Form 1
Prequalification Document Submission Identification Sheet

**PREQUALIFICATION RESPONSE SUBMISSION DATE: 17 October 2019**

|  |  |
| --- | --- |
| Designation: | Director |
| Address: | 1. Wayne Tower, Gotham City, NJ, USA
 |

**SUBMISSION OF PREQUALIFICATION RESPONSE UNDER THE REQUEST FOR QUALIFICATION FOR THE DEVELOPMENT OF DIAGNOSTIC IMAGING CENTRE AT IBNI SINA**

**HOSPITAL COMPOUND (KABUL) BY PPP USING BOT MODEL**

|  |  |
| --- | --- |
| Name of Applicant: | Wayne - Stark Consortium |
| Name of Lead Member (if applicable):  | Wayne Enterprises |
| Name(s) of the Consortium Members (if applicable): | Stark Industries |
| Address:  | Wayne Tower, Gotham City, NJ, USA |
| Phone Number: | +1-426228626 |
| Fax Number: | +1-426228636 |
| Email: | bruce@wayne.com |
| Date and Time of Submission of the Prequalification Response:  |  |
|  | (For office use only. To be filled in by the Entity on receipt of Prequalification Response) |

Wayne Enterprises

Wayne Tower, Gotham City, NJ, USA

Form 2

Letter of Application[[1]](#footnote-2)

Date: 17 October 2019

To: Ahmad Matin Zahid

Head of Unit, Public Private Partnership Unit

General Directorate of Policy and Planning

Ministry of Public Health

Wazir Mohammad Akbar Khan Avenue

Kabul, Afghanistan

Dear Sir,

**Subject: request for qualification for the Development of Diagnostic Imaging Centre at Ibni Sina Hospital Compound (Kabul) by PPP using BOT Model [[2]](#footnote-3) ("Prequalification Document")**

Terms defined in the Prequalification Document shall have the same meaning when used in this Letter of Application unless otherwise stated.

I, Lucius Fox*,* being duly authorised to represent and act on behalf of Wayne – Stark Consortium (the **"Applicant"**) a Consortium *[organised and existing under the laws of USA organised by agreement among its Consortium Members*], hereby declare that:

1. having reviewed and examined the Prequalification Document and any Addenda and Corrigenda and having fully understood all the information provided therein and in accordance with the same, the Applicant hereby applies to be pre-qualified and shortlisted for the RFP stage of the bidding process, and agrees and undertakes to abide by all the terms and conditions of the Prequalification Document;
2. all statements made and all information and documents provided by the Applicant in or in connection with this Application are true and correct; nothing has been omitted which renders such information misleading; all documents accompanying such Application are true copies of their respective originals; and the Entity may rely on such statements, information and documents when evaluating Prequalification Responses for pre-qualification and shortlisting under the Prequalification Document;
3. the Entity is authorised to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection to this Prequalification Document, and to seek clarification from our accountants and clients regarding any financial and technical aspects of the Prequalification Response. The Applicant and each Consortium Member hereby authorises third parties to supply information required to verify statements and information submitted in its Pre-Qualification Documents. The Applicant shall make available to the Entity any additional information it requests to supplement or verify anything in the Prequalification Response;
4. the Applicant acknowledges the right of the Entity to amend the scope or value of the Project, reject any bid or terminate the bidding process at any time without assigning any reason whatsoever and without incurring any liability, and acknowledges that the Entity is neither bound to accept any Prequalification Response nor invite the Shortlisted Bidders to submit Proposals. The Applicant waives to the fullest extent of the law, its right to seek and obtain a court injunction or restraining order against the Entity to prevent or restrain the Prequalification stage of the bidding process, the holding of the RFP stage of the bidding process, the award of the PPP Contracts or any proceedings related thereto;
5. no Consortium Member is[[3]](#footnote-4) another Applicant nor a Consortium Member of any other Consortium which is an Applicant for this Project;
6. the Applicant does not have a Conflict of Interest in relation to this Project;
7. if, following submission of this Prequalification Response, any change in facts or circumstances may mean the Applicant would be ineligible or disqualified from the bidding process in accordance with the terms, the Applicant shall inform the Entity of the same immediately;
8. [this Prequalification Response and any subsequent Proposal as well as any resulting PPP Contract shall legally bind all Consortium Members, jointly and severally;][[4]](#footnote-5) and
9. the Entity and its authorised representatives may contact the following persons for further information or clarification:

|  |  |
| --- | --- |
| **Key Contact Person:** |  |
| Name:  | Lucius Fox |
| Designation: | Director |
| Address: | Wayne Tower, Gotham City, NJ, USA |
| Tel No. | +1-426228626 |
| Mobile | +1-228662459 |
| Email: | fox@wayne.com |
| *(Please fill in details of the key contact person)* |
| **Alternative Contact:** |  |
| Name:  | Gillian Grace |
| Designation: | Assistant Director |
| Address: | Wayne Tower, Gotham City, NJ, USA |
| Tel No. | +1-85478595 |
| Mobile | +1-54423664 |
| Email: | Grace@wayne.com |
| *(Please fill in details of an alternative contact person)* |

|  |  |  |  |
| --- | --- | --- | --- |
| Signed by Lucius Fox for and on behalf[[5]](#footnote-6) of Wayne Enterprises  |  |  |  |

**Enclosures:**

1. Particulars of the Applicant, together with its attachments
2. Particulars of Eligible Projects, together with its attachments
3. Particulars of Financial Capability, together with its attachments
4. Letter of Authorisation for Lead Member of Consortium[[6]](#footnote-7)
5. Authorisation(s) to a representative
6. Certificate of Compliance
7. Certificate by Nominated Contractor of Willingness to Participate[[7]](#footnote-8)
8. Certificate by Affiliate of Applicant or Consortium Member of Willingness to Participate[[8]](#footnote-9)
9. Prequalification Response Checklist

Form 3
Particulars of the Applicant

**A – Particulars of the Applicant or, in the case of a Consortium, each Consortium Member**

|  |  |
| --- | --- |
| **Name of Applicant/ Consortium Member:** | **Wayne Enterprise** |
| **Country of incorporation or registration:** | **United States of America** |
| **Date of incorporation or registration:** | **04 July 1920** |
| **Company/ business registration number (if any):** | **489434** |
| **Registered address:** | **Wayne Tower, Gotham City, NJ, USA**  |
| **Brief description of its business:** | **Multinational Conglomerate Company** |
| **Website (if any):** | **www.wayne.com** |
| **Shareholders or owners:** | **Bruce Wayne (owner)** |
| **Ultimate parent company or owner:**(being the person who ultimately, directly or indirectly, controls the Applicant/ Consortium Member) | **N/A** |
| **Authorised Representative:** (as authorised under the board resolution or power of attorney) | **Lucius Fox**  |
| **Contact Person:**(include name, telephone, email and postal address) | **Lucius Fox****Director****Wayne Tower, Gotham City, NJ, USA****+1-426228626****fox@wayne.com** |
| **Required attachments to this form:** | Certified copy of its certificate of incorporation or registrationCertified copy of the its latest annual filing with the company or business registry applicable to it in its country of jurisdiction (or equivalent document)  |

*\*In the case of a Consortium, repeat the above table for each Consortium Member.*

|  |  |
| --- | --- |
| **Name of Applicant/ Consortium Member:** | **Stark Industries** |
| **Country of incorporation or registration:** | **United States of America** |
| **Date of incorporation or registration:** | **01 January 1940** |
| **Company/ business registration number (if any):** | **349448** |
| **Registered address:** | **Stark Industries Headquarters, LA, USA** |
| **Brief description of its business:** | **Multinational Industrial Company** |
| **Website (if any):** | [**www.stark.com**](http://www.stark.com) |
| **Shareholders or owners:** | **Tony Stark (owner and CEO)** |
| **Ultimate parent company or owner:**(being the person who ultimately, directly or indirectly, controls the Applicant/ Consortium Member) | **N/A** |
| **Authorised Representative:** (as authorised under the board resolution or power of attorney) | **Pepper Potts**  |
| **Contact Person:**(include name, telephone, email and postal address) | **Pepper Potts****Managing Director****Stark Industries Headquarters, LA, USA** **+1-264766626****potts@stark.com** |
| **Required attachments to this form:** | Certified copy of its certificate of incorporation or registrationCertified copy of the its latest annual filing with the company or business registry applicable to it in its country of jurisdiction (or equivalent document)  |

**B – Business Structure in the case of a Consortium**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Name of Consortium Member** | **Proposed role** (with reference to the financial, technical, operation and maintenance obligations of the Project as set out in section ‎10.1.3(d) of the Prequalification Document) | **Equity shareholding (%)** (in the Project Company if the Applicant is appointed Preferred Bidder) |
| Lead Member | Wayne Enterprise | Construction and O&M  | 52% |
| Non-Lead Member | Stark Industries | Financing and Technology | 48% |
| Non-Lead Member |  |  |  |
| Non-Lead Member |  |  |  |
| Non-Lead Member |  |  |  |

