



د افغانستان اسلامي جمهوریت
وزارت معادن و پترولیم

ISLAMIC REPUBLIC OF AFGHANISTAN
Ministry of Mines and Petroleum



ISLAMIC REPUBLIC OF AFGHANISTAN
MINISTRY OF MINES AND PETROLEUM

TENDER FOR (Project Name)
PRE-QUALIFICATION QUESTIONNAIRE

PRIVATE AND CONFIDENTIAL

GLOSSARY OF TERMS

Unless the context otherwise requires, the following words and expressions used within this PQQ shall have the following meanings:

Afghanistan	Means the Islamic Republic of Afghanistan.
Applicable Laws	Means the laws and regulations of Afghanistan, including applicable international treaties, conventions, and bilateral investment treaties to which Afghanistan is a party, and shall for the avoidance of doubt include any consolidation or re-enactment, modification, amendment, extension or replacement of the same.
Association	Means a Prospective Bidder that is a consortium, joint venture, special purpose vehicle or other arrangement, and/or that intends to use Significant Sub-Contractors to undertake the Project.
Association Member	Means each member of an Association, including, for the avoidance of doubt, any intended Significant Sub-Contractor.
Beneficial Ownership	Means the natural persons who ultimately enjoy a share of ownership or control, whether formally or informally and whether directly or indirectly, including by holding shares in a legal entity or as beneficiaries of a trust, but shall be deemed not to extend to persons who hold shares in a publicly listed company provided that the details of the listing have been identified.
Bid	Means the bid to be submitted by a Qualified Bidder to the Ministry consistent with the Request for Proposals.
Bid Document Fee	Means the fee specified in the Request for Expressions of Interest, which shall be 300,000 Afghan Afghani pursuant to Schedule 2 of the Regulations and which the Prospective Bidder must pay to the Ministry no later than the PQQ Submission Deadline pursuant to Article 11(1)2 of the Regulations.
Change in Composition	Means (i) in relation to a Prospective Bidder which is a single entity, the subsequent creation of an Association; or (ii) in relation to a Prospective Bidder which is an Association, any addition, removal, replacement, change in role or responsibility or change in percentage participation of an Association Member, including any change from one to the other of a consortium, joint venture, special purpose vehicle or other arrangement.
Change of Control	Means any change of Beneficial Ownership which results in a Person acquiring 50% or more of the ownership or 50% or more of the voting power of a Prospective Bidder, including indirectly by holding shares in

the Prospective Bidder or as beneficiaries of a trust.

Change of Control of a Publicly Listed Company	Means, in relation to a Bidder that is a Publicly Listed Company, any change in ownership, including by merger or corporate restructuring, which results in a Person acquiring 50% or more of the ownership or 50% or more of the voting power of a Prospective Bidder, including indirectly by holding shares in a Legal Entity or as a beneficiary of a trust.
Data Room	Means the physical data room containing the relevant information in hard copy form, which is located at the LSMC, Ministry of Mines and Petroleum building in Kabul, Afghanistan and/or a virtual data room containing the relevant information.
Government	Means the Government of Afghanistan, any ministry (including, but not limited to, the Ministry), department, or subdivision thereof, and any entity wholly or partially controlled by the Government of Afghanistan or any ministry, department, or subdivision thereof.
Group	Means the Prospective Bidder's subsidiaries and holding companies, and includes such holding companies' other subsidiaries besides the Prospective Bidder.
IFRS	Means the International Financial Reporting Standards adopted by the International Accounting Standard Board.
LSMC	Means the Large Scale Mining Committee.
Mandatory Requirements	Are as defined in Part A of this PQQ.
Minerals Law	Means the Minerals Law of 2018 published in Official Gazette No. 1315 dated 1398/07/21.
Mining Concession	Means the contract for the Project that may be awarded to the Preferred Bidder or the Reserve Bidder, as the case may be, providing for the grant of an Exploration Licence and a right of priority for the grant of an Exploitation Licence.
Ministry	Means the Ministry of Mines and Petroleum of Afghanistan.
Ministry Website	Means the Ministry website (www.momp.gov.af).
Non-Disclosure Agreement or NDA	Means a non-disclosure agreement in the form required by the Ministry, which must be executed and delivered by the Prospective Bidder prior to the Prospective Bidder gaining access to the Data Room, and in any event

not later with submission of this PQQ.

