



**NON CABINET MINISTRY OF STATE PLANTATION
ENTERPRISE REFORMS**

**REQUEST FOR PROPOSALS
FOR**

**LONG TERM LEASING OF LANDS OWNED BY JANATHA
ESTATE DEVELOPMENT BOARD AND SRI LANKA STATE
PLANTATION CORPORATION (INCLUDING THOSE LEASE
TO ELKADUWA PLANTATION LIMITED) FOR EXPORT
ORIENTED COMMERCIAL PLANTATION / AGRI
BUSINESS**

PROPOSED LAND - -----

(LIST OF IDENTIFIED LANDS IS GIVEN IN PAGE 4

BY

**THE CHAIRMAN
CABINET APPOINTED PROCUREMENT COMMITTEE
NON-CABINET MINISTRY OF STATE PLANTATION ENTERPRISE REFORMS
3RD FLOOR, SETHSIRIPAYA STAGE II,
BATTARAMULLA.**

Receipt No. :
Issued to :
Issued by :
Date :

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ABBREVIATION

SLSPC	Sri Lanka State Plantation Corporation
JEDB	Janatha Estate Development Board
EPL	Elkaduwa Plantations limited
GOSL	Government of Sri Lanka
GCV	Government Chief Valuer
LKR	Sri Lankan Rupees
TEC	Technical Evaluation Committee
CAPC	Cabinet Appointed Procurement Committee
RFP	Request For Proposal
GDP	Gross Domestic Product
MOU	Memorandum of Understanding
NPV	Net Present Value
IRR	Internal Rate of Return

Note: The meaning of the words Intended Investor, Investor, Bidder are same in this document.



1. BID NOTICE

REQUEST FOR PROPOSALS (RFP) FOR

LONG TERM LEASING OF LANDS OWNED BY JANATHA ESTATE DEVELOPMENT BOARD AND SRI LANKA STATE PLANTATION CORPORATION (INCLUDING THOSE LEASE TO ELKADUWA PLANTATION LIMITED) FOR EXPORT ORIENTED COMMERCIAL PLANTATION / AGRI BUSINESS

1.1. Investment Proposals from “Eligible Investors” for export oriented sustainable commercial plantation / Agri business are invited for the land (name of the land)..... situated at

1.2. “Eligible investors” refer to reputed companies duly incorporated in Sri Lanka with more than 50% shares owned by Sri Lankan citizens. Such corporates with a minimum 5 years of experience any one or more in fields of commercial plantation agriculture, livestock , agri business including agri based exports will be eligible. Such existing corporates may form Joint Ventures (JV), Special Purpose Vehicles (SPVs), Consortiums etc. while maintaining 50% shareholding by Sri Lankan citizens. However, technical and financial inputs, can be obtained from foreign partners. The eligibility criteria is further described under the section 3.1.3 .

1.3. Intended investors should not have been blacklisted, in terms of the provisions of Government Procurement Procedure of 2006.

1.4 The proposed development should be in line with the Guidelines given in Annexure 5. The selected Investor will be required to enter into a long-term lease agreement for a period of 30 years and will be extended based on performance or land development during 30 years (extendable based on performance) with the JEDB/SLSPC/EPL for the development of said land for the intended project. (review the investment proposal every 5 years)

1.5 Details of the lands are as follows;

Table 1 : Details of the Land (Survey plans prepared)

Estate	Location	Plan Reference	Land Extent
1. Kandaloya - JEDB	Province: District: Village: Road/Street :	Lot no. in survey plan no. dated prepared by Mr., Registered Licensed Surveyor. Acres
2. Nelawulla – EPL	Province: District: Village: Road/Street :	Lot no. in survey plan no. dated prepared by Mr., Registered Licensed Surveyor. Acres
3. Deltotte Estate, Bopitiya and Great Valley Estate - JEDB	Province: District: Village: Road/Street :	Bopitiya and Great Valley Estate - Lot no. of in survey plan no. dated prepared by Mr., Registered Licensed Surveyor. Deltotte Estate - Lot no. of in survey plan no. dated prepared by Mr., Registered Licensed Surveyor. Acres

1.6 Selected investors shall develop the land according to the Terms of Reference (TOR) given in the section 5 and in line with the agreed terms and conditions of the RFP, the development proposal that shall be submitted in response to the RFP and approval given by the CAPC .

1.7 It is expected that the entire extent of the land will be developed according to the plan mentioned in the RFP within a period of five years on a phased-out basis. The minimum investment required over the five year period should be Rs. one million (01) per acre.

1.8 Selected investor should pay lease rental which will be determined by the Government Chief Valuer (GCV). The development period of five years should be considered as a grace period and payment of rental shall come to effect from the 6th year on signing of the agreement. Lease rental will be revised annually based on GDP deflator.

1.9 The lease agreement will be signed once the performance guarantee equivalent to 2% of the total investment for maximum Rs. 6 million is submitted.

1.10 Interested party may purchase the RFP document from **Finance Division, Non Cabinet Ministry of State Plantation Enterprise Reforms, 8th Floor (A wing), “Sethsiripaya” Stage I I, Battaramulla from 9.00 a.m. to 2.00 p.m. on working days from 08th August 2024 to 28th August 2024** upon a payment of non – refundable document fee/ processing fee of Sri Lankan Rupees Twenty Thousand (LKR 20,000/-)

1.11 Bid documents could be inspected free of charge within office hours during the bid document issuing

period at the **Finance Division, Non Cabinet Ministry of State Plantation Enterprise Reforms, 8th Floor (A wing), “Sethsiripaya” Stage II, Battaramulla** or available at the website <https://www.msper.lk> for reference and further details about the land plots.

