



SADC Transboundary Project

**German Financial Cooperation
With
Southern African Development Community (SADC)**

**The Government of The Kingdom of Eswatini
and
The Government of The Republic of Mozambique**

Lomahasha Namaacha Cross Border Water Supply Project

Prequalification Document

**For the
Procurement of Construction Services for the
Lomahasha Namaacha Cross Border Water Supply Project
Phase 1 (works/services in eSwatini (Lot 1) and Mozambique (Lot 2)
in International Competitive Bidding (ICB) Procedure**

Employer:

Eswatini Water Services Corporation (EWSC)

Address:

Emtfonjeni Building,
Corner MR 103, H100,
ESWATINI

Acting on behalf of

National Directorate of Water Supply and Sanitation (DNAAS)

Address:

Rua da Imprensa Talhão Nr. 106, Maputo
MOZAMBIQUE

**Financed by the SADC Regional Fund for Water Infrastructure and Basic
Sanitation Infrastructure (RFWIBS) hosted by the Development Bank of
Southern Africa (DBSA) supported by the KfW Development Bank (KfW)
PROJECT No. RFP048/2021 and BMZ No. 2008.66.665, 2009.70.145
March 2021**

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PART 1 – Prequalification Procedures

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Section I. Instructions to Applicants

A. General

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| 1. Scope of Application | <p>1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer¹, as defined in the PDS, issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Works described in Section VII, Scope of Works. In case the Works are to be bid as individual contracts (i.e. the slice and package procedure), these are listed in the PDS. The International Competitive Bidding (“ICB”) number corresponding to this prequalification is also provided in the PDS.</p> |
| 2. Source of Funds | <p>2.1 The Employer as indicated in the PDS has applied for or received financing (hereinafter called “funds”) from SADC Water Fund, which is a Fund hosted by DBSA and supported by KfW Development Bank (hereinafter called “KfW”) towards the cost of the project named in the PDS. The Employer intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted.</p> |
| 3. Corrupt and Fraudulent Practices | <p>3.1 The SADC Water Fund requires compliance with KfW policy in regard to corrupt and fraudulent practices as set forth in Section VI.</p> <p>3.2 In further pursuance of this policy, Applicants shall permit and shall cause its agents to provide information and permit DBSA, KfW or an agent appointed by either to inspect on site all accounts, records and other documents relating to the submission of the Application, bid submission (in case prequalified), and contract performance (in the case of award), and to have them audited by auditors or agents appointed by DBSA and/or KfW.</p> |
| 4. Eligible Applicants | <p>4.1 An Applicant may be a firm that is a private entity, a government-owned entity — subject to Section V - or a combination of such entities in the form of a joint venture (“JV”) under an existing JV Agreement or with the intent to enter into such an agreement supported by</p> |

¹ Instead of Employer, the term Project Executing Agency or Contracting Authority might be used interchangeably.

Declarations of Association. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The Applicant shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of the Applicant and any and all its members, if the Applicant is a JV, during the prequalification process, bidding (in the event the Applicant submits a bid) and during contract execution (in the event the Applicant is awarded the Contract). Unless specified in the **PDS**, there is no limit on the number of members in a JV.

- 4.2 A firm may apply for prequalification both individually, and as part of a JV, or as a subcontractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture. However, a firm may participate as a subcontractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.
- 4.3 The SADC Water Fund requires adherence to KfW's eligibility criteria for prequalification which are described in Section V – Eligibility Criteria.
- 4.4 Applicants shall not have a conflict of interest. Any Applicant found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest for the purpose of this prequalification process, if the Applicant:
 - (a) Directly or indirectly controls, is controlled by or is under common control with another Applicant; or
 - (b) Receives or has received any direct or indirect subsidy from another Applicant; or
 - (c) Has the same legal representative as another Applicant; or
 - (d) Has a relationship with another Applicant, directly or through common third parties, that puts it in a position to influence the application of another Applicant, or influence the decisions of the Employer regarding this prequalification process; or
 - (e) Any of its affiliates participated as a consultant in the preparation of the design or technical

specifications of the works that are the subject of the prequalification; or

- (f) Any of its affiliates has been hired (or is proposed to be hired) by the Employer as Engineer for the Contract implementation; or
- (g) Has a close business or family relationship with a professional staff of the Employer (or of the project implementing agency, or of a recipient of a part of the loan) who: (i) are directly or indirectly involved in the preparation of the prequalification documents or specifications of the contract, and/or the prequalification evaluation process; or (ii) would be involved in the implementation or supervision of such contract unless the conflict stemming from such relationship has been resolved in a manner acceptable to DBSA and KfW throughout the procurement process and execution of the contract.

4.5 An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid–Securing Declaration.

4.6 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.

5. Eligible Materials, Equipment, and Services

5.1 The materials, equipment and services to be supplied under the Contract and financed by the SADC Water Fund may have their origin in any country subject to the restrictions specified in Section V - Eligibility criteria, and all expenditures under the Contract will not contravene such restrictions.

B. Contents of the Prequalification Documents

6. Sections of Prequalification Documents

6.1 These Prequalification Documents consist of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.

PART 1 Prequalification Procedures

- (a) Section I. Instructions to Applicants (ITA);
- (b) Section II. Prequalification Data Sheet (PDS);

- (c) Section III. Qualification and Evaluation;
- (d) Section IV. Application Forms;
- (e) Section V. Eligibility Criteria;
- (f) Section VI. KfW Policy – Corrupt and Fraudulent practices – Social and Environmental Responsibility;

PART 2 - Works Requirements

- (g) Section VII. Scope of Works.

- 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the Prequalification Documents, responses to requests for clarification, or Addenda in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.
- 6.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Documents and to furnish with its Application all information or documentation as is required by the Prequalification Documents.

7. Clarification of Prequalification Documents

- 7.1 A prospective Applicant requiring any clarification of the Prequalification Documents shall contact the Employer in writing at the Employer's address indicated in the **PDS**. The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Employer shall forward a copy of its response to all prospective Applicants who obtained the Prequalification Documents directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Employer shall also promptly publish its response at the web page identified in the **PDS**. Should the Employer deem it necessary to amend the Prequalification Documents as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.

8. Amendment of Prequalification Documents

- 8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Documents by issuing an Addendum.
- 8.2 Any Addendum issued shall be part of the Prequalification Documents and shall be

communicated in writing to all prospective Applicants who have obtained the Prequalification Documents from the Employer. The Employer shall promptly publish the Addendum at the Employer's web page identified in the **PDS**.

- 8.3 To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

9. Cost of Applications

- 9.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

10. Language of Application

- 10.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in the language specified in the **PDS**. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified in the **PDS**, in which case, for purposes of interpretation of the Application, the translation shall govern.

11. Documents Comprising the Application

- 11.1 The Application shall comprise the following:
- (a) The Application Submission Sheet, indicating the Applicant's name, address, telephone, fax and email. If the Applicant is an association, the Application Submission Sheet shall also describe the form of association and list the association members;
 - (b) A Power of Attorney authorizing the representative of the Applicant, designated in accordance with ITA 4.1 to submit the Application on behalf of the Applicant. If the Applicant is a JV, the Power of Attorney shall be provided by the Lead Member nominated in the JV Agreement or in the Declarations of Association, submitted in accordance with ITA 4.1. If the representative of the Applicant is the owner, member or director of the Applicant or the Applicant's Lead Member, if so nominated in accordance with ITA 4.1, a Power of Attorney shall not be necessary.
 - (c) Presentation of the Applicant (maximum 10 pages, no

brochures). If the Applicant is a single entity, the Presentation shall describe the Applicant's type of entity, ownership structure and organization chart, as well as its main business areas as they apply to the project. If the Applicant is a JV, the Presentation shall provide this information about each JV member as well as a description of the intended form of collaboration of the members within the JV. Where the Applicant's qualifications to carry out the assignment have been acquired as a result of a merger or acquisition, the presentation must include a detailed business history of the Applicant.

- (d) Statements and Declarations: False information provided in the following Statements and Declarations by the Applicant or in the case of an JV by any of the JV members shall lead to the exclusion of the Applicant from the tender process:
- (I) If the Applicant is an existing JV, the Applicant shall submit a proof of the existing Association Agreement, indicating the Lead Member. If the Applicant is a JV, which the members intend to form for the purpose of executing the contract, each member of the association shall submit a Declaration of Association, indicating the Lead Member, in the format provided in Annex Section IV, Application Forms.
 - (II) Declaration of Undertaking in the format provided in Section IV, Application Forms. If the Applicant is a JV, only one Declaration of Undertaking must be submitted, i.e. the representative of the JV can sign on behalf of the JV subject to a power of attorney.
 - (III) Financial Capacity Statement in the format provided in Section IV, Application Forms and supported by the Applicant's Balance Sheets and Profit and Loss Statements. If the Applicant is a JV, separate statements, including the supporting Balance Sheets and Profit and Loss Statements, shall be provided by each member of the JV. All Balance Sheets and Profit and Loss Statements shall be certified by a reputable auditor.
 - (IV) List of project references in the format provided in Section IV, Application Forms. Unless otherwise stated in the **PDS** the references shall be limited to a maximum of 10 projects carried out during the 5 years preceding the publication

of this prequalification document. The Employer reserves the right to contact the clients indicated in the references to ascertain the information provided by the Applicant.