Person	Means a natural person or a legal entity.
Politically Exposed Person	Means the President, the Vice-President or a Minister; a member of the Supreme Court; judges of the Commercial Court; a member of the National Assembly; an employee of the Ministry; a member of the Mining Technical Committee; an employee of the President's Office; a member of the High Economic Council; a member of the National Procurement Commission; an employee of the National Procurement Authority; an advisor to the Ministry or the Mining Technical Committee; a senior ranking member of the military; a senior diplomat; a governor; a mayor; deputy Ministers and deputy of governmental entities during their term of office and three years thereafter. A Direct Relative (as that term is defined in the Minerals Law) of the Politically Exposed Persons mentioned in this Article is only considered a Politically Exposed Person when the mentioned person is serving his/her term of office.
PQQ Statement of Compliance	Means the Statement of Compliance that is set out in Part F of this PQQ and as is required to be submitted in connection with this PQQ pursuant to Article 10(2)6 of the Regulations.
PQQ Submission Deadline	Means the deadline for submission of the PQQ specified in the Request for Expressions of Interest, and for the avoidance of doubt means <u>12 noon (Kabul Local Time) on (date).</u>
Preferred Bidder	Means a bidder with whom negotiations for the Mining Concession may be entered into first.
Project	Has the meaning given to that term in the Request for Expressions of Interest.
Prospective Bidder	Means an entity or Association that has expressed interest in undertaking the Project and requested and received a copy of this PQQ to which it intends to submit a response.
Qualified Bidder	Means a Prospective Bidder qualified by the Ministry following selection in accordance with paragraph 1.10 of this PQQ.
Regulations	Means the <u>2019 Draft Mining Regulations</u>
Request for Expressions of Interest	Means a notice published on <u>XX December, 2019</u> by the Ministry, inviting expressions of interest to undertake the Project and which includes the information required under Article 41(2) of the Minerals Law and Article

10(1) of the Regulations.

Request for Proposal or RFP Means the document that describes the requirements for Bids for the Project.

Reserve Bidder Means a bidder with whom negotiations may take place should negotiations between the Ministry and the Preferred Bidder for the Mining Concession fail, selected pursuant to the Minerals Law, Regulations and RFP.

Significant Sub-Contractor Means any sub-contractor appointed or to be appointed by the Prospective Bidder to undertake or perform a significant amount (whether as a percentage, by value or otherwise) of the Prospective Bidder's obligations under the Mining Concession or any Licence granted in connection with the Project. If the Prospective Bidder is uncertain as to whether a proposed sub-contractor is, or is intended to be, a Significant Sub-Contractor then the Ministry would encourage the Prospective Bidder to complete the PQQ on the presumption that such sub-contractor is a Significant Sub-Contractor.

Substantial Owner Means a Person who holds 5% or more of the ownership or controls 5% or more of the voting power of a Publicly Listed Company, whether formally or informally and whether directly or indirectly, including by holding shares in a Legal Entity or as beneficiary of a trust.

Save as those expressed to be "business days", all references to "days" in this PQQ shall mean calendar days.

References to "including" means "including without limitation" (with related word being construed accordingly), "in particular" means "in particular but without limitation", and other general words shall not be given a restrictive interpretation by reason of their being preceded or followed by words indicating a class of acts, matters, or things.

Capitalized terms not defined herein have the meanings given to them in the Minerals Law or the Regulations, as applicable.

INTRODUCTION

1.1 Purpose of this PQQ

This Pre-Qualification Questionnaire ("PQQ") assesses a Prospective Bidder's qualifications and competence to undertake the Project. Specifically, it assesses a Prospective Bidder's financial capacity, technical expertise, and past relevant experience in relation to the Project, as contemplated by Article 10(2) of the Regulations.

Each Prospective Bidder should complete one PQQ for the Project. Following assessment of the completed PQQs from Prospective Bidders, the Ministry will compile a list of Qualified Bidders who will be invited to submit Bids.

This PQQ is being provided on the same basis to all Prospective Bidders. All Prospective Bidders will be treated fairly and without discrimination.

Prospective Bidders should note that the Ministry may take into account information provided to the Ministry by the Prospective Bidders, whether as part of this PQQ or otherwise, that addresses a specific requirement in evaluating Bids, or information which is generally available in the public domain relating to the Prospective Bidder and which the Ministry believes may impact on the Prospective Bidder's suitability to undertake the Project.

Prospective Bidders should also note that successful qualification does not alone mean that the Prospective Bidder shall automatically meet the Ministry's requirements for financial standing and technical ability for the Project at the Bid evaluation stage.

1.2 Structure of this PQQ

Prospective Bidders must fully comply with all of the requirements of this PQQ when answering the questions contained herein, including any requirements related to the format of responses. Where questions cannot be answered fully, please provide an explanation for why the response is incomplete. Please keep responses concise and adhere to any requirements stated as to the maximum length of the response.

1.3 Non-Disclosure Agreement

To gain access to the Data Room, and in any event not later than with the submission of the PQQ, Prospective Bidders must complete and return the NDA. Subject to paragraph 1.8, where there is a Change in Composition after the time of submission of the NDA, the Prospective Bidder (after giving effect to the Change in Composition) will be required to submit a new NDA as soon as possible after the Change in Composition, but in any event not later than submission of this PQQ.

1.4 Clarifications and requests for further information relating to this PQQ

Prospective Bidders may wish to raise clarifications or request further information on elements of this PQQ.