1.12 A pre bid meeting will be held on **22nd August 2024 at 10.00 am** at **Non Cabinet Ministry of State Plantation Enterprise Reforms, 3rd floor (C wing), “Sethsiripaya” Stage II, Battaramulla.**

1.13 The successful bidder shall not be allowed to make counter offers for RFP after submitting the proposal other than clarify all the requests in Pre-bid Meeting.

1.14 Investment proposal shall be placed in two separate sealed envelopes marked “Original” and “Duplicate” and shall be dispatched via registered post in one cover addressed to the **Chairman, Cabinet Appointed Procurement Committee, Non Cabinet Ministry of State Plantation Enterprise Reforms, 03rd Floor (C wing), Sethsiripaya Stage II, Battaramulla** or place in the Tender Box, which will be kept at the **Finance Division, Non Cabinet Ministry of State Plantation Enterprise Reforms, 8th Floor (A wing), Sethsiripaya Stage II, Battaramulla** to reach on or before **2.00pm on 29th August 2024.** The envelope containing RFP document must clearly be marked as “**Long Term Leasing of Lands Owned by Janatha Estate Development Board and Sri Lanka State Plantation Corporation (Including Those Lease to Elkaduwa Plantation Limited) for Export Oriented Commercial Plantation / Agri Business**” at the top left-hand corner of the envelope.

1.15 The Investment Proposals submitted will be evaluated by the Technical Evaluation Committee (TEC) and thereafter selected by the Cabinet Appointed Procurement Committee (CAPC) of the Non Cabinet Ministry of State Plantation Enterprise Reforms and finally by the Cabinet of Ministers.

1.16 Non Cabinet Ministry of State Plantation Enterprise Reforms shall provide approval to the Investor to enter the land and premises only for conducting preliminary studies in preparation of the investment proposal.

1.17 Non Cabinet Ministry of State Plantation Enterprise Reforms will hand over the physical possession of the said Land and premises to the selected investor upon execution of the lease agreement for the purpose of developing the said Land and premises.

1.18 Additional information could be obtained from the Additional Secretary, Non Cabinet Ministry of State Plantation Enterprise Reforms, 3rd Floor, Sethsiripaya Stage II, Battaramulla. Telephone number: 0112795369 Fax: 0112078301 Email: additionalsecretarymsper@gmail.com

1.19 Receiving of Investment Proposal will be closed at **2.00pm** on **29th August 2024** and investment proposal will be opened immediately after the closing time at the **Non Cabinet Ministry of State Plantation Enterprise Reforms, 08th Floor, Sethsiripaya Stage II, Battaramulla.** Bidder or his / her authorized representative could be present at the time of the bid opening.

1.20 Late bids will be rejected and returned unopened.

1.21 Any form of canvassing/ influencing anyone in this regard will be a reason for disqualification.

**Chairman,
Cabinet Appointed Procurement Committee
Non Cabinet Ministry of State Plantation Enterprise Reforms,
3rd Floor,
Sethsiripaya, Stage II
Battaramulla.**

2. FORM OF ALLOCATION BID

NON CABINET MINISTRY OF STATE PLANTATION ENTERPRISE REFORMS

**Chairman,
Cabinet Appointed Procurement Committee
Non Cabinet Ministry of State Plantation Enterprise Reforms,
3rd Floor,
“Sethsiripaya” Stage II,
Battaramulla**

Name of Project: Long Term Leasing of Lands Owned by Janatha Estate Development Board and Sri Lanka State Plantation Corporation (Including Those Lease to Elkaduwa Plantation Limited) for Export Oriented Commercial Plantation / Agri Business

Investment Proposal for land ----- located at -----.

I/We.....

of.....
.....the undersigned,
having examined the conditions of the Request for Investment Proposal for **the development of**
..... **Land in extent of** **described as lot No. depicted in the**
survey No..... dated prepared by, Registered Licensed Surveyor situated
at Asst No. including all other related documents and after having fully satisfied
myself /ourselves, do hereby submit an **Investment Proposal** for the above captioned land for
implementation of the said project under years lease basis.

I/we further agree to pay the lease rental as mentioned below.

Terms of Payment

Lease rental as determined by the Government Chief Valuer (GCV) shall be paid on yearly basis commencing from the 6th year upon the signing of the agreement and shall be subjected to revision based on GDP deflator annually.

I/We also agree to commence the development of the land **within (Six) 06-months period and complete the development within a period of Five (05) years** from date of handing over the physical possession of the land.

I/We also agree to comply with each and every one of the terms and conditions of the RFP dated and connected documents.

I/We agree to comply with all the rules, laws and regulations issued by the relevant authorities from time to time. Further I/We agree and understand that the Chairman, Cabinet Appointed Procurement Committee, Non Cabinet Ministry of State Plantation Enterprise Reforms reserves the right to accept or reject any land allocation, and to annul the process and reject land allocation, at any time prior to signing the lease agreement, without thereby incurring any liability to the affected Investor or any obligation to inform the affected Investor of the grounds for the CAPC’s decision.

1) Principal Investor

Signature :
.....

Name in block letters :
.....

Address :
.....
.....

Official seal :

Telephone No. :
.....

