (Applicants Name)	Folder Nr.3

Table 2: Naming Convention

3.5 Page Limits and Formatting Rules

Pre-Qualification Submissions must not exceed the page limits set out in Table 3 below, inclusive of all supporting information.

Part	Page Limit in A4
Reference Projects	
C1 Reference Project No. 1	3 pages
C1 Reference Project No. 2	3 pages
C1 Reference Project No. 3	3 pages
Relevant Experience Questions	
C2 Question 1	6 pages
C2 Question 2	4 pages
C2 Question 3	3 pages
C2 Question 4	4 pages

Table 3: Page Limits

Where a page limit is specified in respect of a question, it shall be expressed in terms of A4 pages. The contents of each response must adhere to the following parameters when copied from or to a standalone Microsoft Word document:

- The maximum permitted number of A4 pages shall be specified for each question.
- Pages must be numbered sequentially, starting from Page 1 of the response content to be assessed.
- Text must use a minimum font size of 11, in Calibri font, with 1.15-line spacing.
- Images are included in the page count and must be clearly legible on a high-resolution screen measuring no more than 14 inches diagonally, at a zoom value of 100% in Microsoft Word.
- Margins shall be no smaller than; side 2cm, top (excluding header and footer) 2cm.

Applicants should note that where a response exceeds the specified page limit, only the maximum permitted number of pages will be evaluated, starting from Page 1 of the relevant response. Any pages exceeding the prescribed limit will not be evaluated.

3.6 Queries and Clarifications

Any questions, queries or requests for further information regarding this IMPQQ shall be submitted in writing via the messaging system on the eTenders website as early as possible, and in any event no later than the date specified on eTenders for this competition. TII may, but shall not be obliged to, respond to clarification queries received after this date.

If an Applicant considers any part of this document, or any other Pre-Qualification Documents, to be unclear, ambiguous, or inconsistent, the Applicant shall promptly raise a clarification query with TII. Applicants are required to notify TII of such matters even where the deadline for submission of queries has passed (noting that TII is not obliged to respond to queries received after that deadline). TII shall determine and notify Applicants of its position in respect of any ambiguity, discrepancy, error, or omission.

TII reserves the right, at any time, to issue clarifications, amendments or additional information in relation to this IMPQQ.

Responses to clarification queries may be published on eTenders at TII's discretion. Where an Applicant considers that a query relates to confidential or commercially sensitive information, it must be clearly marked "Confidential" and the reasons for such designation provided.

Where TII accepts that a query is confidential or commercially sensitive, both the query and the response shall be treated as such (subject to legal or regulatory obligations).

Where TII considers that a query should not be treated as confidential, it shall notify the Applicant and provide an opportunity to withdraw or object within three (3) working days. If no withdrawal or objection is received within that period, or if TII determines that the query is not confidential notwithstanding any objection, TII may publish the query and response to all Applicants, or issue a clarification, amendment, or additional information to all Applicants.

Notwithstanding the foregoing, TII may at any time issue clarifications, amendments or supplementary information to this IMPQQ where it considers it necessary.

Applicants shall treat all communications and information exchanged in connection with this IMPQQ as strictly confidential and shall not disclose such information except where required by law. By submitting a Pre-Qualification Submission, Applicants shall be deemed to have accepted this requirement.

3.7 Interviews

TII reserves the right to require any Applicant that submits a completed Pre-Qualification Submission to attend, at its own cost, one or more interviews. Such interviews may include the attendance of any proposed members of the Applicant as part of the Selection Stage.

Applicants will be given reasonable notice of the time and venue of any interview, which is likely to take place at TII's offices at Parkgate Street, Dublin.

TII may, in its absolute discretion, decide not to conduct interviews and/or not to seek clarification of responses from any or all Applicants. Applicants should draw no inference from whether or not they are invited to attend an interview or to provide clarification.

4 Understanding the European Single Procurement Document (ESPD)

4.1 European Single Procurement Document (ESPD)

This section sets out the specific requirements for the completion and submission of the European Single Procurement Document (ESPD), which must be submitted as part of the Pre-Qualification Submission.

The ESPD shall be completed by

- the Applicant;
- each Member of the Applicant (in the case of a Consortium); and
- each entity being relied upon

For the avoidance of doubt separate ESPD's shall be completed for all involved parties to meet the selection requirements.

The following Parts of the ESPD must be completed:

- Part II – Information concerning the economic operator;
- Part III – Exclusion grounds; and
- Part VI – Concluding statements.

Part IV – Selection Criteria - All selection criteria applicable to this competition are contained within the IMPQQ. Accordingly, Applicants are not required to complete any information under Part IV (Selection Criteria) of the ESPD. To avoid duplication and potential confusion, TII has removed the detailed selection criteria content from the ESPD and has instead provided all relevant requirements within the IMPQQ. While the Part IV headings have been retained within the ESPD, Applicants should refer exclusively to the IMPQQ for the selection criteria and associated response requirements. The IMPQQ is the sole document against which selection criteria will be assessed.

Completion of the ESPD alone shall not be sufficient where a substantive response is required under this IMPQQ.

Applicants must not complete Part V of the ESPD (Reduction in the number of qualified candidates).

The ESPD is provided as a separate document in Microsoft Word format and is co-published as Appendix 2 to this IMPQQ.

5 Understanding the Pre-Qualification Questionnaire

5.1 Overview

The Pre-Qualification Questionnaire (PQQ) sets out the requirements that Applicants must satisfy in order to be considered for shortlisting.

For the purposes of this IMPQQ, the assessment is structured around three core areas, each of which corresponds to specific sections of the PQQ:

- **Financial Standing** - assessed in accordance with Section 5.2 (including associated sub-Sections 5.2.1 to 5.2.5) and Section B1 to B5 of the PQQ, to evaluate the Applicant's financial capacity to deliver the Contract.
- **Technical Capability** assessed in accordance with Section 5.3 (including associated sub-Sections 5.3.1 to 5.3.3) and Section B6 to B8 of the PQQ, to evaluate the Applicant's technical capability.
- **Relevant Experience** - assessed in accordance with Section 5.4 (including associated sub-Sections 5.4.1 to 5.4.2) and Section C1 to C2, to evaluate experience in delivering comparable projects.

Applicants must satisfy all applicable minimum requirements and provide satisfactory responses and / or evidence in relation to technical capability and experience in accordance with the requirements of this IMPQQ.

5.2 Financial Standing

Applicants must satisfy all of the minimum financial standing requirements set out in Table 4 below in order to proceed to the next stage of the evaluation process. Each requirement listed under Sections 5.2.1 to 5.2.5 is assessed on a pass/fail basis and must be satisfied in full.

Ref.	Selection Criterion	Minimum
5.2.1	Financial Robustness	Pass required
5.2.2	Average Annual Turnover	Pass required
5.2.3	Insurance	Pass required
5.2.4	Performance Bond Capacity	Pass required
5.2.5	Banker's Letter	Pass required

Table 4: Financial Standing Requirements

Failure to satisfy any of the above requirements will result in the Applicant being excluded from further consideration.

5.2.1 Financial Robustness

The Applicant must demonstrate that they have the financial capacity to deliver the Luas Finglas Main Infrastructure Design & Construction Works, throughout the duration of the Contract.

In order to assess whether the Applicant has demonstrated adequate financial standing for the Works, TII shall consider, the information set out in Table 5 below for the assessment of Applicant's financial robustness.