All information requests and clarifications relating to this PQQ shall be written in (i) English and (ii) either Dari or Pashto and submitted to, largescalemining@momp.gov.af

Prospective Bidders shall not contact any person within, or associated with, the Ministry or the Government in connection with any requests for additional information of clarifications relating to this PQQ, except as permitted under this paragraph 1.4.

Such clarification and information requests shall receive written responses as soon as practicable, and where the Ministry considers that the clarification or information request would be of relevance to all Prospective Bidders, the question (either in full or a summary)

and response may be distributed to all Prospective Bidders, preserving the anonymity of the requesting Prospective Bidders (via the Ministry Website).

Prospective Bidders should seek their own advice, whether legal, technical, financial or otherwise in relation to any clarification or information requests and any answers provided. Any answers, clarifications or information provided are confidential and subject to the NDA.

1.5 **Ministry disclosure of information**

All information received from and any communications with Prospective Bidders shall be treated in confidence to the extent required (or limited) by Applicable Laws. However, Prospective Bidders acknowledge and agree that:

- (a) all information provided to the Ministry in connection with this PQQ may be made available to any person who is assisting the Ministry in respect of the Project;
- (b) following qualification, the names of Qualified Bidders may be announced and published on the Ministry Website;
- (c) certain aspects of any meetings and site visits during the tender process may occur at the same time for all Prospective Bidders and therefore Prospective Bidders may ascertain the identities of other Prospective Bidders;
- (d) as set out in paragraph 1.4 above, information requests and responses may be distributed to all Prospective Bidders, preserving the anonymity of the requesting Prospective Bidder;
- (e) the Ministry may make any disclosures of information received from Prospective Bidders that are reasonably necessary to conduct the bidding process; and
- (f) information submitted to the Ministry in connection with the Project after issuance of the RFP will be treated in confidence subject to the terms of the RFP.

1.6 **Instructions for completion**

Prospective Bidders should ensure all questions are answered accurately and as concisely as possible and, where a question is not relevant to the Prospective Bidder, the Prospective Bidder should explain why the question is irrelevant. Prospective Bidders must complete this PQQ electronically. Handwritten submissions will not be accepted.

Where the Prospective Bidder is an Association, then:

- (a) each Association Member must comply with all Mandatory Requirements;
- (b) the answers given to Part B (Questions 6 to 12 inclusive), all questions in Part C, and all questions in Part D must include full information for each Association Member and must clearly identify which Association Member each part of the response relates to. The term “Prospective Bidder” in each of these questions shall be deemed to include each Association Member; and

- (c) each Association Member must ensure that it has reviewed the Prospective Bidder's response to this PQQ, agrees that it is complete and accurate and each Association Member **must provide a separate signed PQQ Statement of Compliance** as part of the Prospective Bidder's responses to this PQQ.

The information supplied will be checked by the Ministry for completeness and compliance before responses are evaluated. The Ministry may, at its sole and absolute discretion, ask further queries and/or ask for further information to be provided.

Completed PQQs received from Prospective Bidders on or before the PQQ Submission Deadline will be considered in accordance with the procedures set out in paragraph 1.10 of this PQQ. In the event that none of the responses are deemed satisfactory, the Ministry reserves the right in its sole and absolute discretion to terminate the tender process.

Prospective Bidders must ensure that all information attached to this PQQ or submitted in response to the questions in this PQQ, or in response to an information or confirmation request, is true and accurate. In the Ministry's sole and absolute discretion, the submission of inaccurate, misleading, or misrepresentative information – as well as the omission of any information – may lead to the disqualification of the Prospective Bidder, rejection of any associated bid, withdrawal of any offer to grant the Mining Concession or Licence(s), and rescission of any agreements, including the Mining Concession and Licence(s), entered into between the Ministry and the disqualified Prospective Bidder.

1.7 **Instructions for submission of the completed PQQ**

Pursuant to Article 9(2) of the Regulations, the PQQ must be completed in (i) English and (ii) either Dari or Pashto and submitted:

- via email to largescalemining@momp.gov.af; and
- in hard copy to, **Directorate-General of Large-Scale Mines**, Ministry of Mines and Petroleum, Charayi Abdulhaq (Abdulhaq Circle), Kabul, Afghanistan.

Both the email and hard copy of the completed PQQ **must be received** no later than the PQQ Submission Deadline. **It is the Prospective Bidder's responsibility to make sure it has allowed sufficient time for the PQQ to arrive at the above address before the PQQ Submission Deadline (taking into account likely courier/delivery time).**

Please note that completed PQQs may be submitted at any time before the PQQ Submission Deadline, but any completed PQQs received after the PQQ Submission Deadline will be rejected and in such instance the Prospective Bidder will be disqualified and not invited to participate further in the Project tender process.

