
Invitation for Prequalification

SPECIFIC PROCUREMENT NOTICE

Invitation for Prequalification

The Republic of Uganda

Kampala Water - Lake Victoria Water and Sanitation Project- Package 2b

Rehabilitation, Restructuring, Rezoning and the Extension of Greater Kampala Metropolitan Water Supply Network – Phase 1 - Construction of Primary Network

August 2021

The *National Water and Sewerage Corporation* has received funds from Government of Uganda (GoU) and a consortium of Development Partners consisting of Agence Française de Développement (AFD), German Development Bank (KfW), European Investment Bank (EIB) and European Union Africa Infrastructure Fund (EU – ITF) toward the cost of the *Kampala Water - Lake Victoria Water and Sanitation (KW – LV WatSan) Project*, and it intends to apply part of the funds to payments under the contract for *KW – LV WatSan Project Package 2b; Rehabilitation, Restructuring, Rezoning and the Extension of Greater Kampala Metropolitan Water Supply Network*. The Employer intends to prequalify firms for *KW – LV WatSan Project Package 2b: Rehabilitation, Restructuring, Rezoning and the Extension of Greater Kampala Metropolitan Water Supply Network – Phase 1- Construction of Primary Network*. It is expected that invitations for bid will be made in **January 2022**.

The envisaged scope of services entails the procurement and installation of about **70 km** of new pipelines ranging up to DN 1,400 mm, the construction of storage reservoirs/tanks and booster stations, and the installation of electro-mechanical and SCADA components in the Greater Kampala Metropolitan Area, which may cover densely inhabited areas.

Interested eligible Applicants may obtain further information from and inspect the prequalification documents at the *National Water and Sewerage Corporation – Senior Manager Procurement* (address below). A complete set of the prequalification softcopy documents in *English* may be obtained by interested Applicants on the submission of a written application to the address below and free of fees.

Hard and soft copies of Applications for prequalification should be submitted in sealed envelopes, delivered to the address below (excluding the email addresses) by **8th October 2021**, and be clearly marked "Application to Prequalify for *KW – LV WatSan Project Package 2b: Rehabilitation, Restructuring, Rezoning and the Extension of Greater Kampala Metropolitan Water Supply Network – Phase 1- Construction of Primary Network*", **Procurement Reference No.: NWSC/HQ/WRKS/2020-2021/172191**.

The Senior Manager Procurement

National Water and Sewerage Corporation,

Plot 18/20, 6th Street, Industrial Area,

P. O. Box 7053, Kampala, Uganda

Country: Uganda

Telephone: +256-313-3158484+256-313-315801

Electronic mail address: bids@npsc.co.ug

All emails must be copied to joe.kamanyi@npsc.co.ug

Applicants **shall have** the option of submitting their applications electronically.

In the unlikely event that an Application dispatched by courier is to be delayed, the Applicant shall submit an electronic copy of the Application before the Application submission deadline above, along with evidence that the hard copy of the Application was dispatched to NWSC in a timely manner. In this event, electronic Applications shall be submitted at the following link: <https://www.nwsc.co.ug/ebids/default.aspx>. Further more, the hard copy of the Application MUST reach NWSC at the above address before 10:00am East African Time on **15th October 2021**.

Prequalification Documents
for Procurement of
KW – LV WatSan Project Package 2b:
Rehabilitation, Restructuring, Rezoning and the
Extension of Greater Kampala Metropolitan
Water Supply Network – Phase 1- Construction
of Primary Network

Issued on: 10th August 2021

**Procurement Reference No.: NWSC/HQ/WRKS/2020-
2021/172191**

Project: *KW – LV WatSan Project Package 2b: Rehabilitation, Restructuring, Rezoning and the Extension of Greater Kampala Water Supply Network – Phase 1- Construction of Primary Network*

Employer: *National Water and Sewerage Corporation
Plot 3 Nakasero Road,
P. O. Box 7053,
Kampala*

Country: *The Republic of Uganda*

Table of Contents

PART I –Prequalification Procedures 4

- Section I - Instructions to Applicants (ITA) 5
- Section II – Prequalification Data Sheet (PDS) 13
- Section III – Evaluation and Prequalification Criteria 17
- Section IV – Application Forms 32
- Section V – Eligibility Criteria 55
- Section VI – AFD Policy - Corrupt and Fraudulent Practices – Environmental and Social Responsibility 57

PART II – Works Requirements..... 59

- Section VII – Scope of Works 60

PART I –Prequalification Procedures

Section I - Instructions to Applicants (ITA)

Table of Clauses

- A. General 6**
 - 1 Scope of Application 6
 - 2 Source of Funds 6
 - 3 Corrupt and Fraudulent Practices 6
 - 4 Eligible Applicants 6
 - 5 Eligible Materials, Equipment, and Services 7
- B. Contents of the Prequalification Documents 7**
 - 6 Sections of Prequalification Documents 7
 - 7 Clarification of Prequalification Documents 8
 - 8 Amendment of Prequalification Documents 8
- C. Preparation of Applications 8**
 - 9 Cost of Applications 8
 - 10 Language of Application 8
 - 11 Documents Comprising the Application 9
 - 12 Application Submission Form 9
 - 13 Documents Establishing the Eligibility of the Applicant 9
 - 14 Documents Establishing the Qualifications of the Applicant 9
 - 15 Signing of the Application and Number of Copies 9
- D. Submission of Applications 9**
 - 16 Sealing and Identification of Applications 9
 - 17 Deadline for Submission of Applications 10
 - 18 Late Applications 10
 - 19 Opening of Applications 10
- E. Procedures for Evaluation of Applications 10**
 - 20 Confidentiality 10
 - 21 Clarification of Applications 10
 - 22 Responsiveness of Applications 10
 - 23 Margin of Preference 10
 - 24 Subcontractors 11
- F. Evaluation of Applications and Prequalification of Applicants 11**
 - 25 Evaluation of Applications 11
 - 26 Employer’s Right to Reject All Applications 11
 - 27 Prequalification of Applicants 11
 - 28 Notification of Prequalification 12
 - 29 Invitation for Bids 12
 - 30 Changes in Qualifications of Applicants 12

A. General

- 1 Scope of Application**

1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer, as defined in the **PDS**, issues these Prequalification Documents ("Prequalification Documents") 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 Procurement Competition ("IPC") number corresponding to this prequalification is also provided in the **PDS**.
- 2 Source of Funds**

2.1 The Employer indicated in the **PDS** has applied for or received financing (hereinafter called "funds") from *Agence Française de Développement* (hereinafter called "**AFD**") towards 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.
- 3 Corrupt and Fraudulent Practices**

3.1 AFD requires compliance with its policy in regard to corrupt and fraudulent practices as set forth in Section VI - AFD Policy - Corrupt and Fraudulent Practices – Environmental and Social Responsibility.