**C – Roles of Nominated Contractors or Affiliates (if applicable)**

|  |  |
| --- | --- |
| **Name of Nominated Contractor or Affiliate** | **Proposed role** (with reference to the financial, technical, operation and maintenance obligations of the Project) |
|  |  |
|  |  |

Form 4
Particulars of Eligible Projects

|  |  |
| --- | --- |
| **Name of Reference Project submitted by the Applicant for the purposes of satisfying the Eligible Projects Criteria and any of the Shortlisting Criteria "A" to "C"** | Gotham General Hospital |
| **Eligible Project Nominee responsible for the Reference Project** | Wayne Enterprises |
| **Relationship of Eligible Project Nominee to Applicant** | Lead Member |
| **Date of EPC or PPP Contract** | 01 January 1998 |
| **Employer/ Contracting Authority** | Gotham Metropolis |
| **Location of Reference Project** | Gotham City, New Jersey, United States of America |
| **Description of Reference Project** | Gotham General Hospital is a 425-bed multi-disciplinary super-specialty tertiary care hospital, confidently providing comprehensive health care with the latest medical, surgical and diagnostic facilities. The hospital started its operation on 1 January 2001 with a mission to provide high quality international standard healthcare which will meet the needs and exceed the expectations of the people of Gotham. It is an eleven-storied building built on four acres of land with 435,000 square feet floor space, which was constructed with assistance of renowned Stark Industries, USA. Since its inception to date, approximately 8,660,116 patients have registered with Gotham General and over 25,614,152 patients have availed out-patient consultation across over 29 disciplines. Dedicated to providing multidisciplinary medical care and backed by state-of-the-art facilities, Gotham General offers team-based quality patient care that is widely acknowledged to be amongst the best. At Gotham General, patients have ready access to more than 29 specialized departments and services, which are established as national referral centres. It has five Centres of Excellence and five Strategic Business Units. Modern lithotripsy service, i.e. the treatment of kidney and ureter stones without surgery, is provided by the hospital using extracorporeal shock wave. The hospital also offers a complete Dialysis Unit for the treatment of patients with kidney disorders. The hospital has 2 Tesla MRI, 64 Slice CT Scan, Color Doppler, Ultrasound, and Gamma Camera, which have created the most modern Radiology and Nuclear Medicine service in the state, with equipment that is faster and capable of conducting a wide range of examinations with a higher degree of detail. This is in addition to EEG, EMG, neurophysiology, ECG, stress test, pulmonary function test, etc.  |
| **Date Reference Project was completed and opened to operations** | 1 January 2001 |
| **Reference Project Total Project Cost**  | 10,000,000 USD |
| **Role of Eligible Project Nominee in the Reference Project** | Developer, Financier, Operator (2001-2011), 51% Shareholder |
| **Equity Shareholding of Eligible Project Nominee in the relevant Project Company or EPC Contractor** | 51% |
| **Was Reference Project implemented on an EPC or PPP Basis** | PPP |
| **Details of Referee for Reference Project** | Edward Snowden, CEO, Gotham General Hospital+1-232590016snowden@ggh.com |
| **Required attachments to this form:** | If the Eligible Project Nominee responsible for the Reference Project is an Affiliate of the Applicant or the Lead Member: (i) certified copy of its certificate of incorporation or registration; and (ii) certified copy of the its latest annual filing with the company or business registry applicable to it in its country of jurisdiction (or equivalent document).Any evidence that may be supplied to support the details of the Reference Project set out in this form. For example, company brochures of the Eligible Project Nominee, links to websites of the Employer/ Contracting Authority or the Eligible Project Nominee describing the Reference Project, reports prepared in respect of the Reference Project. |

*Repeat the table above for each Reference Project submitted as a potential Eligible Project for the purpose of satisfying the Eligible Projects Criteria and any of the Shortlisting Criteria "A" to "C".*