Required Information	PQQ Reference
Structure of the Applicant	Section A2.1 (and A2.2 if applicable)
Reliance on Resources	Section A6 and Appendix 3
Financial Statements	Section B1.1 (a) to (c)
Credit Rating	Section B1.2
Average Annual Turnover	Section B2.1 (and B2.2 if applicable)
Insurance	Section B3 and Appendix 6
Performance Bond Capacity	Section B4
Bankers Letter	Section B5

Table 5: PQQ Financial Standing Assessment Required Information

The minimum requirement under this criterion is that the Applicant can demonstrate, to TII's satisfaction, that it has the financial capacity to meet all financial requirements and contingencies that might arise from the Contract if awarded to the Applicant. In assessing this requirement, TII will review the financial information provided having regard to the following factors:

- 1. Auditor's Report and Director's Report;**
- 2. Trading Performance,** including:
 - 2.1 Turnover;
 - 2.2 Profitability and profit margins (including gross profit, operating profit, and net profit).
- 3. Liquidity,** including:
 - 3.1 Cash balances;
 - 3.2 Cash generation;
 - 3.3 Current ratio;
 - 3.4 Quick ratio;
 - 3.5 Debtor days, creditor days, and stock turn days;
- 4. Gearing Ratios,** including:
 - 4.1 Profit before Interest and Tax ("PBIT") interest cover;
 - 4.2 Net gearing;
 - 4.3 Long-term debt as a percentage of capital employed;
 - 4.4 Net debt as a percentage of total net worth;
 - 4.5 Net debt as a percentage of PBIT;
- 5. Balance sheet position,** including:
 - 5.1 Fixed assets;
 - 5.2 Net current assets;
 - 5.3 Net assets;
 - 5.4 Tangible net worth.

The financial robustness of the Applicant will be evaluated based on a review of:

- i. the financial and other information identified in Table 5 and required in accordance with the PQQ and IMPQQ generally; and
- ii. Publicly Available Information where “Publicly Available Information” means information that has been published by a Public Source, where “Public Source” means the main source(s) of business news in the countries in which the relevant entity is organised and/or conducts its principal commercial activities, any internationally recognised published or electronically displayed news source, any commercial information provider or credit rating agency.

Unless stated otherwise, references to audited financial information in this section relate to the three (3) most recent completed financial years, unless stated otherwise.

Where TII considers, based on its assessment of the financial information provided and the factors described above, that an Applicant has not demonstrated that it is financially robust, TII shall have the right to eliminate the Applicant from the competition.

5.2.2 Average Annual Turnover

The Applicant must demonstrate, as a minimum requirement, an Average Annual Turnover of at least €100 million (exclusive of VAT) in each of the three (3) most recent financial years prior to the Pre-Qualification Submission Deadline.

Where the Applicant is a Consortium, this requirement may be satisfied by aggregating the turnover of the participating Members.

If the financial statements for the most recent financial year have not yet been audited, a letter from the Applicant’s accountant certifying the turnover for that year shall be provided. The Applicant shall submit audited financial statements to TII once they become available.

Where turnover figures are stated in a currency other than euro (€), Applicants shall convert such figures into euro using the average exchange rate for the relevant period as published by the European Central Bank (ECB).

https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/index.en.html

5.2.3 Insurance

To satisfy this requirement, the Applicant shall provide evidence of its ability to obtain and provide the required insurances by submitting a completed Insurance Provision Undertaking (Appendix 6), duly completed and signed by an insurer.

The Insurance Provision Undertaking (Appendix 6) must be submitted as part of the Pre-Qualification Submission.

The Applicant must demonstrate that it is capable of putting in place the minimum insurance cover levels as specified in Appendix 6 along with any other requirements stipulated in the Insurance Provision Undertaking.

The successful Applicant shall be required to have such insurances in place prior to the award of any works under the NEC4 Contract Agreement.

Failure to demonstrate the ability to provide the insurances will result in the Applicant being excluded from further consideration.

TII reserves the right to review and revise the insurance requirements at any time before contract award. The successful Applicant shall ensure that all insurance policies are acceptable to TII, accord with current industry best practice, and satisfy the requirements of TII's insurance advisers. Compliance with the insurance requirements set out in this IMPQQ shall not limit TII's right to require reasonable amendments to insurance arrangements prior to contract award.

5.2.4 Performance Bond Capacity

To satisfy this requirement, the Applicant shall provide evidence of its ability to obtain the required performance bond, for example by way of a letter from a surety acceptable to TII, confirming that a bond meeting the requirements set out below can be provided if the Applicant is successful.

The successful Applicant shall be required to provide the performance bond prior to the award of the NEC4 Contract Agreement.

The Applicant must demonstrate that it is capable of putting in place performance bonds as follows:

- a) An on-demand performance bond for 10% of the initial Contract value / sum applicable from the Contract Date to the Completion Date or Substantial Completion of the Works or Scope (with extensions if required), and;
- b) An on-demand performance bond of 5% of the Contract value / sum for the subsequent period after the Completion Date or Substantial Completion (Generally 12 months but may be altered)

Failure to demonstrate the ability to provide the above performance bonds may result in the Applicant being excluded from further consideration.

5.2.5 Banker's Letter

The Applicant must provide current signed letters (i.e. signed letters dated within sixty (60) days prior to the Pre-Qualification Submission Deadline) from their principal bankers as identified in the audited financial statements that:

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

5.3 Technical Capability

Applicants are required to demonstrate compliance with the minimum technical capability requirements outlined in Table 6. Each requirement under Sections 5.3.1 to 5.3.3 and Sections B6 to B8 of the PQQ, will be evaluated on a pass/fail basis. Failure to meet any individual requirement will result in the submission being deemed non-compliant.

Ref.	Selection Criterion	Minimum
5.3.1	Quality Assurance	Pass required
5.3.2	Environmental	Pass required
5.3.3	Health and Safety	Pass required

Table 6: Technical Capability Requirements

5.3.1 Quality Assurance

To pass this requirement, the Applicant must have in place an accredited quality management system certified to **ISO 9001, or an equivalent** recognised standard.

5.3.2 Environmental

To pass this requirement, the Applicant must have an accredited environmental management system ISO 14001, or equivalent in place.

5.3.3 Health and Safety

To pass this requirement, the Applicant must have in place an accredited occupational health and safety management system certified **to** ISO 45001, or an equivalent standard.

The Applicant must also complete, sign and return BPC Form 1 (PSDP) and BPC Form 2 (PSCS), as set out in Appendix 7.

5.4 Relevant Experience

Applicants are required to demonstrate relevant experience in delivering projects of a similar nature and complexity to the Luas Finglas Main Infrastructure Works Design & Construction Contract. Experience is assessed through the submission of Reference Projects under Section C1 of the PQQ and responses to Relevant Experience Questions under Section C2 of the PQQ.

5.4.1 Reference Projects

Applicants must demonstrate their experience by providing Reference Projects, each with a minimum contract award value of €50 million (exclusive of VAT), delivered:

- As a sole contractor; or
- As a member of a joint venture, where the Applicant held a management role of not less than 20% in the delivery of the works.

Through responses to the Relevant Experience Questions below, the Reference Projects must collectively demonstrate experience in each of the following key competencies:

1. Demonstrated capability in delivering major construction works within complex urban environments, including the planning, management, and execution of significant utility diversions (e.g., water mains, sewers, ESB diversions).
2. Experience in delivering light rail or heavy rail infrastructure in constrained urban settings, including interface management, stakeholder coordination, and construction adjacent to live transport networks.
3. Proven capability in delivering new carriageway infrastructure and urban road realignment works in live traffic environments, including the design, coordination, and implementation of temporary traffic management measures.
4. Construction of a road or rail bridge around major live transportation networks.
5. Successful completion of at least one project delivered under an NEC Engineering and Construction Contract (NEC3 or NEC4), demonstrating experience with NEC processes, collaboration mechanisms, and contract management obligations.
6. Experience in a Design & Build contract, including management of BIM processes, design coordination, and integration of multidisciplinary design inputs.
7. Demonstrated capability in managing railway systems interfaces, ensuring full and effective integration between civil works and all railway systems (e.g., OCS, signalling, power, communications etc.).

For each reference project, the Applicant's contract with the client must have been completed (i.e. reached substantial completion or equivalent) within the ten years preceding the Pre-Qualification Submission Deadline.