3.2 In further pursuance of this policy, Applicants shall permit and shall cause its subcontractors and sub-consultants, to permit AFD to inspect 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 appointed by AFD.
- 4 Eligible Applicants**

4.1 An Applicant may be a firm that is a private entity, a state-owned entity -subject to ITA 4.3 - or a combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. 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 JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, bidding (in the event the JV submits a bid) and during contract execution (in the event the JV 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 joint venture, 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 AFD's eligibility criteria for prequalification 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 AFD 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 AFD 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 I: Prequalification Procedures

- Section I - Instructions to Applicants (ITA)
- Section II – Prequalification Data Sheet (PDS)
- Section III – Evaluation and Prequalification Criteria
- Section IV – Application Forms
- Section V – Eligibility Criteria

- Section VI – AFD Policy – Corrupt and Fraudulent practices – Environmental and Social Responsibility

PART II: Works Requirements

- 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 have 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) Application Submission Form, the Statement of Integrity duly signed, in accordance with ITA 12 and ITA 13 and the completed Application Forms of Section IV - Application Forms;
 - b) Documentary evidence establishing the Applicant's eligibility, in accordance with ITA 13;
 - c) Documentary evidence establishing the Applicant's qualifications, in accordance with ITA 14; and
 - d) Any other document required as specified in the **PDS**.
- 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 Statement of Integrity, Eligibility and Social and Environmental Responsibility as provided in Section IV - Application Forms without any alteration to its format and furnish supporting documentation as specified in Forms ELI-1.1 and ELI-1.2.
- 14 Documents Establishing the Qualifications of the Applicant**
- 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III - Evaluation and Prequalification Criteria, 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 on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories. If a JV has not been formalized and a letter of intent to form a JV is presented, then the Application shall be signed by every member of the intended 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 enclose the original and the copies of the Application in a sealed envelope that 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 envelope that was not identified as required in ITA 16.1 above

- 17 Deadline for Submission of Applications**
- 17.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated in the **PDS**. When so specified in the **PDS**, Applicants have the option of submitting their Applications electronically, in accordance with electronic application submission procedures specified 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 The Employer reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the **PDS**.
- 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. Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS**. The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.
- 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 (including missing documents) 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 may reject any Application which is not responsive to the requirements of the Prequalification Documents.
- 23 Margin of Preference**
- 23.1 Unless otherwise specified in the **PDS**, a margin of preference for domestic bidders shall not apply in the bidding process resulting from this prequalification.

- 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 subcontractor" is a subcontractor 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, subcontractors experience shall not be considered for Applications evaluation.
- 24.3 The Employer may decide to permit subcontracting for certain specialized works as indicated in Section III-4.2, Experience. The Employer may do so at its own initiative or at the request of the Applicants during the prequalification process (if justified). When subcontracting is permitted by the Employer, the specialized subcontractors experience shall be considered for the evaluation. Section III - Evaluation and Prequalification Criteria, describes the qualification criteria for subcontractors.

F. Evaluation of Applications and Prequalification of Applicants

- 25 Evaluation of Applications**
- 25.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III - Evaluation and Prequalification Criteria, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the contract.
- 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 4.2 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 Evaluation and Prequalification Criteria 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 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be prequalified by the Employer.
- 27.2 An Applicant may be "conditionally prequalified", that is, qualified subject to the Applicant submitting or correcting certain specified documents or deficiencies that do not materially affect the ability of the Applicant to perform the proposed contract, to the satisfaction of the Employer.
- 27.3 Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the Employer before or at the time of submitting their bids.

- 28 Notification of Prequalification**
- 28.1 After the Employer has completed the evaluation of the Applications, it shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally 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 or conditionally prequalified.
- 29.2 Bidders may be required to provide a Bid Security or a Bid-Securing Declaration 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. Such approval shall be denied if (i) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III - Evaluation and Prequalification Criteria; 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 (PDS)

A. General	
ITA 1.1	The Employer is: National Water and Sewerage Corporation, Plot 3 Nakasero Road, P. O. Box 7053, Kampala, Uganda
ITA 1.1	The list of contracts (Phase 1) comprising the IPC is: not applicable.
ITA 1.1	IPC name and number are: KW LV WatSan Project Package 2b - Rehabilitation, Restructuring, Rezoning and the Extension of Greater Kampala Water Supply Network - Phase 1 - Construction of primary network NWSC/HQ/WRKS/2020-2021/172191
ITA 2.1	The name of the Project is: KW LV WatSan Project Package 2b - Rehabilitation, Restructuring, Rezoning and the Extension of Greater Kampala Water Supply Network - Phase 1 - Construction of primary network The KW-LV WatSan Package 2b Project has received funding from Government of Uganda (GoU) and a consortium of Development Partners consisting of Agence Française de Développement (AFD), German Development Bank (KfW), European Investment Bank (EIB) and European Union Africa Infrastructure Fund (EU – ITF)
ITA 4.1	Maximum number of members in the JV shall be: Three (3)
B. Contents of the Prequalification Documents	
ITA 7.1	For clarification purposes only, the Employer's address is: Attention: The Senior Manager Procurement Address: National Water and Sewerage Corporation, Plot 18/20, 6th Street, Industrial Area, P. O. Box 7053, Kampala, Uganda Country: Uganda Telephone: +256-313-315484/+256-313-315801 Electronic mail address: bids@nWSC.co.ug All emails must be copied to: joe.kamanyi@nWSC.co.ug
ITA 7.1 & 8.2	Any addenda to the prequalification document and all responses to clarification requests shall be communicated by email to all prospective Applicants. In addition, the addenda (if any) and the responses to clarification requests (if any) shall also be published at the Employer's web page at the following address: https://www.nWSC.co.ug/tenders/
C. Preparation of Applications	
ITA 10.1	The Application as well as all correspondence shall be submitted in English. Language for translation of supporting documents and printed literature is English.
ITA 11.1(d)	The Applicant shall submit with its Application, the following additional documents: <ol style="list-style-type: none"> 1. Copies of Completion Certificates for successful project implementation for each reference project, demonstrating specific experience, as well as Employer's name and contact person information (name, position, official email, telephone and website). In case of references involving more than one party (e.g. in a JV), the detail of the scope handled by the relevant party shall be clearly stated. 2. Audited statements of accounts for the specified number of years for which financial data are required to be presented. 3. Supporting original letters from the Applicant's Bank dated not older