2) Joint Partner (If applicable only)

Signature :
.....

Name in block letters :
.....

Address :
.....
.....

Official seal :

Telephone No. :
.....

Witness: On behalf of the Principal Investor

1) Signature :
.....

Name in block letters :
.....

Address :
.....
.....

Official seal :

Telephone No. :
.....

2) Signature :

Name in block letters :
.....

Address :
.....
.....

Official seal :

Telephone No. :
.....

Witness: On behalf of the Joint Partner

1) Signature :

Name in block letters :
.....

Address :
.....
.....

Official seal :

Telephone No. :
.....

2) Signature :

Name in block letters :
.....

Address :
.....

.....

Official seal :

Telephone No. :

.....

(PLEASE PLACE SIGNATURE ON EACH PAGE)

3. INSTRUCTIONS TO THE INVESTOR

3.1 General Information

3.1.1. Title

“Long Term Leasing of Lands Owned by Janatha Estate Development Board and Sri Lanka State Plantation Corporation (Including Those Lease to Elkaduwa Plantation Limited) for Export Oriented Commercial Plantation / Agri Business”

3.1.2. Non Cabinet Ministry of State Plantation Enterprise Reforms wishes to Request for Proposals (RFP) from the eligible investors to develop lands stated in the Table 1 of this document.

3.1.3. Eligibility Criteria of investors

Investment Proposal of the investors will be evaluated according to the marking scheme mentioned in the clause no. 3.10.2 of the RFP document.

To be eligible for allocation of the land, the successful bidder shall not have been blacklisted and the eligible bidders shall comply with, the following qualification criteria.

3.1.3.1. Legal Status and Experiences of the investors

(i) Legal Status

“Eligible investors” refer to reputed companies duly incorporated in Sri Lanka with more than 50% shares owned by Sri Lankan citizens. Such corporates with a minimum 5 years of experience any one or more in fields of commercial plantation agriculture, livestock , agri business including agri based exports will be eligible. Such existing corporates may form Joint Ventures (JV), Special Purpose Vehicles (SPVs), consortiums etc. while maintaining a more than 50% shareholding by Sri Lankan citizens. In case of local and foreign partnerships, more than 50% of shares of the partnership must be owned by Sri Lankan citizens. However, technical and financial inputs, can be obtained from foreign partners. In the case of Special Purpose Vehicles (SPVs) and Consortiums the lease agreement will be signed with the lead partner who will be the local partner. In case of Joint Ventures all parties shall sign.

Copy of registration certificate, copy of certificate of incorporation, articles of association, Share Certificate, and any other documents related to the legal status need to be submitted with the Investment Proposal. (In the case of JV/SPV is not registered, registration certificate of the parties forming the JV/SPV need to be submitted with the bid)

(ii) Experiences

Minimum 5 years of experience in any one field or more in combination fields of commercial plantation agriculture, livestock , agri business including agri based exports.

Completed Projects/ongoing projects including documentary proof of experience need to be submitted with the Investment Proposal. Use format A and format B of the Investment Proposal Submission Form for the submission of details.

3.1.3.2. Bidders Financial Strength

Historical Financial Performance

(i) Average Annual Net Worth (between last 1-5 years)

The investor's Annual Net Worth calculated as the difference between Total Assets and Total Liabilities (between last 1-5 years) as per the audited financial statements should be positive at least in two years, and shall be at least **Rs. 300 million**.

(ii) Average Annual Working Capital (between last 1-5 years)'

The investor's Annual Working Capital calculated as the difference between Current Assets and Current Liabilities (between last 1-5 years) should be positive at least in two years, and shall be at least **Rs. 60 million**.

(iii) Average Annual Turnover

The investor's Average Annual Turnover (between last 1-5 years) should be at least **Rs.100 million**.

Submission of audited financial statements between last 1-5 years to demonstrate the current soundness of the investor's financial position is required.

3.1.3.3. Project cost, Finance & Economic Benefits

- (i) Project Feasibility, Cost Benefit Analysis, IRR, NPV, and Payback period of the project prepared by qualified person need to be submitted with the investment Proposal.
- (ii) Expected economic benefits from the project (Eg. Economic, Social, Environmental Benefits, Taxes to Government, Job opportunities, foreign income etc.) explained in summarized form need to be submitted with the investment Proposal.
- (iii) Source of Finance

A breakdown of the project cost including detail activity plan for agriculture and livestock. We appreciate that some of the figures shown will have to be estimated at this stage.

Specify the sources of finance to meet the total cost of project stated above within the total project period describing the sources (equity, debt, if any) need to be submitted with the Investment Proposal.

Documentary evidence for equity finance, unconditional credit line or any other confirmed credit facilities are required. If debt financing is envisaged, you are required to provide letters of the project specified credit facilities confirmed by a bank/lending registered under the Central Bank of Sri Lanka.

3.1.4. **One bid per one land plot for a bidder**

Each bidder shall submit only one bid per one land plot (any bidder could bid for more than one land plot as separate bids).

3.1.5. **Infrastructure Facilities**

Water, Electricity, Sewer & Wastewater disposal, etc. required for the proposed development must to be obtained by the investor from relevant agencies and the costs must be borne by the investor.

3.1.6. **Sites Visit**

The investor is advised to visit and examine the land plot and the surrounding context for the proposed development and should obtain all information that may be necessary to prepare the proposal. The cost of visiting the site shall not be borne by the Non Cabinet Ministry of State Plantation Enterprise Reforms.