For the avoidance of doubt, it is not a requirement that all key competencies above are demonstrated in each Reference Project.

However, all seven key competencies must be demonstrated across Reference Projects collectively.

Each Reference Project must demonstrate at least one of the 7 competencies and be of the value indicated. Failure to demonstrate the full suite of key competencies (1-7 above) within or across the combined three Reference Projects will be deemed a Fail.

Applicants must submit three Reference Projects for evaluation – even if all seven competencies are satisfied under the first Reference Project or through a combination of the first and second Reference Projects combined.

The Applicant must provide information on Reference Projects using the Reference Project Template provided under Section 7 (C1). For each Reference Project, the Applicant must identify their proportional involvement where the works or service was provided as part of a joint venture or another partnership arrangement. Where the Applicant was a sub-contractor, this is to be clearly stated, along with the details of the main Contractor and an explanation of the sub-contractor role on the project. TII reserve the right to contact the referees for each Reference Project to confirm the details and evidence provided.

Projects awarded under separate contracts should not be aggregated into a single Reference Project unless they were repeat appointments in respect of the same site(s). Similarly, single projects (including where one contract has more than one site or building) may not be split and put forward as separate Reference Projects.

Each response to the Relevant Experience Questions must be based on one specific Reference Project included in the Applicant's submission as further detailed in Section 5.4.2 below. Evidence or experience drawn from any project other than the selected Reference Project will be disregarded. Applicants should note that where their involvement in a Reference Project was limited (for example, where the Applicant participated only as a minor consortium member, or, delivered a minor portion of the works), this may result in a fail.

5.4.2 Relevant Experience Questions

Applicants must provide responses to the **four** Relevant Experience Questions set out below. The responses shall be provided as part of Section C2 of the PQQ.

TII has assessed the key characteristics and complexity of the upcoming works. In responding to the Relevant Experience Questions Applicants must clearly demonstrate how the selected Reference Project evidences the core competencies required for the delivery of works of this nature.

Each response must refer to one, and only one of the applicable Reference Projects. Applicants may reuse the same Reference Project for multiple responses if they consider it the most appropriate

source of evidence. Each response must clearly identify the Reference Project relied upon. Any information drawn from other projects will be disregarded.

Each response to the relevant experience questions must be a standalone submission, tailored specifically to the question being asked. Cross-referencing between responses is not permitted.

Question 1

Rail / Light Rail Delivery

Demonstrate by reference to one 'Reference Project' only, where you have successfully delivered a light rail or heavy rail project in a constrained urban environment.

The response shall address the following:

- Management of the multi-disciplinary design and delivery process.
- Safe, efficient and compliant construction in a live urban environment.
- Management of interfaces with existing road & rail networks and utilities.
- Integration of the railway systems (e.g. OCS, signalling, power, communications, existing network systems) with the civil works.
- Coordination and engagement with key stakeholders, such as the local authority or authorities, the public, businesses and network operators.

Question 2

Bridge

Demonstrate by reference to one 'Reference Project' only, where you have successfully designed and constructed a road or rail bridge around major live transportation networks (e.g. live motorway / live rail line).

The response shall address how you:

- Sequenced the bridge works including any temporary works needed.
- Designed and implemented the traffic management associated with the bridge construction (if applicable).
- Managed specific interfaces and agreements associated with the bridge construction (e.g. necessary agreements with Irish Rail or equivalent authorities).

Question 3

NEC3 or NEC4 Engineering and Construction Contract – Option C

Demonstrate by reference to one 'Reference Project' only, where you have successfully implemented practices to act in the spirit of mutual trust and co-operation under an NEC3 or NEC4 Engineering and Construction Contract.

Identify two important initiatives that you implemented on the project where a combined collaborative approach and an environment of trust was achieved.

Question 4

Sustainability & BIM

Demonstrate by reference to one 'Reference Project' only, where you have successfully integrated BIM, sustainability, buildability assessment, value engineering, and whole-life costing into the design and construction process.

6 Assessment Process

6.1 Assessment Process

This Section sets out how TII will evaluate Pre-Qualification Submissions.

6.2 Qualitative Evaluation of Relevant Experience Questions

The relevant experience questions will be scored using the Scoring System provided below in Table 7, whereby a percentage mark will be awarded based on the quality of each submission response received.

% of Marks	Score Description
100	Excellent submission
90	Very good submission
80	Good submission
70	Reasonably good submission
60	Reasonable submission
50	Acceptable submission
40	Poor submission
20	Very poor submission
0	Extremely poor or no submission

Table 7: Scoring Methodology

- i) Applicants will be ranked by score and a maximum of four applicants will be invited to the Tender Stage.
- ii) It is not possible to achieve percentage marks between the bands below 50% Acceptable submission (e.g. it is not possible to score 10% or 30% or 45% etc).
- iii) It is possible to achieve percentage marks between the bands above 50% Acceptable submission (e.g. 85% will be deemed to be a good / very good submission).

Scoring example: if an Applicant gets a percentage mark of 70% (Reasonably Good Submission) for say Question 1 which has 500 Evaluation marks available, then the score for that question will be 70% of the 500 marks = 350 evaluation marks. The total qualitative score will be determined by adding up the evaluated marks for each of the four questions and summated to give a score out of 1000 marks.

- iv) The four Applicants with the highest total marks will be invited to the Tender Stage of the competition.

v) In the event that there is a tie for the last qualification place involving two or more Applicants, TII shall determine which of such tied Applicants will be invited to the tender phase of this competition by reference to the following;

- a) The applicant who received the highest marks in relation to Relevant Experience Question 1 will be invited to the Tender Stage of the competition.

In the event that a tie remains then;

- b) The applicant who received the highest marks in relation to Relevant Experience Question 2 will be invited to the Tender Stage of the competition.

In the event that a tie still remains then;

- c) The applicant who received the highest marks in relation to Relevant Experience Question 3 will be invited to the Tender Stage of the competition.

At each of the tie break criteria above, if there are more than two applicants involved in the tie, and two or more applicants remain tied but other applicants have a lower score, the lower scoring applicants are eliminated.

Where, following the application of the tie break criteria in (a) and (c) above, two or more Applicants remain tied for the last Selection Stage place, each of such Applicants shall be invited to participate in the Tender Stage.

In the event that one or more of the Applicants withdraws from the Tender Stage of the competition for any reason, TII reserves the right to invite the next highest ranked Applicant(s), who was not initially shortlisted, to participate in the Tender Stage provided they have received sufficient marks (Acceptable in all questions) and satisfied all pass / fail criteria. The exercise of this right shall be at TII's absolute discretion.

6.3 Evaluation of Reference Projects

The Reference Projects submitted under Section C1 shall be evaluated collectively on a Pass / Fail basis.

To achieve a Pass, the Applicant must demonstrate, across the three Reference Projects, all seven key competencies identified in Section 5.4.1. Each competency shall be assessed individually to determine whether it has been adequately demonstrated through evidence of successful delivery of works of a similar nature, scale and complexity to the Contract.

In carrying out the evaluation, TII will consider:

- the extent to which the Reference Projects collectively demonstrate each of the seven key competencies listed in Section 5.4.1;
- the Applicant's role, responsibilities and level of involvement in the delivery of the works;
- the complexity, scale and relevance of the Reference Projects to the proposed Contract; and
- the extent to which the experience presented provides confidence that the Applicant is capable of successfully delivering the Works.

For the avoidance of doubt:

- each of the seven key competencies must be demonstrated to an acceptable standard through evidence;
- failure to adequately demonstrate any one of the seven key competencies shall result in a Fail;
- strengths in one competency shall not compensate for deficiencies in another competency; and
- the assessment is not weighted and no scoring or balancing exercise will be undertaken between competencies.

Reference Projects shall only achieve a Pass where TII is satisfied that all seven key competencies have been collectively demonstrated through relevant project experience and that the experience presented is sufficiently comparable in nature and complexity to the Luas Finglas Main Infrastructure Design & Construction Works Contract.