	<p>than six months from the latest date of deadline for application submission, confirming the respective lines of credit.</p> <ol style="list-style-type: none"> 4. Written document detailing the specialization, activities and role of each member (in case of JV) on the contract. 5. A JV Agreement (intended), initialed on all pages expressing the intent to form one in the event of award of contract, and roles of each member, stating roles and specialisation of each member, and stating that the members are jointly and severally liable 6. A Subcontract Agreement (intended), initialed on all pages expressing the intent to enter into Subcontract in the event of award of Contract, and stating a detailed description of the roles, specialisation, and works to be carried out by the Subcontractor 7. In case an Applicant has no pending litigation, evidence shall be attached in form of a clearance statement from a relevant Government body e.g. a Court of Law, Ministry of Justice or other authority mandated to provide such clearances. Alternatively, the Applicant shall submit a signed statement undertaking that non-disclosure of pending litigation, litigation and/or arbitration cases lost shall lead to disqualification. Failure to attach this information shall lead to automatic disqualification. 8. In case an Applicant has a litigation/arbitration history, the Applicant shall submit details of how the cases were determined, and a copy of the Judgement (s) of the case(s) lost by the Applicant at Arbitration or Courts of Law. <p>Applicants that do not provide the above listed documents shall have their Applications rejected.</p>
ITA 13.1	<p>Applicants shall have their Applications rejected if they fail to submit:</p> <ol style="list-style-type: none"> a) complete and signed Statement of Integrity, b) complete and signed Eligibility and Social and Environmental Responsibility, <p>as provided in Section IV - Application Forms without any alteration to their format and furnishing supporting documentation as specified in Forms ELI-1.1 and ELI-1.2</p>
ITA 15.2	<p>In addition to the original, the number of copies to be submitted with the Application is: Four (4).</p> <p>In addition, one electronic copy (one PDF file on a USB stick) of the Prequalification Application shall be submitted in a sealed envelope (labelled “not to be opened before the submission deadline”) together with the hard copies. In case of discrepancy between the electronic and the hard copy submitted documents, the hard copy submitted documents shall be considered. In case of discrepancy between the original and copy documents, the original shall be considered.</p>

D. Submission of Applications	
ITA 17.1	<p>ITA 17.1.1: For Application submission purposes only, the Employer's address is:</p> <p>Attention: The Senior Manager Procurement</p> <p>Address: National Water and Sewerage Corporation, Plot 43/49, 6th Street, Industrial Area, P. O. Box 7053, Kampala, Uganda</p> <p>Country: Uganda</p> <p>Telephone: +256-313-315484/+256-313-315801</p> <p>The deadline for Application submission is:</p> <p>Date: 8th October 2021</p> <p>Time: 10:00 am East African Standard Time</p> <p>Applicants shall have the option of submitting their applications electronically. The electronic Application submission procedures shall be accessed from NWSC's website at the link: https://www.nwsc.co.ug/ebids/default.aspx.</p> <p>Hard and soft copies of the Applications MUST reach NWSC before the Application submission deadline.</p> <p>ITA 17.1.2: In the unlikely event that an Application dispatched by courier is to be delayed, the Applicant shall submit an electronic copy of the Application not later than before the Application submission deadline above, along with evidence that the hard copy of the Application was dispatched to NWSC in a timely manner. In this event, electronic Applications shall be submitted at the following link: https://www.nwsc.co.ug/ebids/default.aspx. Further more, the hard copy of the Application MUST reach NWSC at the above address before 10:00am East African Time on 15th October 2021</p>
ITA 18.1	Late Applications shall not be accepted.
ITA 19.1	<p>The opening of the Applications shall be at:</p> <p>Address: Procurement and Disposal Unit, National Water and Sewerage Corporation, Plot 43/49, 6th Street, Industrial Area, P. O. Box 7053, Kampala, Uganda</p> <p>ITA 19.1.1: The Employer shall publicly open and read out all Applications (both electronic and hard copy) received by the deadline, at the date specified in ITB 17.1.1 at 10:30am East African Standard Time, in presence of Applicants' designated representatives and any one who chooses to attend. All Applicants, or their representatives and any interested party may attend a public Opening. Attendance shall be by video link that shall be sent to the Applicants prior to the bid opening.</p> <p>ITA 19.1.2: The Employer shall publicly open and read out all hard copies of Applications received by the deadline, at the date specified in ITB 17.1.2, at 10:30am East African Standard Time, in presence of Applicants' designated representatives and any one who chooses to attend. All Applicants, or their</p>

	representatives and any interested party may attend a public Opening. Attendance shall be by video link that shall be sent to the Applicants prior to the bid opening.
E. Procedures for Evaluation of Applications	
ITA 22.1	In addition to requirements of this PQ documents, Applicants responsiveness to the promotion of local content obligations shall form the basis for the first level of the evaluation. Applicants shall submit a Local Content Plan (format and criteria provided in section IV of the PQ documents) demonstrating their compliance with the Local Content requirements. The Local Content requirements shall be part of the Works Contract and shall be enforced during the contract construction phase.
ITA 23.1	<p>A margin of preference <i>shall</i> apply.</p> <p>According to the PPDA Act 2003, section 59A, to the PPDA template bidding document (2019), and to AFD Procurement guidelines (2019), a domestic bidder attracts a margin of domestic preference as follows:</p> <ol style="list-style-type: none"> 1) If a Bidder is a company registered in Uganda with more than fifty percent (50%) of its capital owned by Ugandan citizens and which does not subcontract more than 30 percent of the contract price, excluding provisional sums, to foreign contractors: <u>a margin of preference (e.g. a penalty) of seven (7%) percent</u> shall be added to the evaluated price of the bid presented by those entity's competitors which do not qualify for domestic preference ; 2) If a Bidder is a joint venture or an association between Ugandan companies (as defined above) constituted in Uganda and which does not subcontract more than 30 percent of the contract price, excluding provisional sums, to foreign contractors: <u>a margin of preference (e.g. a penalty) of seven percent (7%) percent</u> shall be added to the evaluated price of the bid presented by those JV or association's competitors which do not qualify for domestic preference. <p>In addition to the above, and according to AFD Procurement guidelines (2019) and to the PPDA Guideline on reservation schemes to promote local content in public procurement, issued under Section 97 of the PPDA Act 2003 and gazetted the 13rd February 2018, a Foreign Provider is required to reserve at least 30% of the value of works through subcontracting of sub works and supply of materials, equipment and services to National and Resident Providers.</p> <p>A Form of Local Content Plan Requirements has been included in Section IV - Bidding Forms.</p>
ITA 24.1	At this time the Employer intends to execute certain specific parts of the works by sub-contractors selected in advance (nominated sub-contractors), as follows: The Employer shall provide a list of approved companies to the Contractor as nominated sub-contractors for relocation of existing utility services, among others.
ITA 24.3	<p>A Foreign Applicant is required to reserve at least 30% of the value of works through subcontracting of sub works and supply of materials, equipment and services to National and Resident Providers.</p> <p>Where an Applicant is to Subcontract part of the works, the Applicant shall submit a Subcontract Agreement (intended) as stated under ITA 11.1(d)(6.). In the event of Contract award, the successful Applicant shall submit a signed Subcontract in a format and wording acceptable to the Employer. Submission and acceptance of the signed Subcontract shall be a condition precedent to the effectiveness of the works Contract.</p> <p>The Subcontractors' experience shall not be considered for evaluation at this stage.</p>