1.8 **Changes in Composition and Changes of Control**

If there is a Change in Composition or Change of Control after the PQQ Submission Deadline but before the issuance of the Request for Proposal, the relevant Prospective Bidder shall immediately notify the Ministry in writing of the relevant change. Under such circumstances, the Prospective Bidder shall be disqualified from further consideration under this PQQ unless

(i) such Prospective Bidder submits a written statement to the Ministry demonstrating that the Change in Composition or Change of Control, as applicable, does not affect such Prospective Bidder's submissions in response to this PQQ in any way and (ii) the Ministry, in its sole and absolute discretion, accepts such written statement and invites the Prospective Bidder to continue participating in the tender process for the Project. After the Request for Proposal is issued to Qualified Bidders, any Change in Composition or Change of Control will be subject to the terms of the Request for Proposal.

1.9 **Prospective Bidder point of contact**

Prospective Bidders must include a single point of contact in their organization for their response to the PQQ which shall initially be the person identified in Question 1 of Part B of this PQQ. The point of contact must be authorized to liaise with the Ministry on behalf of the Prospective Bidder. The Ministry will not be responsible for contacting the Prospective Bidder through any route other than the nominated contact. The Prospective Bidder must therefore promptly notify the Ministry in writing of any change to the nominated contact.

1.10 **Bidder selection**

The objective of the qualification process is to select Qualified Bidders.

Prospective Bidders must satisfy the Mandatory Requirements set out at Part A in order to be considered for qualification for the Project. Where the Prospective Bidder is an Association, then each Association Member must satisfy the Mandatory Requirements individually.

In addition, the Ministry may disqualify any Prospective Bidder who:

- (a) fails to comply with the requirements of this PQQ;
- (b) fails to complete properly and sign the PQQ Statement of Compliance in Part F of this PQQ;
- (c) fails to provide a satisfactory response to any questions in the PQQ or inadequately or incorrectly completes any question; or
- (d) fails to submit a completed PQQ before the PQQ Submission Deadline.

Prospective Bidders who comply with the Mandatory Requirements set out in this PQQ shall be considered on the basis of responses to Part B to D of this PQQ. The Ministry is looking for responses to the PQQ that are full, complete, and relevant to the question being asked and which demonstrate sound financial standing and technical ability to successfully undertake the Project. Evidence of successful shall be taken into account by the Ministry as part of its consideration of the technical ability of the Prospective Bidders.

The Ministry will assess responses to this PQQ based on the criteria specified in the Request for Expressions of Interest.

The Ministry may seek independent financial, technical and market advice to validate information declared by Prospective Bidders and to assist in its evaluation. The Ministry

reserves the right to conduct site visits to Prospective Bidders' existing operations and/or facilities related to the Project and/or ask for presentations as part of the PQQ process.

Evaluation of bids submitted in response to the RFP will identify a Preferred Bidder and a Reserve Bidder using the criteria identified in the RFP. **However, responses to the PQQ may also be considered by the Ministry during evaluation of Bids.**

If the Prospective Bidder's qualifications change at any stage in the tender process after the submission of their response to this PQQ, the Prospective Bidder must promptly notify the Ministry in writing of any and all such changes.

A Prospective Bidder should also note that, if successfully qualified, it shall be required to submit an Eligibility and Compliance Declaration (as such term is defined in the RFP) with its Bid in which it confirms that, to the best of its knowledge, the information submitted in response to this PQQ remains true and accurate in all material respects. The Eligibility and Compliance Declaration will require a Prospective Bidder to specify where any information submitted in response to the PQQ has become inaccurate or misleading.

1.11 **Notice to unsuccessful Prospective Bidders**

As required by the Applicable Laws, the Ministry shall, upon request, communicate promptly to an unsuccessful Prospective Bidder the reason for its failure to qualify, at the expense of such bidder.

1.12 **Formalities**

- (a) The Ministry reserves the right to change without notice the basis of, or the procedures for, the competitive tendering process or to terminate the process at any time.
- (b) None of the Ministry, the Government, or any of their respective directors, members, officers, employees, consultants, contractors or advisors warrants or represents the completeness or accuracy of this PQQ or supporting documentation nor accepts any liability (whether in contract or tort (including negligence), under statute or otherwise) with respect to the accuracy or completeness of this PQQ or supporting documentation or reasonableness of any assumptions.
- (c) No information contained in this PQQ or in any communication made between the Ministry, Government, and any Prospective Bidder in connection with this PQQ shall be relied upon as constituting a contract, agreement, or representation that any contract shall be offered in accordance with this PQQ.
- (d) All materials and documentation submitted to the Ministry in response to this PQQ or as part of this tender process shall become the sole property of the Ministry. Subject to the requirements of paragraph 1.5 of this PQQ, the Ministry reserves the right to use, in its sole discretion subject to Applicable Laws, all or part of any such information.