6.4 Selection Criteria

TII will use the Selection Criteria in Table 8 to shortlist Applicants. All pass/fail requirements must be fully met; any Applicant that fails a single pass/fail criterion will be eliminated from the competition.

IMPQQ Ref.	PQQ Reference	Selection Criteria	Assessment Type	Marks Available	Minimum Score Required
Financial and Technical Capabilities					
Financial					
5.2.1	B1	Financial Robustness	Pass / Fail	N/A	Pass
5.2.2	B2	Annual Turnover	Pass / Fail	N/A	Pass
5.2.3	B3	Insurance (Applicants must submit Appendix 6)	Pass / Fail	N/A	Pass
5.2.4	B4	Performance Bond Capacity	Pass / Fail	N/A	Pass
5.2.5	B5	Banker's Letter	Pass / Fail	N/A	Pass
Technical					
5.3.1	B6	Quality Assurance	Pass / Fail	N/A	Pass
5.3.2	B7	Environmental	Pass / Fail	N/A	Pass
5.3.3	B8	Health and Safety	Pass / Fail	N/A	Pass
Relevant Experience					
5.4.1	C1	Reference Project No. 1, 2 & 3 (Evaluated Collectively)	Pass / Fail	N/A	Pass*
5.4.2	C2	Relevant Experience Question: 1 (Rail / Light Rail Delivery)	Qualitative	500 Marks	Acceptable Submission – 50% of Marks
5.4.2	C2	Relevant Experience Question: 2 (Bridge)	Qualitative	300 Marks	Acceptable Submission – 50% of Marks
5.4.2	C2	Relevant Experience Question: 3 (NEC)	Qualitative	100 Marks	Acceptable Submission – 50% of Marks
5.4.2	C2	Relevant Experience Question: 4 (Sustainability & BIM)	Qualitative	100 Marks	Acceptable Submission – 50% of Marks
Total				1000 Marks	

Table 8: Selection Criteria, Assessment Type and Scoring

*More details regarding the "Minimum Score Required" for Reference Project No. 1, 2 & 3 can be found under Section 6.3 and 5.4.1

Failure to achieve the minimum score for each selection criteria will result in the rejection of the Pre-Qualification Submission, and the Applicant will not be invited to participate at Tender Stage.

7 Pre-Qualification Questionnaire (PQQ)

**The Document to be Completed by
Applicants**

Summary of What the Applicant Must Do

The applicant is required refer to the IMPQQ for specific directions regarding the completion of the PQQ. The following summary provides an overview only and is not to be considered exhaustive.

Applicants shall complete and submit evidence under three main sections:

Section A – Details about the Applicant

Provide:

- Company details and legal status.
- Consortium structure (if applicable).
- Details of the authorised representative.
- Information on consortium agreements.
- Details of any parent company or third-party resources being relied upon for financial or technical capability.

Section B – Financial Standing and Technical Capability

Provide evidence of:

- Financial robustness
- Annual turnover
- Banking references and insurance arrangements.
- Ability to meet performance bond requirements.
- Quality, Environmental and Health & Safety certifications

Section C – Professional Experience of the Applicant

Provide:

- Details of three relevant reference projects. Applicants must clearly explain their role, responsibilities and achievements on each reference project and demonstrate how their experience satisfies the competencies specified by TII.
- Responses to the Relevant Experience Questions

Section A: Details about the Applicant

A1. Applicant

A1.1 Please provide name of the Applicant.

Response to A1.1 Applicant	
Name:	

A2. Structure of the Applicant

A2.1 Please confirm the structure of the Applicant (tick one box).

Response to A2.1 Structure of Applicant	
Single entity	
Consortium	See A2.2 below

A2.2 If the Applicant is a Consortium and/or if there are Applicant Team Members, please provide the structure proposed by means of an organisational chart and complete the table below.

Response to A2.2 Members of the Applicant		
Member(s) of the Applicant	Role	
1.		
2.		
3.		
4.		
5.		
6.		
7.		
Please complete an Organisation Chart in respect of each Applicant Team Member and insert below the Unique Reference to the supporting documentation (Organisation Chart)		
Insert unique reference to organisation chart enclosed.		
Unique Reference A2.2	Organisation Chart (Applicant Name)	

A3. Applicant's Authorised Representative

Where the Applicant is a single entity, it must complete the first line in this response only.

Where the Applicant is a Consortium, the name of the Authorised Representative of the Applicant shall be inserted in the first line and each Member of the Applicant must sign this section A3 confirming that the Applicant's Authorised Representative is authorised to provide the information set out in its Pre-Qualification Submission on its behalf as set out below.

Response to A3.Applicant's Authorised Representative		
Name		
Please complete and sign the form below in respect of the Applicant's Authorised Representative.		
I/We confirm that the Applicant's Authorised Representative named above is authorised to act on behalf of the Applicant, of which we are a Member, and to be the principal contact for the Applicant in all dealings with TII.		
Member of the Applicant	Name and Title	Signature

Appendix 8 – 'Confirmations and Acknowledgements' to be completed and returned (if Applicant is a Consortium) along with your submission.

A4. Legal Form of the Applicant

A4.1 Is the Applicant already a limited company or is it intended that it will (if successful) be incorporated? (tick one box)

Response to A4.1 Legal Form	
Already a Limited Company (complete A4.2 below)	
Will (if successful) be incorporated	

A4.2 If the Applicant is already incorporated, please provide the following information:

Response to A4.2 Legal Form (Applicant already incorporated)	
Registered Number:	
Year of Incorporation:	
Issued Share Capital:	
Place of Registration:	
Constitutional Documents:	

A5. Consortium Agreement

If the Applicant is a Consortium, please confirm whether or not there is a legal agreement that defines the rights and liabilities of each Member of the Applicant. (Please note this refers to agreements between all Members of the Applicant).

Response to A5. Consortium Agreement	Yes, See below	No
There is a legal agreement that defines the rights and liabilities of each Member of the Applicant.		
If yes, please provide details here:		

A6. Reliance on the Capacities of Others

A6.1 Is the Applicant or any Member of the Applicant relying on the resources of entities with which it is directly or indirectly linked (including, for example, but not limited to, reliance on a parent company's resources) for the purposes of proving its financial and/or technical capacity, as set out in section 2.6 (Reliance on the capacities of others) of the IMPQQ.

Response to A6.1	Reliance on the capacities of others	No	Yes, See A6.2 below
Is the Applicant or any Member of the Applicant relying on the resources of entities with which it is directly or indirectly linked (including, for example, but not limited to, reliance on a parent company's resources) for the purposes of proving its financial standing as set out in section 2.6 (Reliance on the capacities of others) of the IMPQQ.			
Is the Applicant or any Member of the Applicant relying on the resources of entities with which it is directly or indirectly linked (including, for example, but not limited to, reliance on a parent company's resources) for the purposes of proving its technical capacity, as set out in section 2.6 (Reliance on the capacities of others) of the IMPQQ.			

A6.2 If the response to A6.1 is yes for either or both items (a) ("Reliance on resources for financial standing") or (b) ("Reliance on resources for technical capacity"), the Applicant or Member of the Applicant must provide evidence satisfactory to TII demonstrating to TII's satisfaction that it has available to it the resources/capacities of those entities or undertakings which are necessary for the performance of the Contract and that it will provide contractual confirmations satisfactory to TII if required to do so.

Where the entity in question is being relied to complete certain elements of the Scope, the Applicant shall satisfy TII that the entity being relied upon, will perform the works or services for which these resources/capacities are required.

In order to demonstrate this for the purpose of the PQQ, it shall suffice for an Applicant to include with its submission:

- (i) completed ESPD's from such entity(ies) being relied upon and
- (ii) a written undertaking in the format of Appendix 3 and / or Appendix 4 from such other entity confirming that it will provide the necessary financial and / or technical support including but not limited to:

Applicants shall also provide:

- details of the resources which will be made available;
- details on how those resources will be made available;
- confirmation that it will enter into a contractual commitment (in a form satisfactory to TII) to provide such resources if the Applicant is successful in the Tender Stage; and
- Details how the financial resources identified or required will be satisfied.