Section III – Evaluation and Prequalification Criteria

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.

1. Wherever an Applicant is required to state a monetary amount, Applicants should indicate the Euro € 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.
 - The bidding and evaluation currency for Phase 1 will be the Euro (€). The exchange rates to be used shall be that selling rate 28 calendar days prior to the latest date of submission of the bids.

Exchange rates shall be taken from the publicly available rate published by the Central Bank of the Employer's country, in this case Bank of Uganda (www.bou.or.ug). Any error in determining the exchange rates in the Application may be corrected by the Employer.

2. The Employer shall provide to the Contractor an approved list of Nominated Sub-contractors to undertake the relocation of existing utility services.
3. The selection of other sub-contractors to undertake other selected components of the works of the Contractor is entirely upon the Contractor. The work-portion allocation to these sub-contractors (if local), shall be evaluated for compliance with PPDA Guidelines Reservation Schemes to promote local content in Public Procurement. The supervision of the sub-contractors (including Nominated Sub-contractors) will be under the main Contractor's cost and responsibility for their work's quality.

The Sub-contractors will be evaluated at the next stage (Prequalification stage), and submission of Sub-contractors' details at this stage (Prequalification stage) is not mandatory.

4. For Joint Ventures the Applicants for the PQ shall provide the following:
 - A written document specifying the areas of specialization and a detailed description of the roles of each member
 - A written document stating that members will be restricted to their areas of specialization as stated in their Applications, and shall not be allowed to cross over to other roles without the express written permission of the Employer.
 - A JV Agreement (intended), initialled all the pages and signed by the Parties to the JV, clearly stating among others, the areas of specialisation and roles of each member, and stating that the members are jointly and severally liable
5. For Subcontractors the Applicants for the PQ shall provide the following:
 - A written document specifying the areas of specialization and a detailed description of the roles of each Subcontractor
 - A written document stating that Subcontractors will be restricted to their areas of specialization/roles as stated in their Applications, and shall not be allowed to cross over to other roles without the express written permission of the Employer.
 - A Subcontract (intended), initialled all the pages and signed by the Parties to the Subcontract, clearly stating among others, the areas of specialisation and roles of the Subcontractor

6. The first level of evaluation shall be based on pass/fail basis applicable for checking Applicants responsiveness to the national local content obligations and provision of essential information to establish eligibility, qualification, JV status, historical contract non-performance, financial situation and performance, experience, ESHS litigation status, and security.

The second level of evaluation shall be based on a merit point system applied to the specific experience, as described in Table 1 below, aimed at shortlisting applicants scoring at least 75 points. The Applicants shall then be ranked according to their scores, and the six highest scoring Applicants amongst those scoring at least 75 points shall be prequalified.

Table 1: Merit point evaluation

Criteria	Scoring		Documentation
	Requirements	Maximum Score	Remark
<p>Similar Contracts</p> <p>Satisfactorily and substantially completed as a prime contractor, joint venture member¹ management contractor or sub-contractor construction contracts between 1st January 2010 and latest application submission deadline:</p> <p>a) including construction in urban environment of drinking water network with at least 30 km of Ductile Iron pipelines of diameter 400 mm or above;</p> <p>b) including construction in urban environment of drinking water network with at least 15 km of Ductile Iron pipelines of diameter 1000 mm diameter or above;</p> <p>c) including construction of reinforced concrete drinking water reservoir of capacity $\geq 1,000 \text{ m}^3$;</p> <p>Scoring methodology:</p> <p><u>For a) and b) above (drinking water network):</u></p> <ul style="list-style-type: none"> Each similar contract done in the Eastern Africa (i.e. Uganda, Kenya, Tanzania, Mozambique, Zambia, Malawi, Rwanda, Burundi, Democratic Republic of Congo, South Sudan, Somalia, and Ethiopia) scores 20 points per contract; Each similar contract done outside Eastern Africa (i.e. outside Uganda, Kenya, Tanzania, Mozambique, Zambia, Malawi, Rwanda, Burundi, Democratic Republic of Congo, South Sudan, Somalia, and Ethiopia) but in Africa (as defined in the United Nations Statistics Division scheme of geographic regions) scores 15 points per contract; Each similar contract done outside Africa scores 10 points per contract. <p><u>For c) above (concrete water reservoir):</u></p> <ul style="list-style-type: none"> Each similar contract done in the Eastern Africa (i.e. Uganda, Kenya, Tanzania, Mozambique, Zambia, Malawi, Rwanda, Burundi, Democratic Republic of Congo, South Sudan, Somalia, and Ethiopia) scores 8 points per contract; 		In case of JV, all members combined will be evaluated.	Form EXP-4.2

¹ For contracts under which the Applicant participated as a joint venture member or subcontractor, only the Applicant's share, by value, shall be considered to meet this requirement.