3.1.7. **Right to accept any Bid and to reject any or all Bids**

Cabinet Appointed Procurement Committee reserves the right to accept or reject any RFP, and to annul the RFP process and reject all RFP, at any time prior to award of contract, without thereby incurring any liability to the affected bidder or any obligation to inform the affected bidder of the grounds for the CAPC's decision.

3.2 RFP Document

3.2.1 **Clarification of RFP Document**

An intended investor requiring any clarification of the RFP document may notify the Additional Secretary, Non Cabinet Ministry of State Plantation Enterprise Reforms, 3rd Floor, "Sethsiripaya" Stage II, Battaramulla in writing. Telephone number: 0112795369 Fax: 0112078301 Email: additionalsecretarymsper@gmail.com, Clarifications received earlier than 07 calendar days prior to the deadline for submission of RFP will be responded.

3.2.2 **Amendment of RFP Documents**

At any time prior to the deadline for submission of RFPs, the Ministry may amend the RFP document by issuing an Addendum.

3.3 Issuing of Document

3.3.1 The sets of Request for Proposal (RFP) document shall be obtained from Finance Division, Non Cabinet Ministry of State Plantation Enterprise Reforms, 8th Floor (A wing), "Sethsiripaya" Stage II, Battaramulla on non-refundable payment of **Sri Lankan Rupees Twenty Thousand (LKR 20,000/-) inclusive of taxes.**

3.3.2 RFP document will be issued from **08th August 2024 to 28th August 2024 on working days from 9.00 am to 2.00 p.m. by the Finance Division, 8th Floor, Non Cabinet Ministry of State Plantation Enterprise Reforms, "Sethsiripaya" Stage II, Battaramulla.**

3.4 Pre-Bid Meeting

Bidder's designated representative(s) are invited to attend a pre-bid meeting, scheduled to be held as mentioned below;

Venue	: Non Cabinet Ministry of State Plantation Enterprise Reforms, 3 rd Floor (C wing), "Sethsiripaya" Stage II, Battaramulla.
Date	: 22 nd August 2024
Time	: 10.00 a.m.

3.5 Preparation of the Investment Proposal

3.5.1 Investor shall visit and inspect the site from 8.30am to 5.00pm and render themselves thoroughly familiar with all matters pertaining to local conditions and with the facilities for access to the site which satisfy the requirements of the proposed development.

3.5.2 Investor shall fully acquaint themselves with the details and nature of the proposed development work.

3.5.3 The Non Cabinet Ministry of State Plantation Enterprise Reforms shall not be responsible for any expenses or losses, which may be incurred by the investor in the preparation of the proposal or cost incurred for any other preliminary works, clearances etc.

3.5.4 Total project period for the development is maximum five (05) years from the date of handing over the physical possession of the land to the investor. Investor should provide an implementation plan for 60 months with the proposal submission.

3.6 Proposal submission requirements

The Proposal should be submitted with a clear overview of the proposed development and its investments. The investor must demonstrate sufficient financial resources and professional ability to develop the site in a manner consistent with the relevant proposal. The proposal should consist with following details

(i) Cover Letter with General Information of the Investor/Name of company/ Investor & Corporate Profile etc.

Project proponents shall provide a cover letter with their proposal which includes the following;

- a. The vision for the proposed lands, which identifies any proposed use(s);
- b. How the proposed project fits within the existing neighborhood fabric?

(ii) Project Concept

- a. Project Concept to match the Terms of Reference
- b. Investor shall describe the following items in detail:
 - i. The overall concept and vision for the proposed land parcel; and describe how the vision will integrate with and enhance the surrounding environment that borders the proposed land.
 - ii. Development plans (Respondents are strongly encouraged to provide conceptual design drawings that are sufficient in detail to be easily evaluated by the Non Cabinet Ministry of State Plantation Enterprise Reforms.)

(iii) Expected economic benefits from the project as indicated in the item 3.1.3.3

A writeup on the Expected Benefits from the project under Economic, Social, Financial, and Environment point of view covering the following aspects;

- a Ensuring the policy consistencies between projects/programs and government policies
- b Ensuring viability of projects/programs
- c Ensuring inter sectorial alignment of projects/programs
- d Examine priority of the projects/programs against the government development priorities.
- e Ensuring national interest and project benefits
- f Examine the Impact of the project/programs to the national economy and the welfare of the people
- g Ensuring Return on Investment
- h Ensuring environmental sustainability
- i Ensuring suitability of project location and timeframe
- j Taxes to Government, Job opportunities, Local materials use, foreign income, application of Smart Technology in the proposed project etc.

(iv) Organizational Structure and Company Credentials

The project proponents are required to demonstrate their ability to implement a viable development plan

(v) Detail of the Project Team

- a. Development partners
- b. Financial Partners
- c. Design Partners
- d. Other relevant team members

(vi) Qualifications and Experience

- a. Project proponent shall exhibit their ability to deliver an economically viable development plan comparable to the scale and program of proposed plan, with which the project proponent or their key personnel have had primary involvement. Project proponents should include past projects that have a comparable component.
- b. Detail of the Similar projects/ development programs successfully completed/managed previously (annexure 6) and under construction/managing at present by the Investor (annexure 7) should be submitted with the Investment Proposal.