Response to A6.2(a): Reliance on resources for financial standing Insert Unique Reference to supporting documentation enclosed	
Unique Reference A6.2(a)	<i>Reliance on resources for financial standing (Applicant Name)</i>
Response to A6.2(b) Reliance on resources for technical capacity Unique reference to supporting documentation enclosed	
Unique Reference A6.2(b)	<i>Reliance on resources for technical capacity (Applicant Name)</i>

Section B: Financial Standing (B1 to B5) & Technical Capabilities (B6 to B8)

Financial Standing (B1 to B5)

B1. Financial Robustness

B1.1 Please provide copies of signed financial statements showing an unqualified audit opinion for each of the last three (3) financial years including all notes to the financial statements, auditor's report and director's report in respect of the entity whose turnover is being submitted in B2 below to certify the turnover for each of the relevant financial years. If the Applicant is relying on another entity, please provide signed audited financial statements certifying the turnover for that entity also. Should the auditor's report contain other statements regarding their findings then TII will consider, at its absolute discretion, if these audited accounts meet this minimum requirement. The latest set of audited financial statements must have been filed with the Companies Registration Office (or equivalent for non-Irish based companies) ("CRO") within the relevant statutory filing period.

Where the most recent audited financial statements have not been filed with the CRO (or equivalent) within the statutory filing period and remain unsigned by an auditor, the draft financial statements for that period must be provided with a reasonable and comprehensive explanation as to why such accounts remain unsigned, together with the signed audited financial statements for the three previous financial years. TII may, at its absolute discretion, elect to accept such unsigned accounts.

- (a) Please provide management accounts relating to periods subsequent to the most recent audited financial statements or confirmation that same are not yet available.
- (b) Please provide any prospectus or credit rating issued in the previous three financial years or confirmation that no such documents have been issued
- (c) Please provide copies of any material announcements made to the authorities of any stock exchange, market or bourse on which the stocks or shares are publicly traded since the publication of the latest set of accounts or confirmation that no such announcements have been made.

Response to B1.1 Financial Statements		
Unique references to supporting Financial Statements enclosed		
Unique Reference B1.1(a)	Financial Statement A (Applicant Name)	
Unique Reference B1.1(b)	Financial Statement B (Applicant Name)	
Unique Reference B1.1(c)	Financial Statement C (Applicant Name)	
	Yes, Complete (d) below	No

i) Are any published interim accounts relating to periods subsequent to the most recent audited accounts available?		
ii) Have any events occurred between the date on which the latest set of audited accounts was authorised for issue and the date of this Pre-Qualification Submission that, had the audited accounts not been authorised for issue until the Pre-Qualification Submission Deadline, would have required to be adjusted for or disclosed in accordance with the provisions of International Financial Reporting Standards ("IFRS") or equivalent?		
iii) Have you any contingent liability or loss (where not otherwise reported or occurring since the last financial statements) which would require disclosure in accordance with IFRS or equivalent?		
iv) If any of the circumstances set out above apply, please provide details here or provide unique references to supporting documentation enclosed:		
Unique reference B1.1(d)	<i>Financial Statement D (Applicant Name)</i>	

B1.2 Please provide any prospectus or credit rating issued in the previous three (3) financial years in respect of the Applicant or confirmation that no such documents have been issued.

Response to B1.2 Credit rating report	
Unique references to supporting documentation enclosed	
Unique Reference B1.2	<i>Credit rating Report (Applicant Name)</i>

B2. Annual Turnover

B2.1 Please provide details of the annual turnover of the Applicant for each of the previous three (3) financial years, immediately preceding the Pre-Qualification Submission Deadline, to confirm that the Applicant meets the minimum criteria with respect to Average Annual Turnover as outlined below and in the IMPQQ.

The Applicant must demonstrate, as a minimum requirement, an Average Annual Turnover in each of the last three (3) financial years immediately preceding the Pre-Qualification Submission Deadline.

- The Applicant must have an Average Annual Turnover, averaged over the last three (3) audited financial years of at least €100M per annum, exclusive of VAT. Where the Applicant is a Consortium, the minimum turnover requirement can be met by combining the turnover figures of the different Applicant Members.

If the previous financial year's financial statements have yet to be audited, a letter from the entity's accountant certifying the turnover figure for that year should be provided. It is the responsibility of the Applicant to provide audited financial statements to TII once these become available.

If the Applicant is relying on another entity, please provide the information both for the Applicant and the entity on whose resources they wish to rely. Please provide a reconciliation of the turnover figure quoted below to the turnover figure as per the financial statements submitted in response to section B1 of this PQQ.

Response to B2.1 Annual Turnover			
	Year: Y-1	Year: Y-2	Year: Y-3
Date of financial year end			
Annual turnover (€)			

B2.2 In accordance with IMPQQ, if the previous financial year's financial statements have yet to be audited, a letter from the entity's accountant certifying the turnover figure for that year should be provided.

Response to B2.2	
Unique references to supporting documentation enclosed	
Unique Reference B2.2	Annual Turnover (Applicant Name)

B3. Insurance

Response to B3. Insurance	Yes	No
The Applicant		
a) Can the Applicant confirm its ability to secure the minimum insurance levels as set out in Insurance Provision Undertaking. Applicants are required to provide a broker's letter confirming they can obtain and provide the insurance cover as per Appendix 6 – Insurance Provision Undertaking.	☐	☐

B4. Performance Bond

Response to B4. Performance Bond	Yes	No
The Applicant		
b) Can the Applicant confirm its ability to secure and provide the Performance Bonds required under Section 5.2.4 of the IMPQQ.	☐	☐

B5. Banker's Letter

Response to B5. Banker's Letter Provide a current signed letter(s) (i.e. signed letters dated within sixty (60) days prior to the Pre-Qualification Submission Deadline) from the principal banker(s) as identified in the audited financial statements that: i) indicates the length (in years) of the banking relationship; ii) confirms that the bank is the relevant entity's principal banker; and iii) confirms that "all accounts held by the relevant entity are currently in good standing".	
Unique reference B6	<i>Banker's Letter (Applicant Name)</i>

Technical Capabilities (B6 to B8)

B6. Quality Assurance

Quality Assurance Assessment		
	Question	Answer YES or NO
(a)	Do you as the main Applicant or Member have a formal quality management system in place that is current and certified as compliant with ISO 9001, TL9000, CMM or an equivalent recognised standard? If the answer is Yes, please state the quality standard and provide certificate: _____ If the answer is No, then this is a fail and will result in disqualification from the competition.	
(b)	Do your subcontractors hold any relevant formal Quality Accreditation(s)? If not applicable, state N/A; If Yes, please state: a) name of subcontractor(s)/partner(s) _____ b) name of accreditation and/or standard _____ c) awarding body _____ d) is the accreditation is externally audited _____ e) whether the accreditation is current _____	

B7. Environmental

Environmental Assessment
Statutory Obligations:
(a) Please tick the box to confirm that your company fully understands and complies with all of its statutory obligations under: ☐ All relevant pollution prevention legislation ☐ Waste Management Act 1996 and all subsequent amendments
Environmental Management:
(b) Does your company have a written Environmental Management System accredited to a recognised standard? EMAS, ISO4001 etc.? (Yes/No)?
(c) If yes,. (Please specify standard and provide accreditation cert) If the answer is No, then this is a fail and will result in disqualification from the competition.