Criteria	Scoring		Documentation
Requirements	Maximum Score	Remark	Submission Requirements
<ul style="list-style-type: none"> • Each similar contract done outside Eastern Africa (i.e. Uganda, Kenya, Tanzania, Mozambique, Zambia, Malawi, Rwanda, Burundi, Democratic Republic of Congo, South Sudan, Somalia, and Ethiopia) but in Africa (as defined in the United Nations Statistics Division scheme of geographic regions) scores 8 points per contract; • Each similar contract done outside Africa scores 4 points per contract. • Sub-contractors' experience shall not be considered at this stage <p>NB: The Applicant shall limit the number of submitted similar contracts references to fifteen (15) in their Application. If more references are presented, only the first fifteen (15) references will be evaluated</p>			
TOTAL			

Prequalification Criteria

For multiple contracts, the criteria for prequalification are aggregate minimum requirements of all the lots for which the Applicant submits an Application. The criteria below shall be on pass/fail basis, and any Applicant that fails to meet any of the criterial shall be disqualified.

1. Eligibility and Qualification Criteria						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
1.1 Nationality	Nationality in accordance with ITA 4.3	Must meet requirement	Existing or existing JV must meet requirement	Must meet requirement	N/A	Forms ELI-1.1 and ELI-1.2, with attachments
1.2 Conflict of Interests	No conflicts of interest in accordance with ITA 4.4	Must meet requirement	Existing or existing JV must meet requirement	Must meet requirement	N/A	Application Submission Form
1.3 AFD Eligibility	Not being ineligible to AFD financing, as described in ITA 4.3	Must meet requirement	Existing or existing JV must meet requirement	Must meet requirement	N/A	Statement of Integrity, Eligibility and Social and Environmental Responsibility
1.4 Government Owned Entity	Meet conditions of ITA 4.3	Must meet requirement	Existing or existing JV must meet requirement	Must meet requirement	N/A	Forms ELI-1.1 and ELI-1.2, with attachments

2. Historical Contract Non-Performance							
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required	
			All Parties Combined	Each Member	One Member		
2.1 History of Non-Performing Contracts	Termination of a contract did not occur as a result of Applicant’s default in the past five (5) years ¹ .	Must meet requirement	Must meet requirement	Must meet requirement ²	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.	Must meet requirement	Must meet requirement	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	
2.4 Litigation/Arbitration history during the period 1st Sep 2011 to 1st Sep 2021	Not more than one(1) case lost by the Applicant at Arbitration or Courts of Law ³ .	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Details of how the cases were determined, and a copy of the Judgement (s) of the case(s) lost by the Applicant at Arbitration or Courts of Law.	

¹ Non-performance shall include all terminations of contracts where (a) non-performance was not challenged by the Applicant, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the Applicant. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism.

² This requirement also applies to contracts executed by the Applicant as JV member.

³ The Employer reserves the right to accept or reject the Application based on a case(s) lost by the Applicant at Arbitration or Courts of Law, and how they were determined. Non declaration of case(s) lost by the Applicant at Arbitration of Courts of Law shall result in disqualification of the Applicant.

3. Financial Situation and Performance						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
3.1 Financial Capabilities	<p>(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: Euro 7 million, net of the Applicants other commitments;</p> <p><i>The Applicant shall provide supporting document(s), not older than six (6) calendar months from the latest deadline of submission of Application, in the form of letters from the Applicant's banker(s) regarding line of credit amounting to values given above.</i></p>	Must meet requirement	Must meet requirement	N/A	Lead Member must meet 60%	Forms FIN-3.1 with attachments and FIN-3.3
	<p>(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;</p> <p><i>The adequacy shall be judged as follows: The application shall be rejected if the level of the confirmed commitments to be carried out in parallel with the Contract exceeds the applicants annual turnover for the previous year by a factor of 1.6</i></p>	Must meet requirement	Must meet requirement	N/A	N/A	Forms FIN-3.1 and FIN-3.4
	<p>(iii) The audited balance sheets or, if not required by the laws of the Applicant's country, other financial statements</p>	Must meet requirement	N/A	N/A	Leader must meet requirement	Form FIN-3.1 with attachments

3. Financial Situation and Performance						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
	acceptable to the Employer, for the years 2016, 2017 2018, 2019 and 2020) shall be submitted and demonstrate the current soundness of the Applicant’s financial position. The Applicant’s financial position will be deemed sound if at least two (2) of the following four (4) criteria are met: a) Average earnings before interest, taxes, depreciation, and amortization (EBITDA) for the years 2016, 2017 and 2018 > 0; b) Total equity (net worth) for the years 2016, 2017 and 2018 > 0; c) Average liquidity ratio for the years 2016, 2017 and 2018 > 0.95 ((Current assets) / (Current liabilities) > 0.95); d) Average indebtedness ratio for the years 2016, 2017 and 2018 < 6 ((Total financial liabilities) / (EBITDA) < 6).					
3.2 Average Annual Turnover	Minimum average annual turnover of Euro 45 million, for the years 2018, 2017, and 2016.	Must meet requirement	Must meet requirement	Must meet forty per cent [40%] of the requirement	Lead Member must meet Sixty per cent [60%] of the requirement	Form FIN-3.2

4. Experience						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
4.1 General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last Ten (10) years, starting 1 st January 2011. At least three (3) Contracts with value of at least Euro 50 million	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP-4.1
4.2 (a) Specific Construction & Contract Management Experience	(i) A minimum number of similar ⁴ contracts specified below that have been satisfactorily and substantially ⁵ completed as a prime contractor, joint venture member ⁶ management contractor or sub-contractor between 1 st January 2010 and application submission deadline: two (2) contracts of construction of drinking water distribution networks in urban environment,	Must meet requirement	Must meet requirement ⁷	N/A	Lead Member must meet requirement	Form EXP-4.2(a) In case of projects not yet completed, provide copies of the latest Interim Payment Certificate as certified by the Engineer, or in case of payment, a certified copy of bank statement evidencing the payment.

⁴ The similarity shall be based on the physical size, complexity and technicity of the Works. Adding up small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.

⁵ Substantial completion shall be based on 80% (in terms of certified payments as a percentage of the contract sum) or more works completed under the contract.

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

⁷ In the case of a JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. For instance, if the criterion mentions "two (2) contracts with a minimum value of 50M\$ each", a JV composed of 3 members and having carried out four (4) contracts of 30M\$ each shall not be qualified. On the other hand, if 2 of the 3 members of the JV each carried out one (1) contract of 50M\$, the criterion is met, even if the third member does not have any contract of this value.