- (e) The Ministry will not reimburse any costs incurred by Prospective Bidders in connection with the preparation or submission of their responses to this PQQ, and by submitting their responses to this PQQ, Prospective Bidders acknowledge and agree that the Ministry and the Government will be discharged from any such liability to the fullest extent permitted by law.

1.13 **Compliance**

Prospective Bidders are hereby advised that it is an offence under Article 18 of the Regulations to:

- (a) knowingly provide false or misleading information in this PQQ;
- (b) engage in collusion with another Prospective Bidder; or
- (c) breach any Applicable Laws related to bribery and corruption including the provisions of Article 13 of the Minerals Law.

Any improper approaching of, or any attempt to procure information from, any Government official, public sector employee, or agent of the Ministry or Government including any consultant, contractors or advisers of the foregoing by any Prospective Bidder concerning this PQQ, is explicitly forbidden and will result in the disqualification of the Prospective Bidder. For the purposes of this paragraph “improper” shall mean dishonest and/or against a law or a rule and/or which is outside of the ordinary course of reasonable professional conduct in respect of such matters. For the avoidance of doubt, this paragraph 1.13 does not prevent Prospective Bidders from seeking clarifying information related to this PQQ pursuant to paragraph 1.4.

Additionally, Prospective Bidders shall not provide false information in order to influence the outcome of the bidding process, or offer or give bribes either directly or indirectly to a Government official, or engage in collusion to monopolize bidding procedures and to establish bid elements at uncompetitive levels, or do anything which prevents the promotion of a free, open, and competitive bidding system. Prospective Bidders shall not, directly or indirectly, during the execution or award of the Project or a related activity, provide any gratuity, gift or any favor to any employee or agent of the Government or any other public agency or to any member of their families.

Engaging in any of the activities described in this paragraph 1.13 will result, at a minimum, in the Prospective Bidder’s immediate disqualification from further participation in the Project tender process.

PART A – MANDATORY REQUIREMENTS

Pursuant to Article 10(2) of the Regulations, there are three mandatory requirements applicable to each Prospective Bidder. Each Prospective Bidder (and each Association Member, if applicable) must (i) not be ineligible to participate in bidding processes under Article 17(1) of the Minerals Law or any applicable Restricted Minerals Program; (ii) complete the PQQ Statement of Compliance provided at Part F of this PQQ pursuant to Article 10(2)6 of the Regulations; and (iii) provide details of its Beneficial Ownership pursuant to Article 10(2)1 of the Regulations (collectively, the “**Mandatory Requirements**”).

1. *Ineligibility*

Under Article 17(1) of the Minerals Law, the following persons or entities are *ineligible* to participate in bidding processes, enter into Mining Concessions, or hold Licences:

1. natural persons who:
 - a) have not attained the age of 18 years;
 - b) are not residents of Afghanistan;
 - c) are declared bankrupt;
 - d) do not hold an Investment Licence;
 - e) have been convicted of a contravention of the Minerals Law or had a Licence cancelled for non-compliance within the previous 3 years;
 - f) have been convicted of an offence in relation to bribery or corruption within the previous 10 years;
 - g) are Politically Exposed Persons; or
 - h) are acting on behalf of a Politically Exposed Person, whether formally or informally, including under a trust arrangement.
2. Legal Entities who:
 - a) are being liquidated or wound-up in insolvency;
 - b) do not hold an Investment Licence;
 - c) have been convicted of a contravention of this Law or had a Licence cancelled for non-compliance within the previous 3 years; or
 - d) have been convicted of an offence in relation to bribery or corruption within the previous 10 years;
3. Private Companies who:

- a) have an Owner who has been convicted of a contravention of this Law or had a Licence revoked for non-compliance within the previous 3 years;
- b) have an Owner who has been convicted of an offence in relation to bribery or corruption within the previous 10 years; or
- c) have an Owner who is a Politically Exposed Person.

4. Publicly Listed Companies who:

- a) have a Substantial Owner who has been convicted of a contravention of this Law or had a Licence revoked for non-compliance within the previous 3 years;
- b) have a Substantial Owner who has been convicted of an offence in relation to bribery or corruption within the previous 10 years; or
- c) have a Substantial Owner who is a Politically Exposed Person.

Please confirm that the Prospective Bidder and each Association Member, if applicable, is not ineligible to participate in bidding processes, enter into Mining Concessions, or hold Licences under the Minerals Law by the ticking the box next the statement below.

For the avoidance of doubt, *if any criterion identified above applies to the Prospective Bidder or any Association Member*, then the Prospective Bidder will be disqualified from the bidding process.

Prospective Bidder, and each Association Member, if applicable, is not ineligible to participate in bidding processes, enter into Mining Concessions, or hold Licences under the Minerals Law.	
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2. *Additional Mandatory Requirements*

Please tick the boxes next to each Mandatory Requirement below to confirm that the requirement has been satisfied.