B8. Health and Safety

Health and Safety Assessment	
Criteria	Response
(a) Do you as the main Applicant or Member have a Health and Safety system in place that is currently certified as compliant with ISO 45001:2018 Occupational Health and Safety Management or equivalent If the answer is Yes, please state the quality standard and supply certificate: _____ If the answer is No, then this is a fail and will result in disqualification from the competition.	Yes ☐ or No ☐
PSCS & PSDP requirements: (b) Applicants or their Sub-contractors or Members of the Applicant upon whom the Applicant is relying on to fulfil the role of either PSDP or PSCS are required to <u>sign</u> BPC 1 and 2 forms, in Appendix 7. Applicants must confirm that they are capable of satisfying the criteria, and have the competencies required for those of PSDP only, and the competencies required for those of PSCS and Works Contractor. The evidence to support the declarations provided will be required to be provided during the Tender Stage. If the answer is No, then this is a fail and will result in disqualification from the competition.	Yes ☐ or No ☐

Section C: Professional Experience of the Applicant

C1 – Reference Projects

Applicants must demonstrate their experience as required under the IMPQQ by providing **three** Reference Projects. The Applicant shall provide information on each Reference Project using the Reference Project Templates below:

Reference Project Number 1	
Unique Reference C1(1)	Reference Project No 1 (Applicant Name)
(a) Name and place of project:	
(b) Nature and description of services provided	
<i>For the avoidance of doubt, the Applicant is required to clearly identify the specific points they are evidencing to satisfy the key competencies listed under Section 5.4, in order to demonstrate the applicability of the reference project.</i>	
(c) Recipient of services	
Name:	
Address:	
Date of commencement of the contract (DD/MM/YYYY):	
Planned date for completion of the contract:	
Actual date of completion of the contract: (***Substantial Completion Certificate may be requested to evidence this date)	
Reason for any difference:	
(e) Total value of the overall contract in Euro	

Reference Project Number 1	
Unique Reference C1(1)	<i>Reference Project No 1 (Applicant Name)</i>
<i>Please detail contract award value actual contract value on completion and major reason(s) for difference if any.</i>	
<i>Original Contract Award Value:</i>	€
<i>Completion contract value:</i>	€
<i>Reason(s) for difference if any:</i>	
(f) Project Contract referee:	
<i>Name:</i>	
<i>Address:</i>	
<i>Telephone:</i>	
<i>Email:</i>	

Reference Project Number 2	
Unique Reference C1(2)	<i>Reference Project No 2 (Applicant Name)</i>
(a) Name and place of project:	
(b) Nature and description of services provided	
<i>For the avoidance of doubt, the Applicant is required to clearly identify the specific points they are evidencing to satisfy the key competence listed under Section 5.4, in order to demonstrate the applicability of the reference project.</i>	
(c) Recipient of services	
Name:	
Address:	
Date of commencement of the contract (DD/MM/YYYY):	
Planned date for completion of the contract:	
Actual date of completion of the contract: (***Substantial Completion Certificate may be requested to evidence this date)	
Reason for any difference:	
(e) Total value of the overall contract in Euro	
<i>Please detail actual contract value on completion and major reason(s) for difference if any.</i>	
Original Contract Award Value:	€
Completion contract value:	€
Reason(s) for difference if any:	

Reference Project Number 2	
(f) Project Contract referee:	
<i>Name:</i>	
<i>Address:</i>	
<i>Telephone:</i>	
<i>Email:</i>	

Reference Project Number 3	
Unique Reference C1(3)	<i>Reference Project No 3 (Applicant Name)</i>
(a) Name and place of project:	
(b) Nature and description of services provided	
<i>For the avoidance of doubt, the Applicant is required to clearly identify the specific points they are evidencing to satisfy the key competence listed under Section 5.4, in order to demonstrate the applicability of the reference project.</i>	
(c) Recipient of services	
Name:	
Address:	
Date of commencement of the contract (DD/MM/YYYY):	
Planned date for completion of the contract:	
Actual date of completion of the contract: (***Substantial Completion Certificate may be requested to evidence this date)	
Reason for any difference:	
(e) Total value of the overall contract in Euro	
Please detail actual contract value on completion and major reason(s) for difference if any.	
Original Contract Award Value:	€
Completion contract value:	€
Reason(s) for difference if any:	

Reference Project Number 3	
(f) Project Contract referee:	
<i>Name:</i>	
<i>Address:</i>	
<i>Telephone:</i>	
<i>Email:</i>	

C2 - Relevant Experience Questions

Applicants must provide responses to the **four** Relevant Experience Questions set out in Section 5.4.2 of the IMPQQ. The responses shall be provided as part of this Section C2 of the PQQ and be submitted in accordance with the requirements of the IMPQQ.

8 Appendices

Applicants must read and, where required, complete and submit the relevant appendices in accordance with this IMPQQ.

8.1 Appendix 1 - Important Notice

This Information Memorandum (“IMPQQ”) and the accompanying European Single Procurement Document, “ESPD” (together the “Pre-Qualification Documents”) have been prepared for the purpose of providing certain information to parties interested in applying to be pre-qualified for tendering for the provision of the services described herein to Transport Infrastructure Ireland (“TII”). In no circumstances shall TII, its advisers, consultants, contractors and/or agents incur any liability or responsibility arising out of or in respect of the issue of the Pre-Qualification Documents. Any costs associated with the submission of a Pre-Qualification Submission or otherwise from participation in this competition are the sole responsibility of the Applicant and will not be reimbursed.

The Pre-Qualification Documents are being made available by TII to Applicants on the terms set out in the Pre-Qualification Documents only. The Pre-Qualification Documents are not being distributed to the public, nor have they been filed, registered, or approved in any jurisdiction. Their possession or use in any manner contrary to any applicable law is expressly prohibited. Applicants shall inform themselves concerning, and shall observe, any applicable legal requirements. No reliance shall be placed on any information or statements contained in the Pre-Qualification Documents, and no representation or warranty, express or implied, is or will be made in relation to such information. Without prejudice to the foregoing, neither TII nor its advisers, consultants, contractors and/or agents shall have any liability or responsibility in relation to the accuracy, adequacy or completeness of such information or any statements made. For the avoidance of doubt, Applicants should not assume that such information or statements will remain unchanged.

The information does not purport to be comprehensive or to have been independently verified.

TII reserves the right to amend the Pre-Qualification Documents, its requirements and any information contained herein at any time by notice, in writing, to the Applicants.

Nothing in the Pre-Qualification Documents is, nor shall be relied upon as, a promise or representation as to TII’s ultimate decision in relation to the award of the contract for the services the subject to this competition. However, TII reserves the right to take such steps as it considers appropriate, including (but not limited to):

- changing the basis of, or the procedures (including the timetable) relating to, the tender process;
- rejecting any, or all, of the applications/tenders;
- not inviting an Applicant to proceed further;
- not furnishing an Applicant with additional information; or
- abandoning the competition.

TII shall not be obliged to provide reasons for any amendment, suspension, withdrawal, cancellation or termination of this procurement process.

Nothing contained in the Pre-Qualification Documents is, or shall be relied upon as, a representation of fact or promise as to the future. Any summaries or descriptions of documents or contractual arrangements contained in any part of the Pre-Qualification Documents 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.

TII, its advisers, consultants, contractors and/or agents do not accept any responsibility for the legality, validity, effectiveness, adequacy, or enforceability of any documentation executed, or which may be executed, in relation to the services.

Neither TII nor its advisers, consultants, contractors and/or agents nor any of their respective directors, officers, employees or representatives owes or accepts any duty of care to any Applicant in respect of the Pre-Qualification Documents or any information provided in connection with this procurement.

No legal relationship or other obligation (including, for the avoidance of doubt, any contract about the competition itself) shall arise between any Applicant and TII (other than an Applicant's irrevocable offer to keep its tender open for the prescribed period) unless and until a contract has been formally executed in writing by TII and the Applicant, or a letter of acceptance has been issued by TII to the Applicant, and any conditions precedent to such document's effectiveness have been fulfilled. TII shall not be obliged to appoint any of the Applicants to undertake the works and services and TII reserves the right not to proceed with the award process and to withdraw from the process at any time. TII reserves the right to procure all or part of the services which are the subject of this procurement by alternative means or through a separate procurement process.