4. Experience						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
	each of minimum value Euro 20 million.					
4.2 (b) Specific Experience	<p>For the above or any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor⁸ 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 for the application⁹:</p> <ul style="list-style-type: none"> - Two (2) references of construction of a drinking water network in urban environment with at least 30 km of ductile iron pipes of diameter equal to or above 400 mm ; - Two (2) reference of construction of a drinking water network in urban environment with at least 15 km of ductile iron 	Must meet requirement	Must meet requirement	N/A	Lead Member Must meet requirements	Form EXP-4.2(b)

⁸ For contracts under which the Applicant participated as a joint venture member or subcontractor, only the Applicant's share shall be counted to meet this requirement.

⁹ For example, experience of works while in operation may be required under this criterion. 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).

4. Experience						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
	pipes of diameter equal to or above 1000 mm; - Two (2) references of construction of reinforced concrete drinking water reservoirs of capacity equal to or above 1,000 m ³					

4. Experience						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
	- Two (2) references of installation of SCADA equipment for drinking water networks - Two (2) references of construction of drinking water pumping stations (including electro-mechanical equipment) with capacity of at least 1000 m ³ /h	Must meet requirement	Must meet requirement	N/A	Lead Member Must meet requirements	Form EXP-4.2(b)

Note 1: Sub-contractors shall be evaluated at the next bidding stage. Submission of Sub-contractors' detail documentation at the Prequalification stage is not mandatory

Note 2: For JVs;

- The Applicants shall specify areas of specialisation and roles for each member.
- JV members shall be restricted to their areas of specialisation as stated in the Applications. Failure to adhere to this requirement shall result in disbandment of the JV.
- The JV members shall be jointly and severally liable
- The JV agreement (intended) shall be initialed on all pages and signed by all members of the JV

5. Environmental, Social, Health and Safety (ESHS)						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
5.1 ESHS Certification(s)	Availability of a valid ISO certification or internationally recognized equivalent (equivalency to be demonstrated by Applicant), and applicable to the worksite. <ul style="list-style-type: none"> ▪ Quality management certificate ISO 9001; ▪ Environmental management certificate ISO 14001; ▪ Health and safety management certificate ISO 45001. 	Must meet requirement	N/A	N/A	Leader must meet requirement	Form CER Form CER Form CER
5.2 ESHS Documentation	Availability of in-house policies and procedures acceptable to the Employer for ESHS management: <ul style="list-style-type: none"> ▪ Existence of an Ethics Charter; ▪ Existence of a system for monitoring compliance with ESHS commitments for the Applicant's subcontractors and all its partners; ▪ Existence of official company procedures for the management of the following relevant points: 	Must meet requirement	N/A	N/A	Leader must meet requirement	1. The ESHS Ethics Charter of the company or equivalent must be provided. 2. A procedure or information on how the Bidder ensures that all members of the Joint Venture, subcontractors, suppliers and temporary labor (i) are aware and (ii) meet ESHS requirements must be provided. 3. Official internal procedure documents on the topics indicated must be provided.

5. Environmental, Social, Health and Safety (ESHS)						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
	<ul style="list-style-type: none"> ▪ ESHS resources and facilities and ESHS monitoring organization; ▪ Project Areas management (base camps, quarries, borrow pits, storage areas); ▪ Health & Safety on worksites; ▪ Local recruitment and ESHS trainings of local staff (capacity building), ESHS trainings of subcontractors and local partners (transfer of knowledge); ▪ Relations with stakeholders, information and consultation of local communities and authorities; ▪ Traffic management. ▪ Control of infectious and communicable diseases (HIV/AIDS, malaria, etc.) 					
5.3 Similar Experience	Experience of <i>Two (2)</i> construction contracts over the last <i>Ten (10)</i> years, where major ESHS measures were carried out or are on progress	Must meet requirement	N/A	N/A	Leader must meet requirement	Form EXP-ESHS with supporting documents (the Applicant shall submit a piece of evidence supporting the ESHS implementation measures)

5. Environmental, Social, Health and Safety (ESHS)						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
	satisfactorily and in compliance with international standards.					
5.4 ESHS Dedicated Personnel	Availability of in-house personnel dedicated to ESHS issues: Environmental and Social Manager, and/or Health and Safety Manager.	Must meet requirement	N/A	N/A	Leader must meet requirement	Organizational chart evidencing filled ESHS position(s)

6. Security						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Documentation Required
			All Parties Combined	Each Member	One Member	
6.1 Specific experience in areas with security risks	Availability of in-house specific policies and procedures related to COVID-19 health crisis to guard health and safety of all personnel.	Must meet requirement	N/A	N/A	Leader must meet requirement	The applicant shall submit evidence supporting the COVID19 prevention implementation measures

Section IV – Application Forms

List of forms

Application Submission Form.....	33
Statement of Integrity, Eligibility and Environmental and Social Responsibility	34
Applicant Prequalification Forms	37
Form ELI-1.1: Applicant Information Form	37
Form ELI-1.2: Applicant's JV Information Form.....	38
Form CON-2: Historical Contract Non-Performance, Pending Litigation and Litigation History	39
Form FIN-3.1: Financial Situation and Performance	41
Form FIN-3.2: Annual Turnover.....	43
Form FIN-3.3: Sources of Finance	44
Form FIN-3.4: Current Contract Commitments / Works in Progress	45
Form EXP-4.1: General Construction Experience.....	46
Form EXP-4.2(a): Specific Construction and Contract Management Experience	47
Form EXP-4.2(b): Construction Experience in Key Activities.....	49
Form CER: Quality Management / Environmental, Social, Health and Safety (ESHS) Certification	51
Form EXP-ESHS: Environmental, Social, Health and Safety (ESHS) Experience.....	52
Form LOCAL CONTENT: Local Content Plan Requirements	54

Application Submission Form

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

IPC No. and title: _____ *[insert IPC number and title]*

To: _____ *[insert full name of Employer]*

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

- a) We have examined and have no reservations to the Prequalification Documents, including Addendum(s) No(s). *[insert the number and issuing date of each addendum]*, issued in accordance with Instructions to Applicants (ITA 8);
- b) We have no conflict of interest in accordance with ITA 4.4;
- c) We have not been suspended nor declared ineligible by the Employer based on execution of a Bid Securing Declaration in the Employer's country in accordance with ITA 4.5;
- d) We understand that you reserve the right to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

Name: _____
[insert full name of person signing the Application]

In the capacity of: _____
[insert 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 or the name of the JV]

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

Dated on: _____ day of: _____ year: _____

[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached. In case of a letter of intent to form a joint venture, it shall be attached and all members shall sign it.]