|  |  |
| --- | --- |
| **Name of Reference Project submitted by the Applicant for the purposes of satisfying the Eligible Projects Criteria and any of the Shortlisting Criteria "A" to "C"** | Popular Diagnostics |
| **Eligible Project Nominee responsible for the Reference Project** | Wayne Enterprises |
| **Relationship of Eligible Project Nominee to Applicant** | Lead Member |
| **Date of EPC or PPP Contract** | 20 December 2007 |
| **Employer/ Contracting Authority** | Health Services Department |
| **Location of Reference Project** | Gurugram, Haryana, India  |
| **Description of Reference Project** | Popular Diagnostics. is an advanced Centre for diagnostic and medical services. Popular Diagnostics. is the largest diagnostic services provider organization in private sector of the state. It is been pioneer in introducing world latest medical equipment and advanced technology to provide round the clock medical investigations and consultancy services. It has 3.0 Tesla Digital MRI, 500 slice VCT (CT Scanner), Oracle-Bone Densitometer(BMD), Lithotripsy (ESWL), 12-Channel –ECG, Biochemistry, Immunology, Serology, Microbiology, Clinical Pathology, Histopathology, Molecular Laboratory etc. |
| **Date Reference Project was completed and opened to operations** | 1 January 2009 |
| **Reference Project Total Project Cost**  | 2,000,000 USD |
| **Role of Eligible Project Nominee in the Reference Project** | Developer, Financier, Operator (2011-2014)  |
| **Equity Shareholding of Eligible Project Nominee in the relevant Project Company or EPC Contractor** | 40% |
| **Was Reference Project implemented on an EPC or PPP Basis** | EPC |
| **Details of Referee for Reference Project** | Venkatesh Ramanujan, MD, Popular Diagnostics+92-958289536ramanujan@popular.com |
| **Required attachments to this form:** | If the Eligible Project Nominee responsible for the Reference Project is an Affiliate of the Applicant or the Lead Member: (i) certified copy of its certificate of incorporation or registration; and (ii) certified copy of the its latest annual filing with the company or business registry applicable to it in its country of jurisdiction (or equivalent document).Any evidence that may be supplied to support the details of the Reference Project set out in this form. For example, company brochures of the Eligible Project Nominee, links to websites of the Employer/ Contracting Authority or the Eligible Project Nominee describing the Reference Project, reports prepared in respect of the Reference Project. |

Form 5
Particulars of Financial capability

**A – Particulars of Financial Capability of the Financial Nominee**

|  |  |
| --- | --- |
| **Entity which is nominated as Financial Nominee** | Stark Industries 349448Stark Industries Headquarters, LA, USA |
| **Relationship of Financial Nominee to Applicant** | Non - Lead Member |
| **Financial Information** | **2016-2017** | **2017-2018** | **2018-2019** |
| (i) Total Assets | 500,000,000 | 800,000,000 | 1,000,000,000 |
| (ii) Total Liabilities  | 200,000,000 | 300,000,000 | 400,000,000 |
| (iii) Total Net Worth | 300,000,000 | 500,000,000 | 600,000,000 |
| (iv) Annual Turnover | 100,000,000 | 250,000,000 | 500,000,000 |
| (v) Profits Before Taxes | 75,000,000 | 150,000,000 | 400,000,000 |
| (vi) Profits After Taxes | 50,000,000 | 100,000,000 | 250,000,000 |
| **Third Party Debt Information** | N/A |
| (i) Applicable Project for which Third Party Debt was secured | *[include project name, location and sector]* |
| (ii) Aggregate Amount of Third Party Debt |  |
| (iii) Date of Financial Close of Third Party Debt |  |
| (iv) Date of First Drawdown of Third Party Debt |  |
| (v) Date of Final Drawdown of Third Party Debt |  |
| (vi) Tenor of Third Party Debt |  |
| (vii) Name of Borrower | *[include name, company registration number and registered address]* |
| **Required attachments to this form:** | If the Financial Nominee is the Lead Member: (i) certified copy of its certificate of incorporation or registration; and (ii) certified copy of its latest annual filing with the company or business registry applicable to it in its country of jurisdiction (or equivalent document).Certified copies of audited financial statements for most recent 3 (three) full financial years falling prior to the Prequalification Response Submission Date.Any evidence available to be disclosed to support the information provided in respect of the Third Party Debt Information (for example, certified copy of audited financial statements referencing such debt, if different from those provided above). |

**B – In the Case of a Consortium, Particulars of Financial Capability of each of the Non-Financial Nominees**

|  |  |
| --- | --- |
| **Name of Member (Non-Financial Nominee)** | Wayne Enterprise  |
| **Role on the Consortium and Shareholding**  | Lead Member [52%]  |
| **Financial Information** | **2016-2017** | **2017-2018** | **2018-2019** |
| (i) Total Assets | 5,000,000,000 | 7,000,000,000 | 9,000,000,000 |
| (ii) Total Liabilities  | 350,000,000 | 500,000,000 | 1,000,000,000 |
| (iii) Total Net Worth | 4,650,000,000 | 6,500,000,000 | 8,000,000,000 |
| (iv) Annual Turnover | 200,000,000 | 500,000,000 | 900,000,000 |
| (v) Profits Before Taxes | 100,000,000 | 500,000,000 | 800,000,000 |
| (vi) Profits After Taxes | 50,000,000 | 350,000,000 | 600,000,000 |

Form 6
Letter of Authorisation for Lead Member of Consortium[[9]](#footnote-10)

Date: 17 October 2019

To: Ahmad Matin Zahid

Head of Unit, Public Private Partnership Unit

General Directorate of Policy and Planning

Ministry of Public Health

Wazir Mohammad Akbar Khan Avenue

Kabul, Afghanistan

Dear Sir,

**Subject: request for qualification for the Development of Diagnostic Imaging Centre at Ibni Sina Hospital Compound (Kabul) by PPP using BOT Model [[10]](#footnote-11) ("Prequalification Document")**

Terms defined in the Prequalification Document shall have the same meaning when used in this Letter of Application unless otherwise stated.