- (V) List of Available Expertise and Human Resource Capacity in the format provided in Section IV, Application Forms.

- (e) All Application forms and required attachments, provided in Section IV, Application Forms. If the Applicant is a single entity, in accordance with ITA 4.1, it should not include form ELI 1.2 in its Application.

- (f) Any other documents required in the **PDS**.

- 11.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

12. Application Submission Form

- 12.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.

13. Documents Establishing the Eligibility of the Applicant

- 13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete and sign the Declaration of Undertaking as provided in Section IV, Application Forms without any alteration to its format and furnish supporting documentation as specified in Forms ELI 1.1, ELI 1.2(a) and ELI 1.2(b).

14. Documents Establishing the Qualifications of the Applicant

- 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification and Evaluation, the Applicant shall provide the information requested in the corresponding Forms included in Section IV, Application Forms.

15. Signing of the Application and Number of Copies

- 15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV, designated in accordance with ITA 4.1, on behalf of the JV.
- 15.2 The Applicant shall submit copies of the signed original Application, in the number specified in the **PDS**, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

16. Sealing and Identification of Applications

- 16.1 The Applicant shall use online submission of Application which shall:
- (a) bear the name and address of the Applicant;
 - (b) be addressed to the Employer, in accordance with ITA 17.1; and
 - (c) bear the specific identification of this prequalification process indicated in the **PDS** 1.1.
- 16.2 The Employer will accept no responsibility for not processing any Application that was not identified as required in ITA 16.1 above.

17. Deadline for Submission of Applications

- 17.1 Applications shall be submitted in accordance with the instructions, including the address and deadline, stipulated in the **PDS**.
- 17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Documents in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

18. Late Applications

- 18.1 Late Applications received after the deadline indicated in ITA 17.1 will be rejected.

19. Opening of Applications

- 19.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 18.1.
- 19.2 The Employer shall prepare a record of the opening of Applications, which shall include, as a minimum, the name of the Applicant and whether the Application has been received in time.

E. Procedures for Evaluation of Applications

20. Confidentiality

- 20.1 Information relating to the Applications, their evaluation and result shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
- 20.2 From the deadline for submission of Applications to

the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process (except as specified in 20.1 above), may do so only in writing.

21. Clarification of Applications

21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.

21.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

22. Responsiveness of Applications

22.1 The Employer shall reject an Application that is not substantially responsive to the requirements of this prequalification document. An Application shall be considered as responsive if the following documents are submitted:

Responsiveness criteria	
1.	Declaration of Undertaking (ITA 11.1 d) (II))
2.	Financial Capability Statements and supporting documentation (ITA 11.1 d) (III))
3.	Application Submission Form (ITA 11.1 a)
4.	Power(s) of Attorney authorizing the representative of the Applicant (ITA 11.1 b)
5.	If the Applicant is an association, either proof of the existing Association Agreement or a Declaration of Association (ITA 11.1 d) (I))

23. Domestic Bidder Price Preference

23.1 A margin of preference for domestic bidders shall not apply in the bidding process resulting from this prequalification unless otherwise specified in the **PDS**.

24. Subcontractors

24.1 Unless otherwise stated in the **PDS**, the Employer does not intend to execute any specific elements of the

Works by subcontractors selected in advance by the Employer (nominated subcontractors).

- 24.2 A “specialized sub-contractor” is a sub-contractor hired for specialized work as defined by the Employer in Section III 4.2 - Experience. If no specialized work is specified by the Employer as such, sub-contractors experience shall not be considered for Applications evaluation.

F. Evaluation of Applications and Prequalification of Applicants

25. Evaluation of Applications

- 25.1 The Employer shall evaluate the responsive Applications using the factors, methods, criteria, and requirements defined in Section III, Qualification and Evaluation, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used.
- 25.2 Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.1 shall not be considered.
- 25.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contracts in which they are interested. The Employer shall prequalify each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements. The Qualification and Evaluation are mentioned in Section III.

26. Employer’s Right to Reject All Applications

- 26.1 The Employer reserves the right to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

27. Prequalification of Applicants

- 27.1 The Employer shall assess the responsive Applications in terms of the Eligibility and Qualification Criteria and methods set out in Section III, Qualification and Evaluation.
- 27.2 The Employer shall determine the fulfillment of minimum requirements on a pass/fail basis as per

Section III, Qualification and Evaluation.

27.3 The Employer shall assign a numeric score to each of the sub-criteria, for which a maximum score is provided in accordance with ITA 27.1. All Sub-criteria Scores shall be summed to determine the Applicant's Pre-Qualification Score.

27.4 For the purposes of scoring individual Qualification Criteria in accordance with 27.3 the Employer shall apply the following qualitative approach:

- (a) 100% of the max. score: Excellent, if the Application substantially exceeds the requirement in accordance with the respective sub-criterion. No errors or omissions are noted.
- (b) 75% of the max. score: Good, if the Application meets or marginally exceeds the requirement in accordance with the respective sub-criterion. Minor errors or omissions noted;
- (c) 50% of the max. score: Unsatisfactory, if the Application marginally falls short of the requirement in accordance with the respective sub-criterion. Major errors or omissions noted;
- (d) 25% of the max. score: Poor, if the Application substantially deviates from or indicates misunderstanding of the requirement in accordance with the respective sub-criterion. Major errors or omissions are noted comprising the fulfilment of the sub-criterion;
- (e) 0 % of the max. score: Insufficient / Fail, if the Application does not meet the requirement at all in accordance with the respective sub-criterion, or does not provide any information regarding the requirement.

27.5 An Applicant shall be considered prequalified if:

- (a) its Application is considered responsive in accordance with ITA 22.1 and;
- (b) its Application has met the pass/fail requirements in accordance with ITA 27.2 and;
- (c) the Application scored at least 70 points out of 100 points in accordance with ITA 27.3.

28. Notification of Prequalification

28.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified. In addition, those Applicants who have been disqualified will be informed separately.

28.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.

29. Invitation for Bids

29.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified.

29.2 Bidders may be required to provide a Bid Security acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.

30. Changes in Qualifications of Applicants

30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if (i) as a consequence of the change, the Applicant no longer meets the qualification criteria set forth in Section III, Qualification and Evaluation; or (ii) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids.

Section II. Prequalification Data Sheet
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A. General

ITA 1.1	<p><u>The Financier is:</u></p> <p>The SADC Water Fund hosted by the Development Bank of Southern Africa as Fund Managers Supported by KfW Development Bank</p> <p>1258 Lever Road, Headway Hill Midrand 1685 South Africa</p> <p><u>The Employer:</u></p> <p>Eswatini Water Services Corporation (EWSC) Emtfonjeni Building, Corner MR 103 H100 Eswatini</p> <p>Acting on behalf of</p> <p>National Directorate of Water Supply and Sanitation (DNAAS) Rua da Imprensa Talhão Nr. 106, Maputo MOZAMBIQUE</p> <p>Who notwithstanding assumes the full responsibility of Employer for the Lot within Mozambique</p> <p>Although various departments of DBSA and KfW Development Bank retain certain approval rights, they shall in no way be deemed as party to the Contract or be under any obligation to the Contractor.</p> <p>The list of contract Lots and Parts comprising the Project (ICB) is:</p> <p>Lot 1: Eswatini</p> <p>Lot 2: Mozambique</p> <p>Each of which will have</p> <p>Part 1: Water Supply Project: Bulk Components</p> <p>Part 2: Optional Network and Bulk Components</p> <p>Bidders shall bid for all lots and parts</p> <p>Project (ICB) name is: Construction Services for the Lomahasha Namaacha Cross Border Water Supply Project– Phase 1(Lot 1 and 2)</p> <p>Project (ICB) number is: RFP048/2021 and BMZ No. 2008.66.665, 2009.70.145</p>
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ITA 2.1	The name of the Project is: Lomahasha Namaacha Cross Border Water Supply Project.
ITA 4.2	Maximum number of members in the JV shall be: 4
B. Contents of the Prequalification Documents	
ITA 7.1	<p>For clarification purposes, the SADC Water Fund address is:</p> <p>Same as in ITA1.1 above</p> <p>1258 Lever Road, Headway Hill Midrand 1685 South Africa</p> <p>Tender Officer: Simon Ludik</p> <p>Email address: SADCWaterFund@dbsa.org</p> <p>The Employer shall forward a copy of its response to all prospective Applicants who in accordance with ITA 17.1 have nominated one dedicated contact person (name, email address and phone number) to the Employer, including a description of the inquiry but without identifying its source.</p>
ITA 7.1 & 8.2	<p>Web page: https://www.dbsa.org/EN/TenderInfo/Pages/default.aspx</p> <p>And/or</p> <p>https://etenders.treasury.gov.za/content/advertised-tenders</p> <p>Notwithstanding, it is the responsibility of the applicant to check the web page for any clarifications.</p>
C. Preparation of Applications	
ITA 10.1	<p>The Application as well as all correspondence shall be submitted in English.</p> <p>Language for translation of supporting documents and printed literature is English.</p>
ITA 11.1 (d)	The Applicant shall submit with its Application, the following additional documents: None
ITA 15.2	<p>In addition to the original, the number and type of copies to be submitted with the Application is:</p> <p>Submission will be Online, with submission of Original documents, therefore NO copies are required.</p>