Statement of Integrity, Eligibility and Environmental and Social Responsibility

Reference of the bid or proposal _____ (the "Contract")

To: _____ (the "Contracting Authority")

1. We recognise and accept that *Agence Française de Développement* ("AFD") only finances projects of the Contracting Authority subject to its own conditions which are set out in the Financing Agreement which benefits directly or indirectly to the Contracting Authority. As a matter of consequence, no legal relationship exists between AFD and our company, our joint venture or our suppliers, contractors, subcontractors, consultants or subconsultants. The Contracting Authority retains exclusive responsibility for the preparation and implementation of the procurement process and performance of the contract. The Contracting Authority means the Purchaser, the Employer, the Client, as the case may be, for the procurement of goods, works, plants, consulting services or non-consulting services.
2. We hereby certify that neither we nor any other member of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations:
 - 2.1 Being bankrupt, wound up or ceasing our activities, having our activities administered by the courts, having entered into receivership, reorganisation or being in any analogous situation arising from any similar procedure;
 - 2.2 Having been:
 - a) convicted, within the past five years by a court decision, which has the force of *res judicata* in the country where the Contract is implemented, of fraud, corruption or of any other offense committed during a procurement process or performance of a contract (in the event of such conviction, you may attach to this Statement of Integrity supporting information showing that this conviction is not relevant in the context of this Contract);
 - b) subject to an administrative sanction within the past five years by the European Union or by the competent authorities of the country where we are constituted, for fraud, corruption or for any other offense committed during a procurement process or performance of a contract (in the event of such sanction, you may attach to this Statement of Integrity supporting information showing that this sanction is not relevant in the context of this Contract);
 - c) convicted, within the past five years by a court decision, which has the force of *res judicata*, of fraud, corruption or of any other offense committed during the procurement process or performance of an AFD-financed contract;
 - 2.3 Being listed for financial sanctions by the United Nations, the European Union and/or France for the purposes of fight-against-terrorist financing or threat to international peace and security;
 - 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 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 our fiscal obligations regarding payments of taxes in accordance with the legal provisions of either the country where we are constituted or the Contracting Authority's country;
 - 2.6 Being subject to an exclusion decision of the World Bank and being listed on the website <http://www.worldbank.org/debarr> (in the event of such exclusion, you may attach to this

- Statement of Integrity supporting information showing that this exclusion is not relevant in the context of this Contract);
- 2.7 Having created false documents or committed misrepresentation in documentation requested by the Contracting Authority as part of the procurement process of this Contract.
3. We hereby certify that neither we, nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations of conflict of interest:
 - 3.1 Being an affiliate controlled by the Contracting Authority or a shareholder controlling the Contracting Authority, unless the stemming conflict of interest has been brought to the attention of AFD and resolved to its satisfaction;
 - 3.2 Having a business or family relationship with a Contracting Authority's staff involved in the procurement process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of AFD and resolved to its satisfaction;
 - 3.3 Being controlled by or controlling another bidder or consultant, or being under common control with another bidder or consultant, or receiving from or granting subsidies directly or indirectly to another bidder or consultant, having the same legal representative as another bidder or consultant, maintaining direct or indirect contacts with another bidder or consultant which allows us to have or give access to information contained in the respective applications, bids or proposals, influencing them or influencing decisions of the Contracting Authority;
 - 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 Contracting Authority;
 - 3.5 In the case of procurement of goods, works or plants:
 - a) Having prepared or having been associated with a consultant who prepared specifications, drawings, calculations and other documentation to be used in the procurement process of this Contract;
 - b) 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 to compete in a procurement 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 Contracting Authority, which will inform AFD, any change in situation with regard to points 2 to 4 here above.
 6. In the context of the procurement process and performance of the corresponding contract:
 - 6.1 We have not and we will not engage in any dishonest conduct (act or omission) deliberately intended to deceive others, to intentionally conceal items, to violate or vitiate someone's consent, to make them circumvent legal or regulatory requirements and/or to violate their internal rules in order to obtain illegitimate profit;
 - 6.2 We have not and we will not engage in any dishonest conduct (act or omission) contrary to our legal or regulatory obligations or our internal rules in order to obtain illegitimate profit;
 - 6.3 We have not promised, offered or given and we will not promise, offer or give, directly or indirectly to (i) any Person who holds a legislative, executive, administrative or judicial mandate within the State of the Contracting Authority regardless of whether that Person was nominated or elected, regardless of the permanent or temporary, paid or unpaid nature of the position and regardless of the hierarchical level the Person occupies, (ii) any other Person who performs a public function, including for a State institution or a State-owned company, or who provides a public service, or (iii) any other person defined as a Public Officer by the national laws of the Contracting Authority's country, an undue advantage of any kind, for himself or for another Person or entity, for such Public Officer to act or refrain from acting in his official capacity;

- 6.4 We have not promised, offered or given and we will not promise, offer or give, directly or indirectly to any Person who occupies an executive position in a private sector entity or works for such an entity, regardless of the nature of his/her capacity, any undue advantage of any kind, for himself or another Person or entity for such Person to perform or refrain from performing any act in breach of its legal, contractual or professional obligations;
- 6.5 We have not and we will not engage in any practice likely to influence the contract award process to the detriment of the Contracting Authority and, in particular, in any anti-competitive practice having for object or for effect to prevent, restrict or distort competition, namely by limiting access to the market or the free exercise of competition by other undertakings;
- 6.6 Neither we nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or France;
- 6.7 We commit ourselves to comply with and ensure that all of our suppliers, contractors, subcontractors, consultants or subconsultants comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract, including the fundamental conventions of the International Labour Organisation (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the environmental and social commitment plan (ESCP) provided by the Contracting Authority.
7. We, as well as members of our joint venture and our suppliers, contractors, subcontractors, consultants or subconsultants authorise AFD to inspect accounts, records and other documents relating to the procurement process and performance of the contract and to have them audited by auditors appointed by AFD.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of¹: _____

Signature: _____

Dated: _____

¹ In case of joint venture, insert the name of the joint venture. The person who will sign the application, bid or proposal on behalf of the applicant, bidder or consultant shall attach a power of attorney from the applicant, bidder or consultant.