No contract to be entered into with a successful Applicant will contain any representation or warranty in respect of the Pre-Qualification Documents.

In this Important Notice, references to the Pre-Qualification Documents includes all information contained in them, any accompanying documentation including all supplements, and / or information and / or opinions made available during the Pre-Qualification period by or on behalf of TII, its advisers, consultants, contractors, servants and/or agents in connection with the Pre-Qualification Documents or the services including, without limitation, the information made available in response to any queries.

Applicants are required to fully comply with these Pre-Qualification Documents, and any associated documents issued, or any subsequent amendments issued during the Selection Stage, when preparing their Pre-Qualification Submissions and participating in this procurement procedure.

If an Applicant fails to comply in any respect with the requirements set out in the Pre-Qualification Documents and any associated documents or provides a submission not in compliance with the Pre-Qualification Documents or that is ambiguous, TII will be entitled (but will not be obliged):

- to reject the relevant Pre-Qualification Submission as non-compliant;
- without prejudice to TII's right to reject the relevant Pre-Qualification Submission,
 - i) to meet with, raise issues and / or seek clarification from the Applicant in respect of the relevant Pre-Qualification submission;
 - ii) to request the Applicant to provide TII with information or items which have not been provided or have been provided in an incorrect form; and/or

- iii) to waive a requirement which, in the opinion of TII, is minor, procedural, or non-material.

TII is subject to the provisions of the Freedom of Information Act 2014, among other legislation allowing access to information (“Acts”). If Applicants consider that any of the information, they give in this procurement procedure should not be disclosed because it is commercially sensitive or is confidential information that relates to matters affecting the Applicant's business (such as technical or trade secrets or the confidential aspects of Pre-Qualification Submission) or otherwise, they must, when providing the information, clearly identify the specific information they consider should not be disclosed and clearly specify the reasons. TII will consider this if they receive a request for disclosure of an Applicant’s information, but TII may decide to disclose the information despite the Applicant’s view. It is not sufficient for an Applicant to include a statement that all its information is commercially sensitive or confidential.

Applicants shall note that, on conclusion of the Contract agreement, the Contract and associated documents will be open to public examination to the extent required by the Acts or any act amending or replacing same.

The statutory requirements of the Acts will, in all circumstances, supersede all the stated requirements of the various parties.

Irish law is applicable to the Pre-Qualification Documents. The Irish courts shall have exclusive jurisdiction in relation to any disputes arising from the procurement procedure.

Each Applicant’s acceptance of delivery of the Pre-Qualification Documents constitutes its agreement to, and acceptance of, the terms set forth in this Important Notice.

8.2 Appendix 2 - European Single Procurement Document (ESPD)

Attached as a separate MS word document

8.3 Appendix 3 – Financial Standing Letter

Dear Sir / Madam,

Re: TII-499 – Luas Finglas Main Infrastructure Design & Construction Works Contract
Pre-Qualification Submission by **[Applicant name]** Financial Resources

We understand that **[Applicant name]** is relying on our financial standing in the above competition and requires confirmation that those financial resources are available to it.

Accordingly, we confirm that we can provide the financial resources identified in the Pre-Qualification Submission to facilitate **[Applicant name]**'s participation in the competition. In addition, if the **[Applicant name]** is successful in the competition and appointed, we shall provide a guarantee to you that those financial resources will be made available for the duration of the Luas Finglas Main Infrastructure Design & Construction Works Contract including any defects and liability periods.

Yours faithfully,

authorised representative of
[guarantor of financial resources]

8.4 Appendix 4 – Technical Standing Letter

Dear Sir/Madam,

Re: TII-499 – Luas Finglas Main Infrastructure Design & Construction Works Contract
Pre-Qualification Submission by **[Applicant name]** Technical Ability / Resources

We understand that **[Applicant name]** is relying on our resources / technical ability in the above competition and requires confirmation that those resources are available to it.

Accordingly, we confirm that we can provide the technical resources identified in the Pre-Qualification Submission to facilitate **[Applicant name]**'s participation in the competition. In addition, if the **[Applicant name]** is successful in the competition and appointed, we shall provide a guarantee to you that those resources will be made available for the duration of the Luas Finglas Main Infrastructure Design & Construction Works Contract including any defects and liability periods. We also confirm that we will perform those elements for which the resources or capacities relied upon are required.

Yours faithfully,

authorised representative of

[guarantor of technical ability/resources]

8.5 Appendix 5 – Freedom of Information and Data Protection

Confidentiality and Freedom of Information

This IMPQQ and all accompanying documents shall be treated as private and confidential by the Applicants, who shall not release details of this IMPQQ and/or any accompanying documentation 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 completed Pre-Qualification Submissions.

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

TII is subject to the provisions of the Freedom of Information Act 2014 and other legislation relating to access to information including (but not limited to) the Access to Information on the Environment Regulations 2007 (as amended). As a result, Applicants should clearly identify any aspects of their completed submissions which contains information that is either commercially sensitive or confidential in nature, together with the reasons for so doing which must be clearly specified. In such cases, the relevant material may, subject to the provisions of the relevant legislation, be protected from access in response to a request made under the relevant legislation.

TII shall have the right to publicise, or otherwise disclose, to any third party, information regarding: the contract, the identity of parties seeking information in relation to the contract, the identity of Applicants and/or nomination of shortlisted Applicants (including details of their respective members, representatives, advisers, servants and/or agents); the tender process; and/or the award of the contract (including, without limitation, details of the contract price or the payment mechanism) at any time.

Applicants should note that TII and its advisers may disclose completed ESPDs or part thereof to representatives of the local authorities and their consultants. The local authorities, like TII are subject to the provisions of access to information legislation.

Data Protection Notice

As part of your response to the Pre-Qualification Documents for this competition you may provide personal data relating to you or your organisation, employees or other third parties. In this document, “Data Protection Laws” means all applicable data protection law including, with effect from 25 May 2018, the General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018; and the terms ‘personal data’, ‘process’, ‘controller’, ‘processor’ and ‘data subject’ shall have the meanings given to them under Data Protection Law.

Where you provide personal data relating to third parties, you must ensure that such third parties are made aware of the contents of this Data Protection Notice in full.

Where such personal data is provided, the relevant controller is TII. If you have any questions about our use of your personal data, please contact us at dataprotection@tii.ie. Alternatively, you can get in touch with our Data Protection Officer at TII Data Protection Officer, A. O’Shaughnessy, Transport Infrastructure Ireland, Parkgate Business Centre, Parkgate Street, Dublin 8, D08 DK10 Tel: +353 1 646 3600.

We may process the following personal data as part of this competition (either at this stage or subsequent stages in the competition):

- Name;
- Contact details;
- CV details (including but not limited to qualifications, education, experience, previous roles and responsibilities etc);
- Details of proposed role(s) and responsibilities on this contract;
- Referee details; and
- Any other data provided by you as part of your submission.

We collect personal data from you directly, and from the following sources:

- Your organisation;
- Other members of your consortium; and
- Referees.

Any personal data provided will be processed for the purposes of the competition, the administration of any contract awarded on foot of this competition, reporting to any regulators or oversight bodies and/or any disputes relating to the competition or the contract. Our legal basis for processing such personal data in accordance with the provisions of this Data Protection Notice is that it is necessary for the exercise of official authority vested in us.

In connection with the above, we may disclose your personal data to various recipients including:

- Your employer;
- Other members of your consortium (if applicable);
- Our third party service providers, such as our financial, legal and technical advisors and our contractors; and
- Regulators or oversight bodies.

If you are unsuccessful as part of the tender process, such personal data will be retained until three years after the conclusion of the tender process or the award of the contract to the successful party, whichever is later. If you are successful, and a contract is awarded to you at the end of the tender process, such personal data will be retained in accordance with our Record Management and Retention Policy.