(vii) Project Budget Sources and Utilization

Project proponents shall provide a “Sources and Uses” analysis that at a minimum, shall include the following:

- a. **Utilization:** A detailed project budget that breaks down all costs to be incurred for the development and acquisition and financing costs.
- b. **Sources:** A breakdown of all funds to be obtained (including equity, debt, etc.) for the payment of the Uses in the project. Sources and uses should not show any gaps or shortfalls.

(viii) Proposed Financing Strategy and Financial Capacity in Determining Economic Feasibility.

Project proponent should take into account all available sources of financing or other private, state assistance that may benefit the project and should provide the following:

- a. Investor’s equity commitment to the project and the timing/disbursement of that commitment;
- b. A proposed project financing strategy, including a listing of all anticipated sources of financing;
- c. Detailed description of which, if any, government funding sources the investor intends to attract to the project.
- d. Satisfactory evidence of investor’s ability to secure the required project debt and equity, including commitment letters from prospective investors. Investors should include the following items:
 - i. A description of the financial capacity of the investors team members in the form of, balance sheets, profit and loss statements, evidence of lines of credit and uncommitted discretionary sources of equity, and/or any other material financial statements; and
 - ii. A description of the amount of sponsor equity committed to the acquisition/lease and development of the land.

(ix) Project Schedule

Project proponents shall identify and describe a timetable and milestones from allocation of the subject land through project completion. This should be submitted as an Annexure to the proposal document.

(x) Financial details and project forecasting

- a Audited Financial Statements of last five years (Applying company/Main Partner/s)
- b Project Feasibility/ Cost Benefit Analysis/IRR/NPV and Payback period of the project (IRR = 10% or above) should be attested with stamp by the authorized person.
- c Source of Finance (Submission of the Financial plan, documentary evidences for unconditional credit line or any other confirmed credit facilities are mandatory)
- d A breakdown of the project cost including preliminary and pre-operative expenses, design, soil investigation, management, interest during construction, marketing etc. We appreciate that some of the figures shown will have to be estimated at this stage.

(xi) Financials

- a. Please provide a forecast of the Income & Expenditure Statement and the cash flows for the first Ten years of operations together with the principal assumptions on which such forecast is based.
- b. Please provide Statement of Financial Position for the same Ten years.

(xii) Risk Management

Investors are required to submit details regarding the principal risks that can impact on the viability of the project and what action can be / have been taken to address such risks.

Method statement for Development period and a brief overview of the market opportunity you are pursuing and your innovative approach to the development.

3.7 Closing of Bids

Bid will be closed **at 2.00 pm on 29th August 2024**

3.8 Opening of Bids

Bids will be opened immediately after the bid closing time at the Non Cabinet Ministry of State Plantation Enterprise Reforms, 8th Floor, “Sethsiripaya” Stage II, Battaramulla. Investor or his / her authorized representative could be present at the time of the bid opening.

3.9 Rejection of Late Bids

Bids received after 2.00pm on 29th August 2024 will be rejected.

3.10 Evaluation Criteria

3.10.1 The Investment Proposals submitted by eligible investors will be evaluated by the TEC which will make its recommendations for the approval of the CAPC.

3.10.2 Proposals will be evaluated using the criteria mentioned below as marked in Table 2 Project proposal shall provide the information outlined in the TOR, Investment Proposal submission requirements mentioned under 3.6 and will be evaluated/scored as follows to arrive at a total Score maximum of 100 marks. Proposals which score less than 65 out of 100 will not be considered for selection.

Table 2: Marking Scheme for the Evaluation of the Proposal for the Investors

Marking Scheme for proposals					
A. Project Feasibility					Marks
1. Financial	Project NPV	Project IRR	Project cash flow		20%
2. Technical	Appropriate	Advanced/modern	Cost effective		15%
3. Environmental	Crop suitability	Soil Conservation	Emmission / effluent control etc.		10%
4. Marketing	Direct export	Export via identified party	Export via public auction system		15%
B. Managerial Capability					
1. Financial	Company Balance Sheet	Company cash flow	New fund sources		20%
2. Technical	Source				10%
3. Managerial	Personnel fielded	Qualifications	Experience		10%
					100%

3.10.3 TEC/CAPC reserves the right to request additional information, documents, interviews, or presentations from any Investor which required to evaluate the proposal.

3.10.4 TEC/CAPC reserves the rights to summon relevant parties for briefing sessions as may be required.

4. CONDITIONS TO THE RFP

4.1 Language

All correspondence and documents to be submitted in English Language.

4.2 Currencies

The applicable currency will be Sri Lanka Rupee

4.3 Law of the Contract

The contract shall be governed by the laws of Democratic Socialist Republic of Sri Lanka.

4. 4 The right of access to the site and progress monitoring by the Non Cabinet Ministry of State Plantation Enterprise Reforms

4.4.1 The investor should inform the Non Cabinet Ministry of State Plantation Enterprise Reforms of the progress of work against the work program/method statement and to furnish periodical reports thereof in every three (03) months and a progress meeting will be called by the Secretary to the ministry in every three months during the development.

4.4.2 Non Cabinet ministry of State Plantation Enterprise Reforms will have legal right to access, audit, and monitor the development program and Investor is required to provide following documents periodically and/or any time Non Cabinet Ministry of State Plantation Enterprise Reforms require;

- i. Financial/Construction progress reports
- ii. Investment Details
- iii. Target achievements and Reasons for if there any project delays
- iv. Any other details required by Non Cabinet Ministry of State Plantation Enterprise Reforms to monitor the project.