D. Submission of Applications	
ITA 17.1	<p>The Original Application shall be submitted not later than</p> <p>Date: 24 May 2021</p> <p>Time: 23:55 hours, South African Time, GMT+2</p> <p>No hard copies shall be submitted.</p> <p>Applicants are asked to nominate one dedicated contact person (name, email address and phone number). The nomination shall be sent to the Tender Officer via email SADCWaterFund@dbsa.org.</p> <p>Applicants are required to submit their “<i>Intention to submit Application</i>” by 15h00 on 17 May 2021 to the stipulated email address SADCWaterFund@dbsa.org, by nominating one dedicated contact person (name, email address and phone number).</p> <p>Only Applicants who submit their “<i>Intention to submit Application</i>” before the stipulated time and date, will receive “<i>Access to Upload Application</i>”.</p> <ul style="list-style-type: none"> • The data shall be used to set up an e-procurement system for this tender submission. • These Applicants will receive communication from the KfW-approved e-procurement system, Exficon GmbH, Frankfurt am Main, for electronic submission with an invitation email containing the access link to the system. • Such communication will be issued within 2 days from the cut-off date of the “<i>Intention to submit Application</i>”. • It is recommended that Applicants log in after receipt to make sure that there are no technical difficulties. • Applicants will have access to the link as “<i>Access to Upload Application</i>” up until time and date of tender closure. • Detailed information and a step-by-step description of the upload procedure can be downloaded here: https://exficon.de/tad/e-procurement/. <p>Any Applicants submission of “<i>Intention to submit Application</i>” post the stipulated time and date, will not be accepted and therefore the Applicant will not receive their “<i>Access to Upload Application</i>” from Exficon.</p> <p>Timely submission means that the file must be successfully uploaded by the deadline. Bidders are requested to limit the number of files for upload to a maximum of 5 files.</p> <p>Please note that no physical delivery shall be made (no hard copies are to be submitted).</p>
ITA 19.1	<p>The opening of the Applications shall be at:</p> <p>Date: Day after Tender Closing</p> <p>Time: 10:30, (South African time, GMT+2)</p>

	At the following address: Same as in ITA 17.1 above.
E. Procedures for Evaluation of Applications	
ITA 23.1	A margin of preference shall not apply.
ITA 24.1	At this time the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance (nominated subcontractors).
ITA 28.1	A maximum of the top 8 highest scored will be prequalified.

Section III. Qualification and Evaluation

This Section contains all the methods, criteria, and requirements that the Employer shall use to evaluate Applications. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the respective Application Forms.

Wherever an Applicant is required to state a monetary amount, Applicants should indicate the **EUR equivalent** using the rate of exchange determined as follows:

- For construction turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year.
- Value of single contract - Exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available rates published by the European Central Bank. Any error in determining the exchange rates in the Application may be corrected by the Employer.

In chapter 5 of this section the environmental, social, health and safety (ESHS) requirements are defined in accordance with the specific ESHA challenges of the contract.

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
1. Eligibility							
1.1	Nationality	Nationality in accordance with Instructions To Applicants (ITA) 4.3 in Sections 1 and 5 page 5 and 65	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 4.4 (page 5 and 32)	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form
1.3	KfW Eligibility	Not being ineligible for KfW financing, as described in ITA 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Declaration of Undertaking
1.4	Government-Owned Entity	Meet conditions of ITA 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments
2. Historical Contract Non-Performance							
2.1	History of Non-Performing Contracts	Termination of a contract did not occur as a result of contractor's default in the past five (5) years	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2
2.2	Suspension Based on Execution of Bid Securing Declaration by the Employer	Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.5 (page 6 and 32)	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form
2.3	Pending Litigation	All pending litigation shall in total not represent more than one hundred percent (100%) of the Applicant's net worth and shall be treated as resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
3. Financial Situation and Performance							
3.1	Financial Capabilities: Liquidity	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as EUR 2,000,000 (Euro two million) for the subject contract(s) net of the Applicants other commitments	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN–3.1 with attachments and FIN-3.3
3.2	Financial Capabilities: Other Sources of Finance	(ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Forms FIN–3.1 and FIN-3.4
3.3	Financial Capabilities: Financial Position	(iii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Employer, for the last five (05) years (e.g. starting 1st January 2015) shall be submitted and must demonstrate the current soundness of the Applicant’s financial position based on the following criteria: a) Minimum average Liquidity ratio of 1.0 in the last five (05)	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN–3.1 with attachments

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		<p>years with an absolute minimum of 0.8 to be complied with in all years;</p> <p>Liquidity ratio = $\frac{Current\ Assets}{Current\ Liabilities}$</p> <p>b) Indebtedness ratio maximum average of 80 % in the last five (05) years with an absolute maximum of 90 % to be complied with in all years.</p> <p>Indebtedness ratio = $\frac{Total\ Liabilities*100}{Total\ Assets}$</p>					
3.4	Average Annual Construction Turnover	Minimum annual construction turnover of EUR 12,000,000 (Euro twelve million) for the last five (05) years (e.g. starting from 01 January 2015) calculated as total certified annual payments received for contracts in progress and/or completed. The period of five (05) years shall be calculated starting from 01 January 2015, e.g. based on audited balance sheets for the years 2015, 2016, 2017, 2018 and 2019.	Must meet requirement	Must meet requirement	Must meet twenty five (25)% of the requirement	Must meet forty (40)% of the requirement	Form FIN–3.2
4. Construction Experience							
4.1	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP–4.1

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		contractor for at least the last 5 years , starting 1st January 2015 .					
4.2 (a)	Specific Construction & Contract Management Experience	At least two (02) similar ² contracts, satisfactorily and substantially ³ completed as a prime contractor, joint venture member ⁴ , management contractor or subcontractor ⁴ between 1st January 2010 and application submission deadline of minimum value EUR 6,000,000 (Euro six million)	Must meet requirement	Must meet requirements	N/A	N/A	Form EXP-4.2 (a)
4.2 (b)	Construction Experience in key activities	For the above or any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor ⁴ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum construction experience in the following key activities successfully completed ⁵ : i. Construction of at least three (03) bulk water supply	Must meet requirements	Must meet requirements	N/A	Must meet the following requirements for the key activities listed below	Form EXP–4.2 (b)

² The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VII, Scope of Works. Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.

³ Substantial completion shall be based on 80% or more works completed under the contract.

⁴ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, shall be considered to meet this requirement.

⁵ Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period. The rate of production shall be the annual production rate for the key construction activity (or activities).

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		<p>pipeline projects in the region (SADC). 15km or more in length, minimum diameter 300mm in a single contract in the past seven (7) years.</p> <p>ii. Construction of at least three (03) ductile Iron pipelines minimum diameter 200mm, minimum length 10km or more in a single contract in the past ten (10) years</p> <p>iii. Construction of at least three (03) reinforced concrete reservoirs minimum volume 4,000m³ in the past ten (10) years, of which at least one should be circular.</p> <p>iv. Construction of at least three (03) water pumping stations greater than 250kW in the past ten (10) years</p>					
5. Environmental and Social and Health and Safety (ESHS) Experience and Capacity							
5.1	Certificates	Availability of a valid ISO certification as below or internationally recognized equivalent (equivalence to be demonstrated by the Applicant)	Must meet requirement	N/A	Must meet requirement, if part in JV is substantial (more than 40	Must meet requirement	

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		<div><div>- Quality Management certificate ISO 9001</div><div>- Environmental management certificate ISO 14001</div><div>- Health and Safety certificate ISO 45001</div></div>			(forty) % of the works)		Form CER-5.1 Form CER-5.1 Form CER-5.1
5.2	Experience in Projects with significant ESHS Impact	<div>For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor⁶ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum specific experience relating to the following ESHS requirements⁶:</div> <div><div><div>i.</div><div>Surface water and groundwater resource protection</div></div><div><div>ii.</div><div>Management of bulk and trench excavation (including topsoil and spoil management)</div></div><div><div>iii.</div><div>Management of heavy construction machinery</div></div><div><div>iv.</div><div>Dust generation and vehicle emissions management</div></div></div>	<div>Max. 30 points</div> <div>Selected References that best illustrate the ESHS capacity with a focus on specific requirements listed in the column 'Requirement'.</div> <div>Criterion i. must be demonstrated.</div> <div>Max 5 references Max 6 points per reference</div>	<div>Max. 30 points⁷</div> <div>Selected References that best illustrate the ESHS capacity with a focus on specific requirements listed in the column 'Requirement'.</div> <div>Criterion i. must be demonstrated.</div> <div>Max 5 references Max 6 points per reference</div>	N/A	Must have executed at least three (03) contract(s) demonstrating experience with the key ESHS requirements as listed in the Requirements column.	Form EXP-5.2

⁶ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, shall be considered to meet this requirement.