We, Stark Industries, Stark Industries Headquarters, LA, USA do hereby irrevocably appoint and authorise Wayne Enterprise, Wayne Tower, Gotham City, NJ, USA ("Lead Member") to represent each of us individually and all of us collectively as Consortium Members in Wayne - Stark Consortium (the "Applicant" or the "Consortium") in all matters in connection with the Prequalification, including but not limited to: executing and submitting of the Prequalification Response, Proposal and other relevant documents; participating in the Pre-Prequalification Response Meeting and other conferences held during the Prequalification or otherwise during the RFP or bid process; providing or submitting queries and requests for clarification to the Entity; providing information and responses to the Entity; representing the Consortium in all matters before the Entity; signing and execution of all contracts including the PPP Contract and undertakings consequent to acceptance of the Consortium's bid, and generally dealing with the Entity in all matters in connection with or relating to or arising out of the Consortium's bid for the Project and/ or upon award of the Project to the Consortium.

We hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things lawfully done or caused to be done by the Lead Member pursuant to and in exercise of the powers conferred by this letter of authorisation and that all acts, deeds and things done by the Lead Member in exercise of the authority hereby conferred shall and shall always be deemed to have been done by us.

This letter of authorisation shall be governed by, and construed in accordance with, the laws of Afghanistan and the courts of Afghanistan shall have exclusive jurisdiction over all disputes arising under, pursuant to and/or in connection with this letter of authorisation.

|  |  |  |  |
| --- | --- | --- | --- |
| Signed by Pepper Pottsfor and on behalf of Stark Industries[[11]](#footnote-12): | )))) |  |  |

Form 7
Authorisation to a Representative

**IT WAS RESOLVED THAT:**

Lucius Fox (**"Authorised Representative"**) of Wayne Enterprise, Wayne Tower, Gotham City, NJ, USA be hereby appointed and authorised to act on behalf of Wayne - Stark Consortium (**"Company**") in all matters in connection with the request for qualification for the Development of Diagnostic Imaging Centre at Ibni Sina Hospital Compound (Kabul) by PPP using BOT Model [[12]](#footnote-13) ("Prequalification Document"), including but not limited to: executing and submitting of the Prequalification Response, Proposal and other relevant documents (including power of attorney); participating in the Pre-Application Meeting and other conferences held during the Prequalification or otherwise during the RFP or bid process; providing or submitting queries and requests for clarification to the Entity; providing information and responses to the Entity; representing the Company in all matters before the Entity and other Consortium Members[[13]](#footnote-14); signing and execution of all contracts including the PPP Contract and undertakings consequent to acceptance of the bid, and generally dealing with the Entity and other Consortium Members[[14]](#footnote-15) in all matters in connection with the bid for the Project and/ or upon award of the Project to the Company or the Consortium of which the Company is a member; and all acts, deeds and things lawfully done or caused to be done by the Authorised Representative pursuant to and in exercise of the powers conferred by this resolution be hereby ratified and confirmed.