4.4.3 After the development period the progress will be monitored in every 6 months.

4. 5 Performance Guarantee

The performance guarantee equivalent to 2% of the total investment for the land or maximum Rs. 6 million valid for a period of 5 years which is unconditionally encashable on first written demand issued in favor of Secretary, Non Cabinet Ministry of State Plantation Enterprise Reforms by a Commercial Bank operating in Sri Lanka and registered under the Central Bank of Sri Lanka should be submitted by the successful bidder before signing the agreement.

4.6 Payment Terms

Lease rental as determined by the GCV shall be paid on yearly basis commencing from the 6th year upon the signing of the agreement and shall be revised annually based on GDP deflator.

4.7 Withdrawals and unavoidable circumstance of the Proposals

4.7.1 In the event, the investor wishes to withdraw his/her proposal prior to signing the lease agreement, the processing fee will be forfeited, and, in the event, Non Cabinet Ministry of State Plantation Enterprise Reforms wishes to terminate this process prior to signing the contract/ lease agreement, due to reasonable grounds, the processing fee will be refunded to the investor without any interest.

4.7.2 In the event, when both parties intend to terminate the allocation process prior to signing the contract/ lease agreement, due to reasonable grounds occurred to both parties, under the mutual discussion and agreement of both parties the process will be terminated, and processing fee will be refunded to the Investor after deducting the administrative cost and opportunity cost incurred by the Non Cabinet Ministry of State Plantation Enterprise Reforms in connection with this transaction.

4.8 Commencement and Delays

4.8.1 If the successful bidder fails to commence the development within (Six) 06 months' period from the date of handing over the physical possession of the land as mentioned in the RFP, unless otherwise the commencement period will be extended by the Ministry, the lease agreement will be cancelled without any compensation to the investor for any development work done at the site to the date, the possession of the land will be taken back, and the performance guarantee equivalent to 2% of the total investment or maximum Rs. 6 million will be forfeited.

4.8.2 If the successful investor fails to complete the development of the land as mentioned in the proposal within the given time period of five (05) years due to any fault of the investor, unless otherwise the development period will be extended by the Ministry, the lease agreement will be cancelled without any compensation to the investor for any development work done at the site to the date, the possession of the land will be taken back, and the performance guarantee equivalent to 2% of the total investment or maximum Rs. 6 million will be forfeited.

4.9 Mortgaging of the Land

Mortgaging of the land will not be allowed.

4.10 Disputes and Arbitration

4.10.1 Any dispute (unresolved amicably) arising out of or in connection with the lease agreement or the breach thereof or in the interpretation thereof, including any question regarding

its existence, validity or termination, duties, obligations and liabilities of any party shall be referred to litigation and finally resolved by competent court.

4.11 Force Majeure

For the purposes of this Contract, “Force Majeure” means an event which is beyond the reasonable control of a Party and which makes a Party’s performance of its obligations under the Contract impossible or so impractical as to be considered impossible under the circumstances.

The failure of a Party to fulfil any of its obligations under the contract shall not be considered to be a breach of, or default under, this Contract insofar as such inability arises from an event of Force Majeure,

Provided that the Party affected by such an event (a) has taken all reasonable precautions, due care and reasonable alternative measures in order to carry out the terms and conditions of this Contract, and (b) has informed the other Party as soon as possible about the occurrence of such an event.

4.12 Relevant statutory approvals and clearances for development

Successful investor is solely responsible to obtain the relevant statutory approvals/clearances for the development from the agencies. Non Cabinet Ministry of State Plantation Enterprise Reforms only act as a facilitator for obtaining said approvals.

4.13 Debt Finance of the projects

Project proponent should take into account all available sources of financing or other private, state assistance that may benefit the project.

4.14 Other Conditions

4.14.1. In the event if investor intends to proceed with the investment by forming a Special Purpose Vehicle (SPV)/Joint Venture (JV) /Consortium for implement the project, the authorized parties should be partners of the said SPV.

4.14.2. If a Consortium, a declaration form and board resolution of each partner should be submitted addressing that, if land is awarded, a company will be formed within 21 days from the date of contract/ lease agreement and relevant documents for the said registration should be submitted accordingly.

4.14.3. The Investor/s who signed the contract/ lease agreement should be Partner/shareholder of the Company to be incorporated and the same should be held and continued up to completion of the proposed development of the project.

4.14.4. In the case of a Joint Venture or Consortium,

a A certified copy of the agreement of joint venture/Consortium entered into by all partners shall be submitted with the Investment Proposal.

b All partners shall be jointly and severally liable; and

c A Joint Venture or Consortium shall nominate a representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the Joint Venture or Consortium during the allocation process; and, in the event the Joint Venture or Consortium is awarded the contract, during contract execution. (This authorization shall be evidenced by submitting a power of attorney signed by legally authorized signatories of all the partners) and

d The partner so authorized shall be authorized to incur liabilities and receive instruction for and on behalf of any and all partners of the joint venture or Consortium and the entire execution of the transaction shall be done exclusively with the partner in charge, and

e The JV or Consortium if not registered at the time of the submitting Investment Proposal, shall submit the proposal along with a Memorandum of Understanding (MOU) signed by the parties. Such JV or Consortium shall be registered with relevant Authorities in Sri Lanka within 30 days from the date of award, and the partners of JV or Consortium should be same as mentioned in the MOU submitted along with the proposal. In the event the investor fails to register the JV or Consortium within the stipulated time, the award will be cancelled and processing fee will be forfeited.