⁷Members will be scored if their part in the JV is substantial (more than 40 (forty) % of the works). Individual member scores will be averaged.

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		<p>v. Traffic management</p> <p>vi. Construction in a populated area and management of communities, landowners etc.</p> <p>The qualitative assessment of the Applicant's compliance will be carried out in terms of the scoring method described in ITA 27.4. The sub-criterion score will be calculated by adding the requirement scores.</p>					
5.3	Environmental Capacity	<p>The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective environmental management system:</p> <p>The qualitative assessment of the Applicant's compliance will be carried out in terms of the scoring method described in ITA 27.4. The sub-criterion score will be calculated by adding the requirement scores.</p>	<p>Max. 10 points</p> <p>Up to 3 pts. for environmental policy, up to 3 pts. for Environmental Management System, Up to 2 points for compliance with Environmental Management System, up to 2 points for regular monitoring and reviews of Environmental</p>	<p>Max. 10 points⁷</p> <p>Up to 3 pts. for environmental policy, up to 3 pts. for Environmental Management System, Up to 2 points for compliance with Environmental Management System, up to 2 points for regular monitoring and reviews of Environmental</p>	N/A	N/A	Form ENV-5.3

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
			Management System	Management System			
5.4	Occupational Health and Safety Capacity	<p>The Applicant must demonstrate that its business setup and construction operations meet the minimum requirements towards an effective health and safety management system</p> <p>For assessment and scoring see note in 5.3. above</p>	<p>Max. 10 points</p> <p>Up to 3 pts. for an OHS Policy, Up to 3 pts. for management system, Up to 2 points for existing regular statistics of Health and Safety events, up to 2 points for compliance with Health and Safety Policy.</p>	<p>Max. 10 points⁸</p> <p>Up to 3 pts. for an OHS Policy, Up to 3 pts. for management system, up to 2 points for existing regular statistics of Health and Safety events, up to 2 points for compliance with Health and Safety Policy.</p>	N/A	N/A	Form OHSAS-5.4
5.5	Socially Responsible Work Implementation	<p>The Applicant must demonstrate a comprehensive understanding of the requirements regarding work site implementation and operation, with specific focus on gender issues</p> <p>For assessment and scoring see note in 5.3. above</p>	<p>Max. 20 points</p> <p>Up to 4 pts. for a recruitment strategy, up to 4 pts. for a public health strategy, up to 4 points for a</p>	<p>Max. 20 points⁸</p> <p>Up to 4 pts. for a recruitment strategy, up to 4 pts. for a public health strategy, up to 4 points for a</p>	N/A	N/A	Form LOC-5.5

⁸ Members will be scored if their part in the JV is substantial (more than 40 (forty) % of the works). Individual member scores will be averaged.

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
			comprehensive strategy for staff accommodation, camps etc, up to 4 pts. for a ESHS training strategy, up to 2 pts for communication and up to 2 pts for grievance mechanism	comprehensive strategy for staff accommodation, camps etc, up to 4 pts. for a ESHS training strategy, up to 2 points for communication and up to 2 pts for grievance mechanism			
5.6 a)	ILO Core Labor Standards	Undertaking to fully respect the ILO Core Labor Standards in the Applicant's business practice	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form (f) and form COC-5.6
5.6 b)	Ethical business principles	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards ethical Business principles. For assessment and scoring see note in 5.3. above	Max. 10 points Up to 4 pts. for a declaration on ethical business principles, Up to 4 pts. for enforcement and monitoring of ethical business principles, up to 2 points for awareness of	Max. 10 points ⁸ Up to 4 pts. for a declaration on ethical business principles, Up to 4 pts. for enforcement and monitoring of ethical business principles, up to 2 points for awareness of	N/A	N/A	Form COC-5.6

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
			ethical business principles.	ethical business principles.			
5.7	ESHS and Construction Personnel	<p>The Applicant must demonstrate that it has access to adequate candidates for the ESHS personnel profiles, listed below and in Section VII, Scope of Works.</p> <p>i. Environmental Compliance Officer</p> <p>ii. Health and Safety Officer</p> <p>The candidates must fulfill the following minimum specific profile requirements:</p> <ul style="list-style-type: none">- University degree in relevant field and/or internationally acknowledged certificate in relevant field (max. 4 point);- Experience in designated role for at least 5 years (max. 2 point);- Regional experience, participated to at least one project in Eswatini and Mozambique (max. 2 point);- Fluent in Portuguese (max. 2 point). <p>Combining several candidates to fulfill one candidate profile is not allowed. Providing multiple candidates for a single profile is allowed. Where environmental and H&S portfolios are combined, the candidate must be qualified and experienced in both</p>	<p>Max. 20 points</p> <p>Max 10 points for each candidate i. and ii. as listed in the column 'Requirements'</p>	<p>Max. 20 points</p> <p>Max 10 points for each candidate i. and ii. as listed in the column 'Requirements'</p>	N/A	N/A	PER-5.7

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		aspects. For assessment and scoring see note in 5.3. above					

Note: [For multiple contracts, specify financial and experience criteria for each contract]

Section IV. Application Forms

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Application Submission Sheet

Date: *[insert day, month, year]*

ICB No.: *[insert ICB number]*

To: *[insert full name of Employer]*

We, the undersigned, apply to be prequalified for the referenced ICB and declare that:

- (a) we have examined and have no reservations to the prequalification documents, including Addenda No., issued in accordance with ITA Clause 8: *[insert the number and issuing date of each addenda]*;
- (b) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification process, have nationalities from eligible countries, in accordance with ITA Sub-Clause 4.3: *[insert the nationality of the Applicant, including that of all parties in case of a JV, and the nationality of each already identified subcontractor and supplier of related services, if applicable]*;
- (c) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification do not have any conflict of interest, in accordance with ITA Sub-Clause 4.4;
- (d) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, have not been declared ineligible by KfW, and/or we are not subject to sanction from either South Africa, Germany, the European Union or the United Nations in accordance with the lists of exclusion established by these institutions regarding fight against terrorism in accordance with ITA Sub-Clause 4.3;
- (e) [we are not a government owned entity, **or**, we meet the requirements of ITA Sub-Clause 4.1];
- (f) we, including any major subcontractors and suppliers declare that we fully respect ILO Core Labour Standards in our business practice in accordance with ITA Sub-Clause 4.3 and Form COC-5.6;
- (g) we, in accordance with ITA Sub-Clause 24.1, plan to subcontract the following key activities and/or parts of the works: *[insert any of the key activities identified in Section III- 4.2 which the Applicant intends to subcontract]*;
- (h) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any application that you may receive nor to invite the prequalified applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA Clause 26.

Signed *[insert signature of the Applicant's representative, authorized in accordance with ITA 4.1, whose name and capacity are shown below]*

Name *[insert full name of person signing the application]*

In the Capacity of *[insert legal capacity of person signing the application]*

Duly authorized to sign the application for and on behalf of:

Applicant's Name *[insert full name of Applicant]*

Address *[insert street number/town or city/country address]*

Dated on *[insert day number]* day of *[insert month]*, *[insert year]*.

Attachments:

Power of attorney, authorizing the Applicant's representative to act for and on behalf of the Applicant, in accordance with ITA 4.1.

Declaration of Undertaking

Reference name of the Application/Offer/Contract: ("Contract")⁹

To: ("Project Executing Agency")

1. We recognise and accept that SADC Water Fund hosted by DBSA and supported by KfW only finances projects of the Project Executing Agency ("PEA")¹⁰ subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between SADC Water Fund hosted by DBSA as well as KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:
 - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;
 - 2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union, Germany, South Africa or any SADC member country for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in any of the SADC member countries including South Africa or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the DBSA, KfW and the EU's financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
 - 2.4) having been subject, within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
 - 2.5) not having fulfilled applicable fiscal obligations regarding payments of taxes either in the country where we are constituted or the PEA's country;
 - 2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank (*in the*

⁹ Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW's "Guidelines for the Procurement of Consulting Services, Works, Goods, Plant and Non-Consulting Services in Financial Cooperation with Partner Countries".

¹⁰ The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services.

event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction); or

2.7) being guilty of misrepresentation in supplying the information required as condition to participation in this Tender Procedure.

3. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:

3.1) being an affiliate controlled by the PEA or a shareholder controlling the PEA, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.2) having a business or family relationship with a PEA's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the PEA;

3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the PEA;

3.5) in the case of procurement of Works, Plant or Goods:

i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;

ii. having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract;

4. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.

5. We undertake to bring to the attention of the PEA, which will inform KfW, any change in situation with regard to points 2 to 4 here above.