Statement of Compliance	
The Completed PQQ Statement(s) of Compliance set out in Part F has/have been returned with the PQQ.	
Beneficial Ownership	
Details of the Prospective Bidder’s Beneficial Ownership have been submitted with the PQQ pursuant to Part B Question 8.	

PART B TO D

Prospective Bidders must answer all questions accurately and as concisely as possible and, where a question is not relevant to the Prospective Bidder, the Prospective Bidder should provide an explanation as to why the question is irrelevant.

Please note that at the start of each question, instructions are given as to the required format of the answer. If the instruction requires information to be attached, Prospective Bidders must include the relevant question number on the corresponding attachment. It is the Prospective Bidder's responsibility to ensure that the information referenced contains the required answer to the relevant question.

As noted in paragraph 1.6 of this PQQ, where the Prospective Bidder is an Association, then the answers given to Part B (Questions 6 to 12 inclusive), all questions in Part C, and all questions in Part D must include full information for each of Association Member and must clearly identify which Association Member each part of the response relates to. The term "Prospective Bidder" in each of these questions shall be deemed to include each Association Member.

PART B – GENERAL INFORMATION

1. *Please answer this question in the form below*

Name, position, office address, telephone number, fax number and e-mail address of the initial point of contact for the Prospective Bidder:

Name	
Position	
Office address	
Telephone number	
Fax number	
E-mail	

2. *Please answer this question in the form below.*

Please provide the following general information:

Full legal name of the company	
Registration number (if applicable)	
Date of registration (if applicable)	
Country in which the company was incorporated/registered (if applicable)	
Registered office (if applicable)	
Address of principal place of business	
Website	
Name, address and nationality of each director, principal officer and authorized signatory (if applicable)	

3. *Please answer these questions in the form below*

Provide a brief description of the Prospective Bidder's primary business (400 words or fewer).

Provide a brief history of the Prospective Bidder, including details of Group companies and any changes of structure and/or ownership over the last five years including details of significant pending developments, changes in financial structure or ownership, prospective take-over bids, buy-outs, and closures etc., which are currently in the public domain (400 words or fewer).

4. *Please answer this question in the form below*

Indicate the current legal status of the Prospective Bidder by ticking the relevant box

- | | | | |
|-------------------------|--------------------------|-------------|--------------------------|
| Public limited company | <input type="checkbox"/> | Consortium | <input type="checkbox"/> |
| Private limited company | <input type="checkbox"/> | Partnership | <input type="checkbox"/> |

Other (*please state in the box opposite*)

If the Prospective Bidder is listed on a stock exchange, please indicate the stock exchange and security ticker in the box opposite.

Please also indicate whether any government is a shareholder in the Prospective Bidder or any Group company and if so, the government of which country.

5. *Please provide a one-page chart illustrating the ownership and organizational structure of the Prospective Bidder including relations to any Group companies*

Please tick the adjacent box to indicate that the ownership and organizational structure chart is enclosed.	
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6. *Please answer this question in the form below and attach the relevant documents*

Confirm whether the Prospective Bidder is an Association. If so, please provide details of the agreement (*e.g.*, joint venture agreement) that established the Association, the percentage shareholding of its Association Members and, where applicable, any contractual guarantees or obligations of its Association Members.

Is the Prospective Bidder is an Association? (answer yes or no)		If yes, confirm that the agreement that established the Association is enclosed by ticking the adjacent box.	
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Details of the agreement that established the Association (400 words or fewer)	
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Percentage shareholding interest	Name of Association Member holding such interest

Details of any contractual guarantees or obligations (if applicable) (400 words or fewer)	
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7. *Prospective Bidders who are Associations, please answer this question in the form below*

Please indicate in the table below which member of the Association will be responsible for which element(s) of the project.

Name of Association Member:	Element(s) of the Project that the Association Member will be responsible for:
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8. *Please answer this question in the form below*

Pursuant to Article 10(2)1 of the Regulations, please provide details of the Prospective Bidder's, and each Association Member's (if applicable), Beneficial Ownership.

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9. *Please answer this question in the form below*

Does the Prospective Bidder have any potential conflicts of interest that may arise if selected to deliver the Project?

If yes, please provide details of such conflicts (400 words or fewer total, and for each Association Member, as applicable)

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10. *Please answer this question in the form below*

Please list details of any local Afghan shareholder (irrespective of the size of their shareholding), partner, affiliate, or sub-contractor of the Prospective Bidder which may be relevant to undertaking the Project.

Name of local Afghan shareholders, partners, affiliates, or sub-contractors:

11. *Please answer this question in the form below*

Has the Prospective Bidder established any form of partnership (whether formal or otherwise), affiliation or business relationship with any member of the Government as of the date of submission of this response to the PQQ? If yes, please provide details below.

Name and title of the Government member:	Details of the relationship between the Government member and Prospective Bidder:

12. *Please answer this question in the form below*

Are there any actual, pending or threatened litigation, criminal, or other legal proceedings against the Prospective Bidder or any Group company? Please answer yes or no, below.