Form 8
Certificate of Compliance

1. This certificate is entered into in connection with the request for qualification for the Development of Diagnostic Imaging Centre at Ibni Sina Hospital Compound (Kabul) by PPP using BOT Model[[15]](#footnote-16) (**"Prequalification Document"**). Terms defined in the Prequalification Document shall have the same meaning when used herein unless otherwise stated.
2. The undersigned, Lucius Fox, of legal age, and residing at 7284 Aurora Rd. Palisades Park, NJ 07650, personally, and as Director of Wayne Enterprises[[16]](#footnote-17), a company[[17]](#footnote-18) duly organised under the laws of United States of America, the **"Consortium Member"**[[18]](#footnote-19), hereby certifies that:
	* 1. all statements, representations, information and other matters of fact made in this Prequalification Response including any attachments and enclosures are true, complete and accurate; nothing has been omitted which renders such information misleading and all documents accompanying such Application are true copies of their respective originals;
		2. it has been nominated as a Eligible Project Nominee for the Applicant and has been allocated the role of Construction and O&M in the Project and:
			1. is willing to participate in the Project in the role allocated to it in the Prequalification Response;
			2. has the required experience and capacity to under the role allocated to it in the Prequalification Response; and
			3. without limiting the generality of paragraph (a) above, all statements, representations, information and other matters of fact made in the Particulars of Eligible Projects submitted with the Prequalification Response in respect of Reference Projects carried out by it are true, complete and accurate; nothing has been omitted which renders such information misleading and all documents accompanying such particulars are true copies of their respective originals;
		3. the Consortium Member is a corporation or business organisation, duly incorporated or validly existing and duly registered under the laws of its country of domicile;
		4. the Consortium Member has agreed that Wayne Enterprise will act as the Lead Member of the Consortium of which we are a Consortium Member[[19]](#footnote-20)
		5. the Consortium Member is participating in only one Prequalification Response;
		6. Consortium Member has not been the subject of any court or arbitral award decision determined against the Consortium Member in respect of any material contract to which the Consortium Member was a party during the last 5 (five) years, for which the Consortium Member was or is required to pay damages in an amount that had or could reasonably be expected to have a material adverse effect on the business or condition (financial or otherwise) of the Consortium Member;[[20]](#footnote-21)
		7. the Consortium Member[[21]](#footnote-22) does not have a Conflict of Interest as set out in the Prequalification Document;
		8. the Consortium Member[[22]](#footnote-23) has taken steps to ensure its conformity and the conformity of its partners, suppliers, sub-contractors, sub-consultants, officers, employees, agents, service providers and advisers with the provisions under section 9 of the Prequalification Document;
		9. the Consortium Member[[23]](#footnote-24) has not, directly or indirectly or through an agent, engaged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice in the bidding process for the Project or in the bidding process for any other project in the previous 3 (three) years and is not otherwise in breach of the terms of section 9; and
		10. the Consortium Member has complied with and undertakes to continue to comply with the terms and conditions of the Prequalification Document.

|  |  |  |  |
| --- | --- | --- | --- |
| Executed as a deed by**WAYNE ENTERPRISE** acting by Lucius Fox: |  | )))) |  |
| Signature of authorised representativeSignature of witnessName of witnessAddress of witnessOccupation of witness |  | ………………………………………………………………………………………………Alfred Pennyworth901 Fawn St. New Brunswick, NJ 08988Director, Wayne Enterprise  |

Form 8
Certificate of Compliance

1. This certificate is entered into in connection with the request for qualification for the Development of Diagnostic Imaging Centre at Ibni Sina Hospital Compound (Kabul) by PPP using BOT Model[[24]](#footnote-25) (**"Prequalification Document"**). Terms defined in the Prequalification Document shall have the same meaning when used herein unless otherwise stated.
2. The undersigned, Pepper Potts, of legal age, and residing at 3223 Rosemont Avenue, LA, CA, personally, and as Managing Director of Stark Industries[[25]](#footnote-26), a company[[26]](#footnote-27) duly organised under the laws of United States of America, the **"Consortium Member"**[[27]](#footnote-28), hereby certifies that:
	* 1. all statements, representations, information and other matters of fact made in this Prequalification Response including any attachments and enclosures are true, complete and accurate; nothing has been omitted which renders such information misleading and all documents accompanying such Application are true copies of their respective originals;
		2. it has been nominated as a(n) Financial Nominee for the Applicant and has been allocated the role of Financing and Technologyin the Project and:
			1. is willing to participate in the Project in the role allocated to it in the Prequalification Response;
			2. has the required experience and capacity to under the role allocated to it in the Prequalification Response; and
			3. without limiting the generality of paragraph (a) above, all statements, representations, information and other matters of fact made in the Particulars of Financial Capability submitted with the Prequalification Response in respect of its financial capability are true, complete and accurate; nothing has been omitted which renders such information misleading and all documents accompanying such particulars are true copies of their respective originals;
		3. the Consortium Member is a corporation or business organisation, duly incorporated or validly existing and duly registered under the laws of its country of domicile;
		4. the Consortium Member has agreed that Wayne Enterprise will act as the Lead Member of the Consortium of which we are a Consortium Member [[28]](#footnote-29)
		5. the Consortium Member is participating in only one Prequalification Response;
		6. the Consortium Member has not been the subject of any court or arbitral award decision determined against the Consortium Member in respect of any material contract to which the Consortium Member was a party during the last 5 (five) years, for which the Consortium Member was or is required to pay damages in an amount that had or could reasonably be expected to have a material adverse effect on the business or condition (financial or otherwise) of the Consortium Member;[[29]](#footnote-30)
		7. the Consortium Member[[30]](#footnote-31) does not have a Conflict of Interest as set out in the Prequalification Document;
		8. the Consortium Member[[31]](#footnote-32) has taken steps to ensure its conformity and the conformity of its partners, suppliers, sub-contractors, sub-consultants, officers, employees, agents, service providers and advisers with the provisions under section 9 of the Prequalification Document;
		9. the Consortium Member[[32]](#footnote-33) has not, directly or indirectly or through an agent, engaged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice in the bidding process for the Project or in the bidding process for any other project in the previous 3 (three) years and is not otherwise in breach of the terms of section 9; and
		10. the Consortium Member has complied with and undertakes to continue to comply with the terms and conditions of the Prequalification Document.