6. In the context of the Tender Process and performance of the corresponding Contract:

6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;

6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and

- 6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation¹¹ (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender based violence.
7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA, DBSA and KfW or an auditor appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on the spot checks and to ensure access to sites and the respective project.
 8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with applicable law, but in any case for at least six years from the date of fulfillment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with applicable law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the applicable law by the PEA, DBSA and KfW.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of¹²: _____

Signature:

Dated:

¹¹ In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

¹² In the case of a JV, insert the name of the JV. The person who will sign the application, bid or proposal on behalf of the Applicant/Bidder shall attach a power of attorney from the Applicant/Bidder.

Form ELI-1.1

Applicant Information Form

Date: _____
 ICB No. and title: _____
 Page _____ of _____ pages

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of constitution: <i>[indicate year of Constitution]</i>
Applicant's legal address [in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's legal structure and ownership structure Legal structure: <i>[provide details]</i> Ownership structure: <i>[provide details of direct and indirect ownership]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. General Presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.) 2. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1. <input type="checkbox"/> In case of JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b). <input type="checkbox"/> In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing: - Legal and financial autonomy - Operation under commercial law - Establishing that the Applicant is not a dependent agency of the Employer.
3. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Form ELI-1.2 (a)

Applicant's JV Information Form

[The following table shall be filled by each member of a JV and, if applicable, by any specialized subcontractor]

Date: _____
ICB No. and title: _____
Page _____ of _____ pages

Each Applicant that is a JV Party and each nominated subcontractor in accordance with ITA 24 must submit this information.

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's legal structure and ownership structure: Legal structure: <i>[provide details]</i> Ownership structure: <i>[provide details of direct and indirect ownership]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
<p>1. General Presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)</p> <p>2. Attached are copies of original documents of</p> <p><input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1.</p> <p><input type="checkbox"/> In case of JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b).</p> <p><input type="checkbox"/> In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing:</p> <ul style="list-style-type: none"> - Legal and financial autonomy - Operation under commercial law - Establishing that the Applicant is not a dependent agency of the Employer. <p>3. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.</p>

Form ELI-1.2 (b) Declaration of Association

[The following form shall be provided by each member of a Joint Venture and, if applicable, by any specialized subcontractor, nominated in accordance with ITA 24]

Date: _____
ICB No. and title: _____
Page _____ of _____ pages

We hereby declare our intent to associate with the following firms for the purpose of forming a *[insert here "joint venture"]*:

[Insert the names of the other JV Members here]

[Insert the name of the Lead Member] shall be the Lead Member.

We hereby confirm that we have not associated with any other firms for the purposes of this assignment and that we will not submit an Application separately from the firms listed above. Further, we understand that if one of the above JV Members appears as a member in more than one Application, all Applications in which the Member appears shall be disqualified.

In the event that this JV is awarded a Contract, we shall perform the works in the composition and in the form of cooperation described above.

[Signature of the authorised representative of the Member]

Form CON-2

Historical Contract Non-Performance, Pending Litigation and Litigation History

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

Non-Performed Contracts in accordance with Section III, Qualification and Evaluation			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January <i>[insert current year number less 5]</i> specified in Section III, Qualification and Evaluation, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January <i>[insert current year number less 5]</i> specified in Section III, Qualification and Evaluation, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and EUR equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for non-performance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

Pending Litigation, in accordance with Section III, Qualification and Evaluation			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification and Evaluation, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification and Evaluation, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), EUR Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert amount]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer" or "Contractor"]</i> Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	<i>[insert amount]</i>

Form FIN-3.1

Financial Situation and Performance

[The following table shall be filled in for the Applicant and for each JV Member]

Applicant's Name: *[insert full name]*
 Date: *[insert day, month, year]*
 Joint Venture Member Name: *[insert full name]*
 ICB No. and title: *[insert ICB number and title]*
 Page *[insert page number]* of *[insert total number]* pages

1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate, EUR equivalent)				
	Year 1	Year 2	Year 3	Year 4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

2. Financial documents

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Qualification and Evaluation, Sub-factor 3.1. The financial statements shall:

- (a) reflect the financial situation of the Applicant or JV member, and not an affiliated entity (such as parent company or subsidiary).
 - (b) be independently audited or certified in accordance with local legislation.
 - (c) be complete, including all notes to the financial statements.
 - (d) correspond to accounting periods already completed and audited.
- ☐ Attached are copies of financial statements¹³ for the *[number]* years required above; and complying with the requirements

¹³ If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified.

Form FIN-3.2

Average Annual Construction Turnover

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

Annual turnover data (construction only)			
Year	Amount Currency	Exchange rate	EUR equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>	<i>[insert exchange rates used to calculate the EUR equivalent]</i>	<i>[insert EUR equivalent]</i>
		Average Annual Construction Turnover *	

* Total EUR equivalent for all years divided by the total number of years. See Section III, Qualification and Evaluation, Clause 3.2.

Form FIN-3.3 Sources of Finance

[The following table shall be filled in for the Applicant and all members combined in case of a Joint Venture]

Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject contract or contracts as specified in Section III, Qualification and Evaluation.

Financial Resources		
No.	Source of financing	Amount (EUR equivalent)
1		
2		
3		

Form FIN-3.4

Current Contract Commitments / Works in Progress

[The following table shall be filled in for the Applicant and all members combined in case of a Joint Venture]

Applicants and each member to a JV should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

Current Contract Commitments					
No.	Name of Contract	Employer's Contact Address, Tel, Fax	Value of Outstanding Work [Current EUR Equivalent]	Estimated Completion Date	Average Monthly Invoicing Over Last Six Months [EUR / month]
1					
2					
3					
4					
5					

Form EXP-4.1

General Construction Experience

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification and Evaluation, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and EUR equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Subcontractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and EUR equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Subcontractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and EUR equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Subcontractor" or "Management Contractor"]</i>

Form EXP-4.2 (a)

Specific Construction and Contract Management Experience

[The following table shall be filled in separately for contracts performed by the Applicant or each member of a Joint Venture]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member's Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		EUR <i>[insert Exchange rate and total contract amount in EUR equivalent]</i>	
If member in a JV or subcontractor, specify participation in total Contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in EUR equivalent]</i>	
Employer's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, incl. country/city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with Sub-Criterion 4.2 of Section III:	
1. Physical size of required works items	<i>[insert physical size of items]</i>
2. Complexity	<i>[insert description of complexity]</i>
3. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
4. Construction rate for key activities	<i>[insert yearly rates and items]</i>
5. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>

Form EXP-4.2 (b)

Construction Experience in Key Activities

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's JV Member's Name: *[insert full name]*

Subcontractor's Name¹⁴ (as per ITA 24.2): *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

1. Key Activity No. One: *[insert brief description of the Activity, emphasizing its specificity]*

	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in contract currency(ies)]</i>		EUR <i>[insert exchange rate and total contract amount in EUR equivalent]</i>	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year <i>[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]</i>	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				
Year 4				

¹⁴ If applicable

	Information
Employer's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
	<i>[insert response to inquiry indicated in left column]</i>

2. Key Activity No. Two: *[insert brief description of the Activity, emphasizing its specificity]*
3. Key Activity No. Three: *[insert brief description of the Activity, emphasizing its specificity]*
4. Key Activity No. Four: *[insert brief description of the Activity, emphasizing its specificity]*

Optional: Form EQP-4.3 Specific Construction Equipment

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

International competitive bidding number ICB No.: *[insert]*

Description	Information
List of utilized specific construction equipment	<i>___[based on the specific construction experience in Forms 4.2 (a or b) the Applicant shall provide a list of specific construction equipment, utilized for the execution of the works. The list shall not specify commonly used equipment (ordinary cement mixers or cranes, etc.) but specific equipment related to the specific characteristics of the project as per the form below. For each item one form.]___</i>

Item number:	<i>___[insert consecutive number]___</i>
Denomination:	<i>___[insert technical name of the item]___</i>
Purpose:	<i>___[describe the use of the item in relation to the specific work requirements of the project]___</i>
Capacity / power rating / quantities, etc.	<i>___[give details of the capacity / power rating / quantities in relation to the work description]___</i>

Form CER-5.1 Certification

*[insert Quality Management, Environmental Management Certification or
Health and Safety Certification]*

[The following table shall be provided by the Applicant for each certificate. Insert NOT APPLICABLE for the certificates, which are not required]

Applicant's Legal Name: _____ Date: _____

Applicant's JV Member name: _____ ICB No.: _____

Description	Information
Identification of the certificate	_____ <i>[insert full name of the certificate]</i>
First award date	_____ <i>[insert day, month, year of first certificate award]</i>
Last update of the certificate	_____ <i>[insert day, month, year of latest renewal, if any]</i>
Issuers Name	_____ <i>[insert full name]</i>
Address	_____ <i>[insert street / number / town or city / country]</i>
Telephone/fax number	_____ <i>[insert phone/fax no., incl. country & city area codes]</i>
E-mail	_____ <i>[insert e-mail address, if available]</i>
Compliance with international standards	<p>The certificate is <i>[select ISO 9001 / ISO 14001:2004 / OHSAS 18001]:</i></p> <p style="text-align: center;"><input type="checkbox"/> Yes / <input type="checkbox"/> No</p>
If no, proof of conformity with the international standard by the Applicant	<i>The Applicant shall demonstrate the equivalency of their management systems with the international standards.</i>

Form ESHS EXP-5.2

Experience in Projects with significant ESHS Impact

The following table shall be filled by the Applicant or in case of a JV the Lead Member. Project references provided here should reflect the ESHS requirements as defined in Section III, 5. If the Applicant is required to demonstrate different ESHS aspects this should be shown separately in the sheet below or in a separate sheet.