Has the Prospective Bidder or any Group company within the last five years been subject to any prosecution, infringement notices, or other actions by any relevant agencies in respect of any breach or suspected breach of health and safety or environmental or equivalent legislation? Please answer yes or no, below.

If yes to either of the above questions, please provide details below (400 words or fewer total, or for each Association Member, as applicable)

PART C – FINANCIAL DETAILS

Pursuant to Article 10(2) of the Regulations, this section requires that the Prospective Bidder provide certain information related to its financial capacity to undertake the Project.

1. *Please attach relevant information and identify the particular information that is attached by highlighting the relevant document below.*

Account information. Please provide a copy of the full financial report and audited accounts for the Prospective Bidder for the last three financial years, including the following documents:

- profit and loss statement;
- balance sheet;
- full accompanying notes;
- auditor’s report;
- director’s report (if available); and
- set of management accounts.

Prospective Bidders that do not have three years of audited accounts should provide whatever audited accounts they do have.

Unaudited financial information may be submitted in lieu of audited financial information where necessary. However, be advised that unaudited financial information will carry substantially less weight during evaluation of responses to the PQQ than audited financial information. It is in the Prospective Bidder’s best interest to submit audited financial information if at all possible.

2. *Please answer this question in the form below and, where applicable, attach any relevant information which answers the question.*

Please set out the following information for the Prospective Bidder for the last three financial years and disclose any material deviations from IFRS:

Financial year ended:			
<i>Units</i>	(000s)	(000s)	(000s)
<i>Reporting currency</i>			
Revenue			
Operating profit			
Cash and cash equivalents			
Fixed assets			
Short and long term debt			
Net assets			

Please tick the box opposite if the most recent information set out in the table above is for a financial year that ended more than 10 months ago.

Material deviation from IFRS:

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Any Prospective Bidder (i) created for the purposes of this tender process or (ii) that is less than 10 months old must provide the following statements:

- a statement of the Prospective Bidder’s sponsor entity detailing the sponsors’ audited income statement, profit & loss accounts, and cash flows for the most recent year of trading;
- a statement of the Prospective Bidder’s anticipated cash flow forecast for the current year; and
- a statement which sets out the Prospective Bidder’s cash and available credit.

If applicable, please tick the box opposite to confirm that each of the required statements is enclosed.	
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3. *Please answer this question in the form below*

Has the Prospective Bidder met all the terms of its banking facilities and loan agreements (if any) during the past year? Please answer yes or no, below.

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If no, please explain (400 words or fewer total, and for each Association Member, as applicable)

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4. *Please answer this question in the form below*

Has the Prospective Bidder met all its obligations to pay its employees and creditors (within any applicable credit terms) during the past financial year? Please answer yes or no, below.

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If no, please explain (400 words or fewer total, and for each Association Member, as applicable)

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5. *Please answer this question in the form below*

In the last 10 years, has the Prospective Bidder had a receiving or administrative order made against it, entered into an arrangement with creditors where it suspended business activities, compounded debt, or carried on business under a receiver, trustee or manager for the benefit of its creditors, or has any act been done to or by it, or any event occurred, which (under any applicable laws) has a similar effect to any of these acts or events? Please answer yes or no, below.

If yes, please provide details (400 words or fewer total, and for each Association Member, as applicable)

6. *Please answer this question in the form below*

Has the Prospective Bidder or any of its officers or directors been the subject of legal proceedings (*e.g.*, been charged or subject to a formal legal inquiry) for corruption, fraud, or money laundering, regardless of whether a final judgement in connection with such proceedings was entered?

If yes, please provide details (400 words or fewer total, and for each Association Member, as applicable), including the final outcome of such proceedings and explanation of any charges.

7. *Please answer this question in the form below*

Has the Prospective Bidder or any of its officers or directors been the subject of government contractor suspension or debarment proceedings under applicable laws in any jurisdiction? Please answer yes or no, below.

If yes, please provide details (400 words or fewer total, and for each Association Member, as applicable)

8. *Please answer this question in the form below*

In the last five years, has the Prospective Bidder been subject to any penalties, notices of violation, or any other enforcement actions under applicable laws in any jurisdiction? Please answer yes or no, below.

If yes, please provide details (400 words or fewer total, or for each Association Member, as applicable)

9. *Please answer this question in the form below*

In the last five years, has the Prospective Bidder failed to fulfill obligations relating to the payment of taxes under applicable laws in any jurisdiction? Please answer yes or no, below.

If yes, please provide details (400 words or fewer total, or for each Association Member, as applicable)

10. *Please answer this question in the form below*

Does the Prospective Bidder or any of its Group have any tax obligations to Afghanistan that as at the date of submission of the PQQ: (a) have become due and have not been paid; and/or (b) are the subject of an ongoing dispute or dialogue with the Government? Please answer yes or no, below.