5. TERMS OF REFERENCE

5.1 Project Name

“Long Term Leasing of Lands Owned by Janatha Estate Development Board and Sri Lanka State Plantation Corporation (Including Those Lease to Elkaduwa Plantation Limited) for Export Oriented Commercial Plantation / Agri Business”

5.2 Project Scope

Non Cabinet Ministry of State Plantation Enterprise Reforms expects to receive proposals to develop the subject land The subject land under the purview of the Non Cabinet Ministry of State Plantation Enterprise Reforms and proposed to develop with the financial and technical assistance of the private sector engagement.

5.3 Locations of the Land

The location map of the lands is attached in the Annexure 04 of the RFP.

5.4 Survey Plan

(Survey plan details for the proposed lands)

Lot no. in survey plan no. dated prepared by Mr., Registered Licensed Surveyor. The survey plan is attached in the Annexure 03 of the Investment Proposal Document.

5.5 Project Theme and Proposed activities

Non Cabinet Ministry of State Plantation Enterprise Reforms expects to develop the identified land for export oriented sustainable plantation agriculture. The Investor shall pay the Government Chief Valuer’s Valuation.

5.6 Existing Buildings at the site

(Existing buildings at the site, when relevant)

5.7 Guidelines for the Investor

5.7.1 The Investor to develop the (land) according to the guidelines mentioned in the Annexure 05 of this document.

5.7.2 The investor is solely responsible to obtain all necessary clearances and permits for the project.

5.7.3 All the constructions should be undertaken in accordance with the applicable guidelines and clearances should be obtained by the investor.

6. STANDARD FORMS

Annexure 1 - Investment Proposal Submission Form

Name of the Project: "Long Term Leasing of Lands Owned by Janatha Estate Development Board and Sri Lanka State Plantation Corporation (Including Those Lease to Elkaduwa Plantation Limited) for Export Oriented Commercial Plantation / Agri Business"

Land:

GENERAL INFORMATION

1.0 The description of the Investor/project proponent

1.1 Registered name of the Investor/ project proponent:

1.2 Nature of Investor/Legal Status of the Investor

<input type="checkbox"/>	Sole proprietor
<input type="checkbox"/>	Partnership
<input type="checkbox"/>	Joint Venture Company
<input type="checkbox"/>	Private Limited Liability Company
<input type="checkbox"/>	Public Limited Liability Company
<input type="checkbox"/>	Fully or partly government owned company
<input type="checkbox"/>	Other (Please specify)

Please provide Registration Details of the project proponent/investor

1.3 Contact Details

i. Head Office Address :

.....

ii. Telephone No. :

iii. Fax No. :

iv. E-mail :

v. Web site :

1.4 Name and Qualifications of Partners /Directors- please provide team Organizational chart & detailed resumes:

1.5 Name and address of a person to be contacted for further clarifications and details:
.....
.....
.....

1.6 Organization's details

(a) In case of Limited Liability Company of Statutory Body

Registration No :

Authorized capital :

Issued Capital :

(b) In case of Sole Proprietor or Partnership

Business Registration :

Date of Registration :

Names of Partners :

(c) In case of Joint Venture

Name and status of Partnership :

2.0 Investor's Financial Strength

2.1 Audited Financial Statements for the last 5 years should be submitted.

Table: Bidder's Financial Strength

Item	Amount (LKR)
Average Positive Net Worth	
Average Working Capital	
Average Turnover/Average Annual Income	

3.0. Investment Proposal

3.1. Experience of firm on the project of similar nature completed/Ongoing by the Investor– **Use format A and format B for the submission of details.**

3.2. Project Cost and Finance
(Documentary evidences should be provided)

Item No.	Description (to be adjusted as appropriate)	Amount
1.	Mobilisation	
2.	Land Preparation	
3.	Seed Material	
4.	Planting	
5.	Fertilizer and chemicals	
6.	Plant maintenance	
7.	Harvesting	
8.	Processing	
9.	Value addition	
10.	With respect to livestock: Details on Sheds/ housing/ livestock processing plant/ fodder cultivation/ waste management systems etc.	
11.	Total (without VAT)	
12.	Contingencies 10%	
13.	Price escalation	
14.	project cost (without VAT)	
15.	VAT	
16.	Grand Total	

3.3 The sources of finance (if debt financing is envisaged, please provide letters of intent/interest from lenders).

3.4 Percentage of Equity, and Debt on Total Investment

Equity

Debt

(Documentary evidences should be provided)

- 3.5 Forecast of the Income and Expenditure Statement and the cash flows for the First 10 years
- 3.6 Statement of Financial Position for the First 10 years of the development plan.
- 3.7 Please provide a sensitivity analysis on the projections made.
- 3.8 Risks: What are the principal risks that can impact on the viability of the project and what action can be / have been taken to address such risks.

4.0 Approach, Methodology and Work plan

- 4.1 Explain the methodology of the development.
- 4.2 Explain project implementation/ management arrangements both during development period and during commercial operation/sales.
- 4.3 Provide a Time line Showing the time proposed (days) for each phase as given below.

	Work Phase	Completion period
1		
2		
3		
4		
5		
6		
6.1	-	

5.0 Expected infrastructure facilities/Tax concession (Please specify):

- 5.1
- 5.2
- 5.3
- 5.4
- 5.5

.....