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member's Name: *[insert full name]*

ICB No. and title: *[insert ICB number and title]*

Page *[insert page number]* of *[insert total number]* pages

ESHS Contract No. <i>[insert number] of [insert number of S&E contracts required as per Section III, 5.]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		EUR <i>[insert Exchange rate and total contract amount in EUR equivalent]</i>	
If member in a JV or subcontractor, specify participation in total Contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in EUR equivalent]</i>	
Employer's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, incl. country/city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

ESHS Contract No. <i>[insert number] of [insert number of ESHS contracts required as per Section III, 5.]</i>	Information and Documentation
1. ESHS Challenges	<i>[describe the ESHS challenges faced in project implementation, including indication of scales/size by reference, if applicable project E&S categorization as per development bank categorization]</i>
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>	
2. ESHS measures implemented	<i>[description of measures implemented, incl. supporting documentation, if available]</i>
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>	
3. ESHS knowhow transfer to local staff, local partners and subcontractors	<i>[description of know how transfer and capacity building measures implemented, incl. supporting documentation, if available]</i>
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>	

Maximum points attributed to above requirements: 30 points

Form ENV-5.3

Environmental Management Capacity

The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

ICB No.: *[insert International competitive bidding number]*

	The Applicant shall demonstrate:	Information and Documentation	
1	- the existence of an Environmental Policy	___ <i>[Provide relevant details of the Corporate Values or similar policy documents and declarations]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
2	- the existence of an Environmental Management System, incl. an adequate organizational set-up for definition, enforcement and monitoring.	___ <i>[Provide details of the organizational set-up and procedures for relevant issues within your company, for qualification details of relevant key staff see Form PER-5.7]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
3	- that all members of a JV, suppliers, subcontractors and temporary workforce a) are aware of and b) comply with the Environmental Management System.	___ <i>[Provide information on a) how awareness, know how transfer and enforcement is implemented to external partners b) nature, content and frequency of internal trainings to employees.]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
4	- that regular monitoring and reviews of the status of the Environmental Management System takes place.	___ <i>[Provide details or samples of risk assessments, reviews, audits or reports which are carried out on a regular basis for the last three years]</i> ___	

<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
5	- that procedures exist to respond to and mitigate environmental emergencies and other adverse impacts on work sites.	___ <i>[Provide supporting evidence like emergency manuals (index only), emergency procedures, etc.]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			

Maximum points attributed to above requirements: 10 points

Form OHSAS-5.4

Occupational Health and Safety Capacity

The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

ICB No.: *[International competitive bidding number]*

	The Applicant shall demonstrate:	Information	
1	- the existence of an Occupational Health & Safety Policy	___ <i>[Provide a policy document and the index of the Occupational Health & Safety manual or other relevant documents and declarations]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
2	- the existence of management system, incl. an adequate organizational set-up for definition, enforcement and monitoring.	___ <i>[Provide details of the organizational set-up and procedures for health and safety issues within your company, for qualification details of relevant key staff see Form PER-5.7]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
3	- that regular reviews, audits and statistics of Health & Safety events and procedures especially on work sites exist.	___ <i>[Please provide details or samples of risk assessments, reviews, audits or statistical reports which are carried out on a regular basis for the last three years]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
4	- that all members of a JV, suppliers (in particular those for major supply items), sub-contractors and temporary workforce a) are aware of and b) comply with the Health & Safety Policy.	___ <i>[Provide information on</i> a) <i>how awareness, know how transfer and enforcement is implemented to external partners</i> b) <i>nature, content and frequency of internal trainings to employees.]</i> ___	

[insert brief description or, if applicable, short abstract of the documentation annexed]

	-		
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Maximum points attributed to above requirements: 10 points

Form LOC-5.5

Socially Responsible Works Implementation

The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

ICB No.: *[insert International competitive bidding number]*

	The Applicant shall demonstrate:	Documentation	
1	- a strategy for staff and labor incl. recruitment of temporary workforce and local labor, worker grievance mechanism, etc.	<i>__[Provide information and relevant documents, if any]__</i>	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
2	a comprehensive strategy for ensuring public health and safety, including programs and procedures to combat the spread of communicable diseases (incl. HIV/AIDS).	<i>__[Please provide supporting evidence]</i>	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
3	- a comprehensive strategy for staff accommodation, e.g. worksite camps, house rental, security, etc.	<i>__[Provide information and relevant documents, if any]__</i>	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
4	- a comprehensive training strategy for transfer of ESHS knowhow to temporary workforce and subcontractors	<i>__[Provide information and relevant documents, if any]__</i>	

[insert brief description or, if applicable, short abstract of the documentation annexed]

5	- a strategy for communication and interaction with stakeholders and local communities incl. grievance mechanism, incl. avoidance of damage to property and people	___ <i>[Provide a concept how this relationship has been managed in former contracts.]</i> ___	
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[insert brief description or, if applicable, short abstract of the documentation annexed]

Maximum points attributed to above requirements: 20 points.

Form COC–5.6

Ethical Business Principles

The following table shall be filled by the Applicant or each member of a Joint Venture, whose part in the JV is substantial (more than 40 (forty) % of the works)

Applicant's Legal Name: *[insert full name]*

Date: *[insert day, month, year]*

ICB No.: *[insert International competitive bidding number]*

	The Applicant shall demonstrate:	Documentation	
1	- that ILO core labor standards ¹⁵ are fully respected in business operations by explicitly ticking the boxes.	Our business operations respect the core labor standards on: <input type="checkbox"/> Freedom of Association <input type="checkbox"/> Elimination of Forced Labour <input type="checkbox"/> Non-Discrimination <input type="checkbox"/> Abolishment of Child Labour	Pass/ fail
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
2	- the existence of a declaration on ethical business principles or similar declaration.	___ <i>[Provide written information and evidence on business principles (code of conduct, conflict of interest, bribery, corruption, bid-rigging, unfair competition, insider rules, confidentiality, money-laundering, etc.)]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
3	- the existence of an adequate organizational set-up to define, enforce and monitor the ethical business principles.	___ <i>[Provide details of the organizational set-up and staffing of the relevant department, for qualification details of relevant key staff see Form PER-5.7]</i> ___	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
4	- that all members of a JV, suppliers (in particular those for major supply items),	___ <i>[Provide information on a) how awareness, know how transfer and enforcement is implemented to external</i>	

¹⁵ See relevant ILO conventions C087, C098, C029, C105, C100, C111, C138, C182. In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant / Bidder / Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions.

	subcontractors and temporary workforce a) are aware of and b) comply with these principles.	partners b) nature, content and frequency of internal trainings to employees.]__	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
5	- that a confidential and anonymous mechanism for employees and third parties to report violations of the ethical business principles exists.	__ <i>[Describe the mechanism and the offered reporting channels (ombudsmen, whistleblower scheme, website, etc.)]__</i>	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			

Maximum points attributed to above requirements 2 to 5, requirement 1 is pass / fail:10 points

Form PER–5.7 List of Available ESHS and Construction Personnel

Complete the list below to demonstrate the extent to which you have access (internally / externally) to ESHS and Construction expertise required for personnel profiles described in Section VII; Scope of Works. Do not attach CVs as no personnel evaluation is carried out at the prequalification stage. It is understood that prequalified Applicants are not required to include staff named below into the proposal.

Name	Designation, in accordance with Section VII, Scope of Works		Education/ Degree	Years of Professional Experience	Relationship with / Years within the Applicant ¹⁶	Country/Regional Experience	Relevant Project References (Description of project- related experience)	Languages
	Environmental Officer							
	Health and Safety Officer							

Maximum points attributed to above requirements: 20 points

¹⁶ For freelance experts (e.g. with retainer contracts or formal agreements) indicate “FE” and how long the expert has been associated with the Applicant. For sub-consultant staff indicate “Sub”. Staff from affiliated firms of the Applicant shall be considered as sub-consultant staff.