If yes, please provide details (400 words or fewer total, or for each Association Member, as applicable)

11. *Please answer this question in the form below*

Please state the Prospective Bidder's approximate anticipated expenditure on exploration of the subject material for the Project:

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PART D – TECHNICAL ABILITY

Pursuant to Article 10(2) of the Regulations, this section requires that the Prospective Bidder provide certain information about its technical expertise and past experiences that relate to its qualifications to undertake the Project.

In completing this section, Prospective Bidders are encouraged to describe experience and expertise broadly relevant to the Project. The Ministry will not restrict its consideration of responses to this PQQ to only the specific minerals, activities, processes, and technology applicable to the Project, but rather, will consider the demonstrated capacity of the bidder more generally.

- 1. *Please answer this question in the form below*

Please state the number of staff currently working on **exploration** activities similar to those contemplated by the Project on behalf of the Prospective Bidder:

Permanent staff numbers	Temporary or third-party staff numbers

Please state the number of staff currently working on **exploitation** activities, including processing, similar to those activities contemplated by the Project on behalf of the Prospective Bidder:

Permanent staff numbers	Temporary or third-party staff numbers

- 2. *Please answer this question in the form below*

Please provide a summary description of the exploration activities relating to the subject material of the Project, or similar material, that the Prospective Bidder has undertaken in the last five years. Please include dates or periods over which such activities were performed, the scope of the exploration conducted, and any other relevant details.

Insert required details (400 words or fewer total, or for each Association Member, as applicable)

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- 3. *Please answer this question in the form below*

Please provide a summary description of the exploitation activities, including all forms of beneficiation and processing, relating to the subject material of the Project, or similar material, that the Prospective Bidder has undertaken in the last five years. Discuss the design, construction, operation and maintenance of relevant production facilities and briefly indicate how the Prospective Bidder provided power and water supplies to such facilities. Please include dates or periods over which such activities were performed, the quantities of materials extracted, mining (underground and surface) and processing technology utilised, products produced and marketed and any other relevant details.

Insert required details (800 words or fewer total, or for each Association Member, as applicable)

4. *Please answer this question in the form below*

Please provide a summary description of any projects similar to the Project that the Prospective Bidder has undertaken in the last five years. Please include dates or periods over which the project was undertaken and any other relevant details.

Insert required details (800 words or fewer total, or for each Association Member, as applicable)

5. *Please answer this question in the form below*

Pursuant to Article 10(2)4 of the Regulations, please identify the key personnel that will be involved in the Project. For each person identified, please (i) identify the aspect of the Project that they will be involved in and (ii) describe their relevant technical expertise and past experiences. Please also note whether and how the personnel identified have aided the successful delivery on commitments related to community development, local content, environmental management, and/or health and safety.

Insert required details:

Name	Project Aspect	Expertise and Past Experience (200 words or fewer per key personnel member)

6. *Please answer this question in the form below*

Please indicate whether and for which aspects of the Project the Prospective Bidder intends to rely on the expertise and/or labor of people who are not employed as permanent members of the Prospective Bidder's staff.

Insert required details (400 words or fewer total)

7. *Please answer this question in the form below*

Pursuant to Article 11(2)3 of the Regulations, please provide a summary description of the commitments relating to community development, local content, environmental management, and health and safety that the Prospective Bidder has undertaken successfully in the last ten years.

Insert required details (800 words or fewer total, or for each Association Member, as applicable)

PART E – CHECKLIST OF REQUIRED SUBMISSIONS

Please ensure that the following attachments and required submissions are included with the response:

Required Submission	Source
Bid Document Fee of 300,000 Afghan Afghani	Requirement set forth in Request for Expressions of Interest
Completed Non-disclosure Agreement (if not already submitted)	Paragraph 1.3
Ownership and organizational structure chart	Part B, Question 5
Copy of agreement establishing the Association (if applicable)	Part B, Question 6
Financial report and audited accounts	Part C, Question 1
Statements required for newly formed Prospective Bidders	Part C, Question 2
Completed PQQ Statement(s) of Compliance	Part F

PART F – PQQ STATEMENT OF COMPLIANCE

I confirm that, to the best of my knowledge, information, and belief, and with full authority to act on behalf of the Prospective Bidder listed below, the following is true:

- (a) The completed PQQ complies fully with the requirements set out in the PQQ;
- (b) The Prospective Bidder is not ineligible to participate in bidding processes, enter into Mining Concessions, and hold Licences under Article 17(1) of the Minerals Law and any applicable Restricted Minerals Program;
- (c) All information provided in response to the PQQ is true and correct and the information submitted pursuant to this PQQ contains no misrepresentations; and
- (d) There are no omissions in the information being provided in response to this PQQ.

Prospective Bidder's name	
Signed	
Name of signatory	
Position	
Date	