Signature of Authorized Person

Date

on behalf of the investor (Letter of authorization for the singnatory shall be attached)

Company Common Seal

Annexure 2 - Process of allocation of land

Step	Action
1	Acknowledging the Investor and providing the “ Investor’s information form ”, and copy of Standard to be signed by between land owner (JEDB/SLSPC/EPL) and the Investor.
2	Submission of the duly completed “investor’s information form” to the Non Cabinet Ministry of State Plantation Enterprise Reforms within 7 days from the date of acknowledgement letter, along with the consent to the terms and conditions of the contract/ lease agreement.
3	Basic evaluation by the TEC and CAPC in order to identify the investor’s eligibility to proceed the selected land for proposed development and request to sign contract/ lease agreement.
4 (a)	Obtain performance bond from the successful bidder
4 (b)	Signing of lease agreement by and between the land owner (SLSPC/JEDB/EPL) and the project proponent for the agreement period.
4 (c)	Payment of Processing Fee /Document fee of SLR 20,000/= by the project proponent to the Non Cabinet Ministry of State Plantation Enterprise Reforms. (processing fee shall be paid separately for each proposal)
4 (d)	Issuing of template of Investment Proposal Submission Form to prospective investors by the Non Cabinet Ministry of State Plantation Enterprise Reforms
5	Submission of completed set of Investment Proposal duly signed by the investor to the Finance Division of the Non Cabinet Ministry of State Plantation Enterprise Reforms located at the 8 th floor (A wing), Sethsiripaya stage II, Battaramulla before 2.00pm on 29 th August 2024
6	Evaluation of the Investment Proposal by Technical Evaluation Committee (TEC) and submission of the same to the Cabinet Appointed Procurement Committee (CAPC).
7 (a)	Submission of the CAPC decision to the Secretary, Non Cabinet Ministry of State Plantation Enterprise Reforms to seek Cabinet Approval.
7(b)	Obtaining approval of the Cabinet of Ministers for the decisions of the CAPC
08	Signing of the lease agreement
09	Handing over the physical possession of the land to the developer to commence the development works
10	Monitoring the construction works within project period by the Non Cabinet Ministry of State Plantation Enterprise Reforms

Annexure 3 - Survey Plan of the Land

(Survey plans of the selected land)

Annexure 4 – Location Map of the land with Coordinates

(Location Map with coordinates for the specific land)

Annexure 5 – Guidelines for the investor

Guidelines for the Investor (General)

- Investment Proposal shall be submitted in the given format
- The proposed cultivation/ land use shall match with the technical information of the land: agro-ecological region, landscape, soil characteristics, rainfall, temperature, sunlight and evaporation etc
- The proposed land use shall produce exportable items, and use modern technologies. Preference will be given to Proposals with processing and value addition included
- The Investor shall adhere to the permitted land use as mentioned in the investment proposal. Deviations are allowed only subject to the consent of Non Cabinet Ministry of State Plantation Enterprise Reforms
- Activities such as mining, and any activities other than those mentioned in the investment proposal are not allowed.
- Following objects within the selected lands identified in the schedule shall not be used for any development purpose or access to those shall not be restricted
 - Road ways and water streams identified in the schedule
 - Worker housing
 - Water supply scheme
 - Any statutory reservations within the lands
- No development is allowed within the buffer zones of nature reserves, and investor shall strictly adhere to the permitted activities within buffer zones.
- Sub lease, mortgage or any other form of assignment any land or any fixed assets to a third party is not allowed
- Investor shall be responsible for the security of the land. Ex: protecting from encroachments
- Minimum investment of Rs. one million per acre (average) within five years is required and land development is expected to completed within first five years
- Lease rental is charged based on the valuation of the Chief Valuer, with a grace period of the first five years from the date of signing the lease agreement.
- The performance guarantee equivalent to 2% of the total investment or Rs. 6 million for the land valid for a period of 5 years which is unconditionally encashable on first written demand issued in favor of Secretary, Non Cabinet Ministry of State Plantation Enterprise Reforms by a Commercial Bank operating in Sri Lanka and registered under the Central Bank of Sri Lanka should be submitted by the successful bidder before signing the agreement.
- Proposal should be submitted with supporting documentary evidence on the capabilities of the investor (financial, technical, managerial)
- In case of foreign partnerships, there should be more than 50% of local shareholding (technical inputs can be foreign, domestic entrepreneurs – existing corporates, newly formed corporates, SPVs, consortiums etc.) In the event of a SPVs, consortiums the project contract and lease agreements will be signed with the lead partner who will be a local partner
- Proponent company shall be a company dully registered in Sri Lanka having an operational office in Sri Lanka and shall have at least two Directors. Bio data of key persons and Directors should be submitted along with proposal.

- Proponent company will be responsible for obtaining environmental and other approvals which are required for the development programme.
- In case the removal of existing trees at the time of signing of the lease agreement is required for the investor, the value of such trees shall be an asset of the owner (SLSPC/JEDB/EPL)

Annexure 6 - FORMAT – “A” – For Completed Projects

Experience of the Investor (Use a separate Form for each Project)

- 1. Name of the project (Briefly describe the project):
- 2. Scope of the project:
- 3. Project duration:
- 4. Cost of the Project:
- 5. Date of Commencement:
- 6. Date of completion**:
- 8. Competition Winning Awards:
- 9. Details of the Clients:

***Please enclose the project completion certificate*

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Signature of the authorized person of the Investor

Company Seal:

Name of Signatory :.....

Title of Signatory :.....

Date :