Section V. Eligibility Criteria

Eligibility in KfW-Financed Procurement

1. Consulting Services, Works, Goods, Plant and Non-Consulting Services are eligible for KfW financing regardless of the country of origin of the Contractors (including Subcontractors and suppliers for the execution of the Contract), except where an international embargo or sanction by the United Nations, the European Union or the German Government applies.
2. Applicants/Bidders (including all members of a Joint Venture and proposed or engaged Subcontractors) shall not be awarded a KfW-financed Contract if, on the date of submission of their Application/Offer or on the intended date of Award of a Contract, they:
 - 2.1 are bankrupt or being wound up or ceasing their activities, are having their activities administered by courts, have entered into receivership, or are in any analogous situation;
 - 2.2 have been
 - (a) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union and/or the German Government for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - (b) convicted by a final court decision or a final administrative decision by a court, the European Union or national authorities in the Partner Country or in Germany for Sanctionable Practice during any Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests, unless they provide supporting information together with their Declaration of Undertaking (Form available as Appendix to the Application/Offer which shows that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction;
 - 2.3 have been subject within the past five years to a Contract termination fully settled against them for significant or persistent failure to comply with their contractual obligations during Contract performance, unless this termination was challenged and the dispute resolution is still pending or has not confirmed a full settlement against them;
 - 2.4 have not fulfilled applicable fiscal obligations regarding payments of taxes either

- in the country where they are constituted or the PEA's country;
- 2.5 are subject to an exclusion decision of the World Bank or any other multilateral development bank and are listed in the respective table with debarred and cross-debarred firms and individual available on the World Bank's website or any other multilateral development bank unless they provide supporting information together with their Declaration of Undertaking which shows that this exclusion is not relevant in the context of this Contract or
 - 2.6 have given misrepresentation in documentation requested by the PEA as part of the Tender Process of the relevant Contract.
3. State-owned entities may compete only if they can establish that they (i) are legally and financially autonomous, and (ii) operate under commercial law. To be eligible, a state-owned entity shall establish to KfW's satisfaction, through all relevant documents, including its charter and other information KfW may request, that it: (i) is a legal entity separate from their state (ii) does not currently receive substantial subsidies or budget support; (iii) operates like any commercial enterprise, and, inter alia, is not obliged to pass on its surplus to their state, can acquire rights and liabilities, borrow funds and be liable for repayment of its debts, and can be declared bankrupt.

Section VI. KfW Policy – Sanctionable Practice – Social and Environmental Responsibility

1) Sanctionable Practice

The PEA and the Contractors (including all members of a Joint Venture and proposed or engaged Subcontractors) must observe the highest standard of ethics during the Tender Process and performance of the Contract.

By signing the Declaration of Undertaking the Contractors declare that (i) they did not and will not engage in any Sanctionable Practice likely to influence the Tender Process and the corresponding Award of Contract to the PEA's detriment, and that (ii) in case of being awarded a Contract they will not engage in any Sanctionable Practice.

Moreover, DBSA and KfW requires to include in the Contracts a provision pursuant to which Contractors must permit DBSA, KfW and in case of financing by the European Union also to European institutions having competence under European law to inspect the respective accounts, records and documents relating to the Tender Process and the performance of the Contract , and to have them audited by auditors appointed by DBSA and/or KfW.

DBSA and KfW reserves the right to take any action it deems appropriate to check that these ethics rules are observed and reserves, in particular, the rights to:

- (a) reject an Offer for Award of Contract if during the Tender Process the Bidder who is recommended for the Award of Contract has engaged in Sanctionable Practice, directly or by means of an agent in view of being awarded the Contract;
- (b) declare misprocurement and exercise its rights on the ground of the Funding Agreement with the PEA relating to suspension of disbursements, early repayment and termination if, at any time, the PEA, Contractors or their legal representatives or Subcontractors have engaged in Sanctionable Practice during the Tender Process or performance of the Contract without the PEA having taken appropriate action in due time satisfactory to DBSA and KfW to remedy the situation, including by failing to inform DBSA and KfW at the time they knew of such practices.

KfW defines, for the purposes of this provision, the terms set forth below as follows:

Coercive Practice	The impairing or harming, or threatening to impair or harm, directly or indirectly, any person or the property of the person with a view to influencing improperly the actions of a person.
Collusive Practice	An arrangement between two or more persons designed to achieve an improper purpose, including influencing improperly the actions of another person.

Corrupt Practice	The promising, offering, giving, making, insisting on, receiving, accepting or soliciting, directly or indirectly, of any illegal payment or undue advantage of any nature, to or by any person, with the intention of influencing the actions of any person or causing any person to refrain from any action.
Fraudulent Practice	Any action or omission, including misrepresentation that knowingly or recklessly misleads, or attempts to mislead, a person to obtain a financial benefit or to avoid an obligation.
Obstructive Practice	Means (i) deliberately destroying, falsifying, altering or concealing evidence material to the investigation or the making of false statements to investigators, in order to materially impede an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice, or threatening, harassing or intimidating any Person to prevent them from disclosing their knowledge of matters relevant to the investigation or from pursuing the investigation, or (ii) any act intended to materially impede the exercise of KfW's access to contractually required information in connection with an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice.
Sanctionable Practice	Any Coercive Practice, Collusive Practice, Corrupt Practice, Fraudulent Practice or Obstructive Practice (as such terms are defined herein) which is unlawful under the Financing Agreement.

2) Social and Environmental Responsibility

Projects financed in whole or partly in the framework of Financial Cooperation have to ensure compliance with international Environmental, Social, Health and Safety (ESHS) standards (including issues of sexual exploitation and abuse and gender based violence) Contractors in SADC Water Fund hosted by DBSA and KfW financed projects shall consequently undertake in the respective Contracts to:

- (a) comply with and ensure that all their Subcontractors and major suppliers, i.e. for major supply items comply with international environmental and labour standards, consistent with applicable law and regulations in the country of implementation of the respective Contract and the fundamental conventions of the International Labour Organisation¹⁷ (ILO) and international environmental treaties and;

¹⁷In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

- (b) implement any environmental and social risks mitigation measures, as identified in the environmental and social impact assessment (ESIA) and further detailed in the environmental and social management plan (ESMP) as far as these measures are relevant to the Contract and implement measures for the prevention of sexual exploitation and abuse and gender-based violence.

PART 2 – Works Requirements

Section VII. Scope of Works

1. Description of the Works

1.1 Project Background

The Lomahasha Namaacha Cross Border Water Supply Project is being implemented through the Southern African Development Community (SADC) Regional Fund for Basic Water Infrastructure and Sanitation.

The SADC Regional Fund for Basic Water Supply and Sanitation (RFBWSS) hosted by DBSA supported by KfW Development Bank (KfW) is providing funding for the Project. SADC appointed the Development Bank of Southern Africa (DBSA) as the Fund Managers (FMU) for the SADC RFBWSS. Although various departments of DBSA and KfW Development Bank retain certain approval rights, they shall in no way be deemed as party to the Contract or be under any obligation to the Contractor

1.2 Project Executing Agency

The Project Executing Agencies (PEA) are:

- Eswatini Water Services Corporation (EWSC) on behalf of the Ministry of Natural Resources and Energy in the Kingdom of Eswatini (Eswatini) acting on behalf of the National Directorate of Water Supply and Sanitation (DNAAS) on behalf of the Ministry of Public Works, Housing and Water Resources (MOPWHWR) in the Republic of Mozambique; who notwithstanding assumes the full responsibility of Employer for the Lot within Mozambique.
- .

1.3 Project Objective

The Lomahasha Namaacha Cross Border Water Supply Project aims at improving the provision of affordable, sustainable and formalised water services in Lomahasha and Namaacha including capacity building, reduction of non-revenue water, promote sustainable social economic development and to contribute to poverty reduction. This is to be achieved by initially providing the two towns with water from Simunye Water Treatment Plant operated by EWSC.

1.4 Project Location

The two project towns Lomahasha and Namaacha are located at the border between Mozambique and Eswatini as shown in **Fig.1** below.



Fig 1: Project Location

Lomahasha is a rural town located in Eswatini and Namaacha is a densely populated city located in Mozambique.

1.5 Project Phasing

The project has been split into the following 3 phases:

- Phase 1A – Bulk components (Part 1)
- Phase 1A - Additional Network and Bulk Components (Part 2)
- Phase 1B – Water Reticulation Network and Supplementary Services

This Prequalification is for a single Tender comprising Parts 1 and 2.

1.6 Project Works

The components of each phase of the project may be summarised as follows:

Some of the works below will be tendered on an Option basis. This is an indicative list with indicative dimensions of the intended project scope. The detailed scope will be provided in the tender dossier to be availed to the shortlisted/pre-qualified bidders.