|  |  |  |  |
| --- | --- | --- | --- |
| Executed as a deed by**STARK INDUSTRIES** acting by Pepper Potts: |  | )))) |  |
| Signature of authorised representativeSignature of witnessName of witnessAddress of witnessOccupation of witness |  | ………………………………………………………………………………………………Happy Hogan821 Brown Bear Drive, LA, CAChief Protocol Officer |

Form 9
Certificate by Affiliate of [Applicant]/[Consortium Member] of Willingness to participate

1. This certificate is entered into in connection with the request for qualification for the [][[33]](#footnote-34) through public private partnership (**"Prequalification Document"**). Terms defined in the Prequalification Document shall have the same meaning when used herein unless otherwise stated.
2. The undersigned, [PLEASE INSERT NAME OF THE OFFICIAL], of legal age, and residing at [PLEASE INSERT ADDRESS], personally, and as [PLEASE INSERT THE OFFICIAL CAPACITY] of [PLEASE INSERT NAME OF THE AFFILIATE][[34]](#footnote-35), [a company/a partnership][[35]](#footnote-36) duly organised under the laws of [PLEASE INSERT NAME OF THE COUNTRY] (the **"Nominated Affiliate"**]), hereby certifies that:
	* 1. [it has been nominated as a(n) [Eligible Project Nominee]/ [Financial Nominee] for the Applicant and has been allocated the role of *[insert role consistent with part C of Form 3]* in the Project and:
			1. is willing to participate in the Project in the role allocated to it in the Prequalification Response;
			2. has the required experience and capacity to under the role allocated to it in the Prequalification Response; and
			3. without limiting the generality of paragraph (a) above, all statements, representations, information and other matters of fact made in the [Particulars of Eligible Projects]/ [Particulars of Financial Capability] submitted with the Prequalification Response in respect of [Reference Projects carried out by it]/[its financial capability] are true, complete and accurate; nothing has been omitted which renders such information misleading and all documents accompanying such particulars are true copies of their respective originals;
		2. if the Applicant is selected as the Preferred Bidder, the Affiliate intends, subject to agreement of all terms and conditions with the Applicant, to enter into a contract with the Project Company to perform the obligations and assume the attendant liabilities as the *[insert role consistent with part C of Form 3]* for the Project;
		3. [if the Applicant is selected as the Preferred Bidder, the Affiliate will contribute sufficient equity to the [Lead Member]/[Applicant] for the purposes of satisfying the [Lead Member's]/[Applicant's] equity commitments to the Project;][[36]](#footnote-37)
		4. the Affiliate is a corporation or business organisation, duly incorporated or validly existing and duly registered under the laws of its country of domicile;
		5. the Affiliate is not participating in any other Prequalification Response, whether as a nominated contractor, a nominated Affiliate, a Consortium Member or Applicant;
		6. the Affiliate has not been the subject of any court or arbitral award decision determined against the Affiliate in respect of any material contract to which the Affiliate was a party during the 5 (five) years falling prior to and ending on the Prequalification Response Submission Date, for which the Affiliate was or is required to pay damages in an amount that had or could reasonably be expected to have a material adverse effect on the business or condition (financial or otherwise) of the Affiliate;
		7. the Affiliate has not, directly or indirectly or through an agent, engaged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice in the previous 3 (three) years and is not otherwise in breach of the terms of the Prequalification Document; and
		8. the signatory to this certificate is authorised to execute this certificate on behalf of the Affiliate pursuant to the [power of attorney]/[board resolution] attached.

|  |  |  |  |
| --- | --- | --- | --- |
| Executed as a deed by[***insert name of company in bold and upper case***] acting by [***insert name of authorised representative***]: |  | )))) |  |
| Signature of authorised representativeSignature of witnessName of witnessAddress of witnessOccupation of witness |  | ……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………… |