Any data subjects in respect of which we hold, or process personal data have rights in relation to their personal data, including the right to request access to their data and, in certain circumstances to request rectification, erasure or restriction of the processing of their personal data. All such data subjects have the right to lodge a complaint with the Irish supervisory TII, the Data Protection Commission.

The Pre-Qualification Documents set out, in respect of each criterion or requirement, whether a response (including any personal data required in order to respond to the criterion or requirement) is required in order to avoid elimination from this competition. Even where a failure to respond or to provide relevant personal data will not, of itself, lead to elimination, failure to provide such personal data may affect the completeness or quality of your response to the procurement documents (which may affect the assessment of such response).

TII will be a Data Controller (where Data Controller has the meaning given under the Data Protection Laws) in respect of any Personal Data (where Personal Data has the meaning given under the Data Protection Laws) required to be provided by the Applicant in response to the PQQ.

The Applicant, as Data Controller in respect of any Personal Data provided by it in response to the Pre-Qualification Documents, is required to confirm in the declaration required under Section 17 of this IMPQQ that all Data Subjects (where Data Subject has the meaning given under the Data Protection Laws) whose Personal Data is provided by the Applicant have consented to the processing of such Personal Data by the Applicant, TII, the evaluation team and the supplier of the etenders.gov.ie website, for the purposes of the participation of the Applicant in this competition or that the Applicant otherwise has a legal basis for providing such Personal Data to TII for the purposes of its participation in this competition. This declaration should be completed and uploaded to etenders.gov.ie with the remainder of the suitability assessment submission.

GDPR Declaration

To be completed by the Applicant, on letter-headed paper of the Applicant

To:	Transport Infrastructure Ireland Parkgate Business Centre Parkgate Street Dublin 8 Ireland
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Re. Tender for: TII-499 – Luas Finglas Main Infrastructure Design & Construction Works

Date: [Applicant Entry]

A Dhaoine Uaisle,

We confirm that all data subjects whose Personal Data is provided in our application have consented to the processing of such Personal Data by us, TII, the Assessment Panel and the supplier of the etenders.gov.ie website, for the purposes of our participation in this competition or that we otherwise have a legal basis for providing such Personal Data to TII for the purposes of our participation in this competition and that we will provide evidence of such consent and / or legal basis to TII upon request.

Is mise, le meas

Signed

On behalf of [Name of Applicant]

8.6 Appendix 6 – Insurance Provision Undertaking

INSURANCE PROVISION UNDERTAKING

(Delete Text:) The Insurer or Insurance Advisor/Agent/Broker/Underwriter is to delete this text and insert the below, on their companies headed paper when responding to this checklist. The purpose of this checklist is to confirm that the necessary insurances can be obtained and provided.

From:	<i>Name of Broker/ Underwriter</i>	
	<i>Address of Broker/ Underwriter</i>	
Regarding:	<i>The Contract</i>	TII-499 - Luas Finglas Main Infrastructure Design & Construction Works
	<i>Name of Contractor</i>	

INSURANCE CHECKLIST			YES	NO
INSURANCES		REQUIRED INSURANCES FORM CONTRACTOR		
Employers Liability (EL)	Cover	Legal Liability for any death, disease or injury to any employee of the successful tenderer(s)		
	Limit of Indemnity	€13m each and every claim		
	Excess	Nil		
Public/ Products Liability	Cover	Legal Liability for any death, disease or injury to and third party and damage to third party's products.		
	Limit of Indemnity	€20m each and every claim & in the aggregate for Products		
	Excess	€10,000 in respect of property damage only, and that there be no excess for death, injury, or illness.		

INSURANCE CHECKLIST			YES	NO
Professional Indemnity	Cover	Legal Liability for a wrongful act as a result of professional negligence or advice		
	Limit of Indemnity	€10m any one claim (AOC)		
	Excess	The maximum excess shall be the greater amount of 2% of the contractor's annual turnover or €50,000. If the Main Contractor is a subsidiary of another entity this percentage relates to the annual turnover of the Main Contractor itself and not that of any parent company, ultimate parent company, or ultimate holding company.		
For all policies	Extension	The Territorial and Jurisdiction limits of all insurances requested must apply to the Republic of Ireland.		

For the purposes of responding to this *competition*, the Tenderer's Insurer or Insurance Advisor/Agent/Broker is required to complete the above checklist confirming that the Insurer/ Insurance Advisor is able to place the insurances set out above.

In respect of the Professional Indemnity policy, aggregate basis will be accepted if any one claim (AOC) is not available in the insurance market. However, at each renewal, AOC basis must be examined and quoted for if available.

In each case the Authority reserves the right to seek, at any time, evidence substantiating the matters set out in this declaration. If the evidence cannot be produced, or if Authority is not satisfied that the Minimum Requirement is met, the Tender will be eliminated.

Signed: _____

Date: _____

Name: _____

Position: _____

Company: _____

8.7 Appendix 7 – BPC 1 and BPC 2 Forms

See BPC Form 1 & BPC Form 2 attached in Appendix 7 folder.

BPC or Building Control Process refers to the regulatory process under the Building Control (Amendment) Regulations), including the submission of:

- BPC1 – Assignment of Builder
- BPC2 – Assignment of Assigned Certifier

Applicants or their Sub-contractors or Members of the Applicant upon whom the Applicant is relying on to fulfil the role of either PSDP or PSCS are required to sign BPC 1 and 2 forms, confirming that they are capable of satisfying the criteria and have the competencies required for those of PSDP only and the competencies required for those of PSCS and Works Contractor. Signed documents shall be returned along with your submission.

Further evidence to support this declaration may be requested at Tender Stage.

8.8 Appendix 8 - Applicant's Authorised Representative - Confirmations and Acknowledgements

Please complete on company's letterhead and return along with your submission

We confirm that the representative named in section A3 (Applicant's Authorised Representative) of the Pre-Qualification Questionnaire is authorised to act as agent and principal contact for the Applicant in all dealings with TII in relation to the Contract (TII-499 – Luas Finglas Main Infrastructure Design & Construction Works).

We confirm that the responses to the Pre-Qualification Questionnaire and the IMPQQ in general are true, accurate, and valid as to their content.

We further confirm that we are not aware of any legal impediment that would prevent TII from entering into a contract with us (bearing in mind sanctions law or any other applicable law). In particular, we declare that:

- a) neither the Applicant, nor any Applicant Member, or entity being relied upon is a Russian national, or a natural or legal person, entity or body established in Russia;
- b) neither the Applicant, nor any Applicant Member, or entity being relied upon is directly or indirectly owned by more than 50% by a Russian national, or a natural or legal person, entity or body established in Russia;
- c) neither the Applicant, nor any Applicant Member or entity being relied upon is acting upon the direction of a person outlined in a) or b) above; and
- d) we do not intend to use any subcontractor or entity being relied upon captured by a) b) or c) above for more than 10% of the value of this Contract, if successful.

We confirm that we (as well as our subsidiaries without commercial autonomy and holding companies, and main subcontractors and main suppliers involved in the tender) have included with this Pre-Qualification Submission either:

- An FSR Notification as per Form FS-PP of the Implementing Regulation detailing foreign financial contributions received; or
- An FSR Declaration in the form of completed sections 1, 2, 7 and 8 of Form FS-PP of Implementing Regulation declaring that no notifiable foreign financial contributions were received.

We understand and accept that the provision of false or misleading information, or the omission of information, could result in the exclusion of the Applicant from the bidding process or rejection of our bid.

We confirm that we have read, understood, and agree to accept the requirements, terms and conditions set out in the IMPQQ.

Signed:

Signatures _____

Name of signatories _____

Title of signatories _____

Date: _____

On behalf of:

Applicant Name: _____



Bonneagar Iompair Éireann
Transport Infrastructure Ireland



Bonneagar Iompair Éireann
Ionad Gnó Gheata na Páirce
Sráid Gheata na Páirce
Baile Átha Cliath 8
Éire, D08 DK10



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