Item	Lot 1 Eswatini	Lot 2 Mozambique
1A	Scope Phase 1A	
1A.1	Lot 1.1 Bulk Components	Lot 2.1 Bulk Components
	<ul style="list-style-type: none"> • DN400 from Existing Tee to Nduma BPS • 300m³ sump and BPS at Nduma (On main pipeline) 	<ul style="list-style-type: none"> • 5,100m³ Reservoir at Namaacha (To address 10-year water demand) • Rehabilitation/upgrades to the reticulation network in Namaacha

Item	Lot 1 Eswatini	Lot 2 Mozambique
	• DN350 pipeline from Nduma BPS to Mbokojweni BPS	
	• 300m ³ sump and BPS at Mbokojweni (on main pipeline)	
	• DN350 pipeline from Mbokojweni BPS to off take towards Lomahasha Reservoir offtake	
	• DN300 pipeline from off take to Namaacha Reservoir	
	• DN200 off take pipeline from the offtake to Namaacha reservoir, to Lomahasha Reservoir	
	• Basic pipe bridges, no man access	
	• Reservoir at Lomahasha (2.200m ³ to address 10-year water demand)	
	• Inlet control chamber at Lonhupheko reservoir	
1A.2	Lot 1.2 Optional Bulk Components	Lot 2.2 Optional Bulk Components
	• 3 Water kiosks, Ablution block and Septic Tanks in Lomahasha	• 4 Water Kiosks, Ablution block and Septic Tank in Namaacha
	• DN50 branch pipeline to Maphiveni reservoir	
	• DN200 branch pipeline to Nduma reservoir	
	• 250m ³ Reservoir at Maphiveni	
	• 250m ³ Interim Reservoir at Nduma	
	• 250m ³ Replacement Reservoir at Existing Reservoir 2 in Lomahasha	

2. Construction Period(s)

The Time for Completion shall be 12 months followed by 12 months Defects Notification Period.

3. Site and other Data

The project area extends from Simunye in Eswatini through Lomahasha to Namaacha in Mozambique.

The area from the connection point in Simunye to just north of the Mbuluzi river is flat, however the topography changes significantly to a much more hilly and rocky terrain up to Lomahasha. Rainfall in the project area varies between 800-900mm and falls mainly in the rainy season between September to March and can occur as high intensity storms. For Lomahasha / Namaacha the average summer temperatures are between 28-30 degrees

Celsius and the average winter temperatures are around 14-16 degrees Celsius.

Access to the main pipeline is directly off the MR3 road. Access to the Nduma, Lomahasha and Namaacha reservoir sites is off existing gravel roads, with access to the Maphiveni reservoir site available along a gravel track off the MR3.

The proposed project layout is shown in **Fig. 2**.

Construction activities will be required to commence simultaneously in both countries. A subcontractor experienced with working in Mozambique will be required to construct the works in Mozambique.

The successful Contractor will be expected to maximise the use of local labour where applicable. In addition, the use of local subcontractors is strongly encouraged.

4. Environmental and Social Management plan (ESMP)

The Contractor shall produce a contract-specific, Environmental and Social Management Plan detailing procedures to be adopted to manage environmental issues on the project. The Environmental and Social Management Plan may be based upon the Contractor's own environmental management procedures, where appropriate. All work executed by or on behalf of the Contractor in execution of the Contract shall be in accordance with the Environmental and Social Management Plan.

The Contractor shall submit the Environmental and Social Management Plan to the Project Manager for approval not more than 28 days after commencement of the Contract. The Environmental and Social Management Plan must be in place before the Contractor mobilises to site. The implementation of the Environmental and Social Management Plan by the Contractor shall be subject to audits undertaken by the Project Manager (or a delegated representative). Such audits shall include a review of the Contractor's internal audit records including identified non-conformities and the effectiveness of the corrective action. The Contractor shall be provided with five working days' notice prior to an audit being carried out.

On a day-to-day basis, the Contractor shall afford reasonable availability of staff and documentation for the Project Manager to assess the implementation of the Environmental and Social Management Plan.

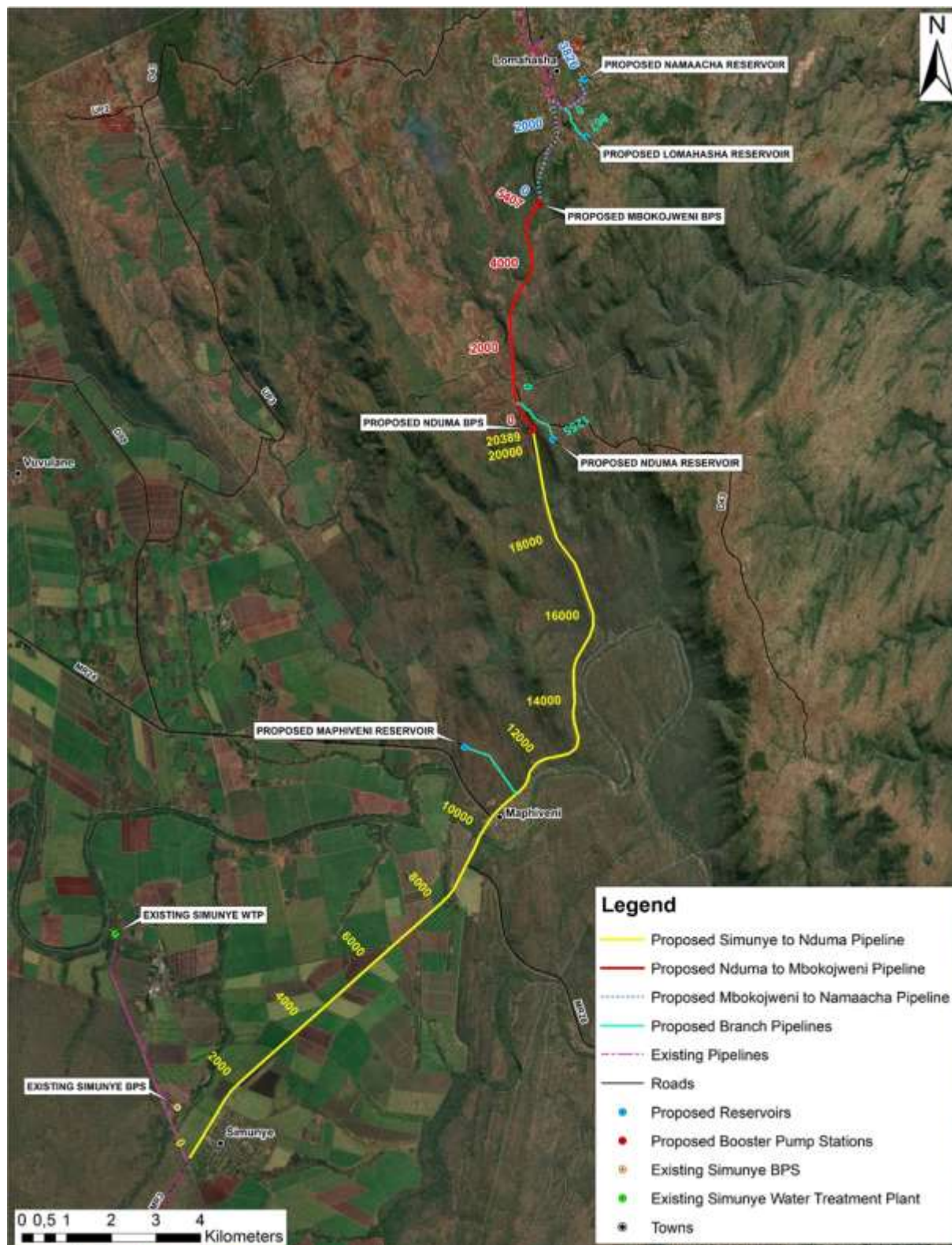


Fig. 2 Proposed project layout

The following points shall be adhered to in developing the Environmental and Social Management Plan:

- The Contractor's environmental policy
- Organisational requirements (staffing requirements to execute the ESMP, especially focusing on equal opportunities for women and local community members to join the Contractor's labour force)
- Codes of good practice
- Monitoring requirements (water, soil, air, noise, vibration etc.)
- Mitigation and pollution prevention strategies
- Details of the Contractor's organisational framework, in particular the designation of:
 - A senior manager to take overall responsibility
 - A suitably qualified and experienced environmental professional to manage on a day to day basis and liaise with the Project Manager
- Details of the principal pollution control facilities proposed and contingency plans in the event of failure of the facilities
- Details of the environmental awareness training programme proposed for the Contractor's workforce
- A requirement that all method statements include a section on environmental impacts and mitigation
 - Details on waste management practices for general waste, hazardous waste and spoil
- Details of the records to be kept demonstrating compliance with the Environmental and Social Management Plan
- A formalised mechanism to audit the effectiveness of the Environmental and Social Management Plan
- Records of training for all site staff including subcontractors' staff
 - A complaints mechanism and records of complaints along with details on how complaints were addressed and resolved

In addition, the plan shall address the following issues, taking into account the adverse environmental impacts and environmental management requirements associated with the construction of pipelines and other structures in densely populated residential areas:

- Noise and vibration
- Water pollution
- Waste management
- Visual impact
- Air pollution, including odour, dust and fumes
- Storage, handling and disposal of hazardous materials
- Good housekeeping/vermin control and general waste management
- Environmentally sensitive areas
- Impacts on the local community, especially focusing on gender issues and vulnerable groups.

5. ESHS and Construction Personnel

The following minimum requirements must be adhered to during the Construction period:

- i. Environmental Compliance Officer
- ii. Health and Safety Officer

The candidates must fulfil the following minimum specific profile requirements:

- University degree in relevant field and/or internationally acknowledged certificate in relevant field
- Experience in designated role for at least 5 years
- Regional experience, participated to at least one project in Eswatini and Mozambique
- Fluent in Portuguese