Form 10
Prequalification Response Checklist

| **Form No.** | **Form Description** | **Checked (or marked not applicable) by Applicant** | **Checked (or marked not applicable) by Entity** |
| --- | --- | --- | --- |
| 1 | Prequalification Document Submission Identification Sheet | √ |  |
| 2 | Letter of Application including all required enclosures: | √ |  |
| 3 | Particulars of Applicant including all required attachments | √ |  |
| 5 | Particulars of Eligible Projects including all required attachments | √ |  |
| 6 | Particulars of Financial Capability including all required attachments | √ |  |
| 7 | Letter of Authorisation for Lead Member of Consortium | √ |  |
| 8 | Authorisation to a representative  | √ |  |
| 9 | Certificate of Compliance | √ |  |
| 10 | Certificate by Affiliate of Applicant or Consortium Member of Willingness to Participate including all required attachments | N/A |  |
| 11 | Prequalification Response Checklist | √ |  |
|  |  |  |  |

1. To be provided on letterhead of the Applicant or, in the case of a Consortium, the Lead Member of the Consortium, including full postal address, telephone number and email address. [↑](#footnote-ref-2)
2. Name of Project. [↑](#footnote-ref-3)
3. Delete whichever is not applicable. [↑](#footnote-ref-4)
4. This may be deleted if the Applicant is a single entity and not a Consortium. [↑](#footnote-ref-5)
5. In case of a Consortium, the authorised representative of the Lead Member should sign. [↑](#footnote-ref-6)
6. Delete in the case of a single entity Applicant. [↑](#footnote-ref-7)
7. Delete if not applicable. [↑](#footnote-ref-8)
8. Delete if not applicable. [↑](#footnote-ref-9)
9. To be provided only in the case of a Consortium. This letter of authorisation shall be provided (either individually or jointly) by all the Non-Lead Members nominating the Lead Member of the Consortium. [↑](#footnote-ref-10)
10. Name of Project. [↑](#footnote-ref-11)
11. Repeat signature block for each Non-Lead Member if provided jointly. [↑](#footnote-ref-12)
12. [↑](#footnote-ref-13)
13. Delete if not applicable. [↑](#footnote-ref-14)
14. Delete if not applicable. [↑](#footnote-ref-15)
15. [↑](#footnote-ref-16)
16. Certificate is to be signed by the authorised representative of the Applicant to whom the authority has been granted under the terms of this Prequalification Document. Where this is a Consortium, separate certificates should be signed individually by the authorised representative of the Lead Member and each Non-Lead Member. [↑](#footnote-ref-17)
17. Delete as appropriate [↑](#footnote-ref-18)
18. Delete as appropriate [↑](#footnote-ref-19)
19. Only applicable in the case of an Application by a Consortium. Delete as appropriate. [↑](#footnote-ref-20)
20. To be included if the Applicant/relevant Consortium Member is an Eligible Projects Nominee and/or a Projects Nominee. [↑](#footnote-ref-21)
21. Delete as appropriate [↑](#footnote-ref-22)
22. Delete as appropriate [↑](#footnote-ref-23)
23. Delete as appropriate [↑](#footnote-ref-24)
24. [↑](#footnote-ref-25)
25. Certificate is to be signed by the authorised representative of the Applicant to whom the authority has been granted under the terms of this Prequalification Document. Where this is a Consortium, separate certificates should be signed individually by the authorised representative of the Lead Member and each Non-Lead Member. [↑](#footnote-ref-26)
26. Delete as appropriate [↑](#footnote-ref-27)
27. Delete as appropriate [↑](#footnote-ref-28)
28. Only applicable in the case of an Application by a Consortium. Delete as appropriate. [↑](#footnote-ref-29)
29. To be included if the Applicant/relevant Consortium Member is an Eligible Projects Nominee and/or a Projects Nominee. [↑](#footnote-ref-30)
30. Delete as appropriate [↑](#footnote-ref-31)
31. Delete as appropriate [↑](#footnote-ref-32)
32. Delete as appropriate [↑](#footnote-ref-33)
33. [↑](#footnote-ref-34)
34. Certificate is to be signed by the authorised representative of the Affiliate. If there is more than one Affiliate nominated to meet the Pre-qualification Requirements and/or Shortlisting Criteria, then a separate certificate should be signed for each Affiliate. [↑](#footnote-ref-35)
35. Delete as appropriate. [↑](#footnote-ref-36)
36. Delete if not the Financial Nominee. If a Consortium, retain the reference to Lead Member. If a single entity, retain the reference to Applicant. [↑](#footnote-ref-37)