Applicant Prequalification Forms

Form ELI-1.1: Applicant Information Form

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

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

Page *[insert page number]* of *[insert total number]* 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>
In case of a JV, Applicant's actual or intended country of constitution: _____ <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 constitution): _____ <i>[insert street / number / town or city / country]</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> Email address: _____ <i>[indicate email address]</i>
1. Attached are copies of original documents of: <ul style="list-style-type: none"> <input type="checkbox"/> Articles of Constitution (or equivalent documents of association), of the legal entity named above. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1. <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 4.3, documents establishing: <ul style="list-style-type: none"> • Legal and financial autonomy • Operation under commercial law • That the Applicant is not dependent agency of the Employer
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Form ELI-1.2: Applicant's JV Information Form

[The following table shall be filled by each member of a Joint Venture and, if applicable, by any specialized subcontractor, and in that case substitute "Applicant's JV member" for "specialized subcontractor".]

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

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

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

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 constitution: _____ <i>[indicate country of constitution]</i>
Applicant's JV Member's year of constitution: _____ <i>[indicate year of constitution]</i>
Applicant's JV Member's legal address in country of constitution: _____ <i>[insert street / number / town or city / country]</i>
Applicant's 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> Email address: _____ <i>[indicate email address]</i>
1. Attached are copies of original documents of: <ul style="list-style-type: none"> <input type="checkbox"/> Articles of Constitution (or equivalent documents of association), of the legal entity named above. <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 4.3, documents establishing: <ul style="list-style-type: none"> • Legal and financial autonomy • Operation under commercial law • That the Applicant is not dependent agency of the Employer
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

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's Name: *[insert full name]*
 IPC No. and title: *[insert IPC number and title]*
 Page *[insert page number]* of *[insert total number]* pages

Non-Performed Contracts in accordance with Section III - Evaluation and Prequalification Criteria			
<input type="checkbox"/> Contract non-performance did not occur since 1st January <i>[insert current year number less 5]</i> specified in Section III - Evaluation and Prequalification Criteria, criterion 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 - Evaluation and Prequalification Criteria, criterion 2.1, as indicated below:			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and Euro € 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 - Evaluation and Prequalification Criteria			
<input type="checkbox"/> No pending litigation in accordance with Section III - Evaluation and Prequalification Criteria, criterion 2.3. <input type="checkbox"/> Pending litigation in accordance with Section III - Evaluation and Prequalification Criteria, criterion 2.3 as indicated below:			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), Euro € 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, specify "pending" or "settled"]</i>	<i>[insert amount]</i>
<i>[insert year]</i>	<i>[insert amount]</i>	...	<i>[insert amount]</i>
...

N.B.: In case a bidder has no pending litigation, evidence should be attached in form of a clearance statement from a relevant Government body e.g. a Court of Law, Ministry of Justice or other authority mandated to provide such clearances. Failure to attach this information shall lead to automatic disqualification.

Alternatively, the Applicant shall submit a signed statement undertaking that non-disclosure of pending litigation, litigation and/or arbitration cases lost shall lead to disqualification. Failure to attach this information shall lead to automatic disqualification.

Form FIN–3.1: Financial Situation and Performance

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

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

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

1. Financial data

Type of Financial information in <i>[indicate currency]</i>	Historic information for previous <i>[insert number, in figure and in words]</i> years (Amount in <i>[indicate currency, exchange rate, Euro € equivalent]</i>)		
	Year 1	Year 2	Year
Statement of financial position (information from balance sheet)			
Total assets (TA)			
Total financial liabilities ¹			
Total equity/Net worth (NW)			
Current assets			
Current liabilities			
Working capital (WC)			
Information from income statement			
Total revenue			
Earnings before interest, taxes, depreciation, and amortization (EBITDA) ²			
Earnings before taxes (EBT)			
Cash flow information			
Cash flow from operating activities			

¹ Means any financial indebtedness for and in respect of:

- a) any monies borrowed on a short, medium or long-term basis;
- b) any bank overdraft;
- c) any amounts raised pursuant to any bills of exchange issued to a third party (or any dematerialised equivalent of such instrument);
- d) any amounts raised pursuant to any note purchase facility or the issue of bonds, notes, debentures, loan stock or any similar instruments;
- e) the amount of any liability in respect of any lease or hire purchase contract which would be treated as a finance or capital lease;
- f) receivables sold or discounted (other than any receivables to the extent they are sold on a non-recourse basis).

² Means, for any given year, the aggregate of:

- (+) net income
- (+) tax expense
- (+/-) extraordinary income or expense
- (+/-) financial result
- (+/-) net foreign exchange losses or gains
- (+) net depreciation and amortization allowances and provisions

2. Financial Documents

The Applicant and, in case of a JV, each member, shall provide copies of financial statements for *Three (3)* years pursuant Section III - Evaluation and Prequalification Criteria, criterion 3.1. The financial statements shall:

- a) Reflect the financial situation of the Applicant or in case of 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 statements³ for the *Three (3)* years required above; and complying with the requirements.

³ 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: Annual 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's Name: *[insert full name]*

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

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

Year	Annual turnover data		
	Amount and Currency ¹	Exchange rate	Euro € Equivalent
<i>[Indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>	<i>[insert exchange rates used to calculate the Euro € equivalent]</i>	<i>[insert Euro € equivalent]</i>
		Average Annual Turnover²	

¹ The indicated turnover amounts must be identical as those appearing on the financial statements.

² See Section III - Evaluation and Prequalification Criteria, criterion 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 - Evaluation and Prequalification Criteria.

Financial Resources		
No.	Source of Financing	Amount (Euro € equivalent)
1		
2		
3		
...		

**Form FIN-3.4:
Current Contract Commitments / Works in Progress**

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, name of contact person, eMail	Value of Outstanding Work (Current Euro € Equivalent)	Estimated Completion Date	Average Monthly Invoicing Over Last Six Months (Euro €/month)
1					
2					
3					
4					
5					
...					

N.B.: For each contract above, provide a copy of the latest interim payment certificate by the Engineer.

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's Name: *[insert full name]*
 IPC No. and title: *[insert IPC 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 - Evaluation and Prequalification Criteria, criterion 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 Euro € equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate email, street/number/town or 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 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]*

IPC No. and title: *[insert IPC 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, e.g., 15 June, 2015]</i>		
Completion Date:	_____ <i>[insert day, month, year, e.g., 03 October, 2017]</i>		
Role in Contract: <i>[check the appropriate box]</i>	<input type="checkbox"/> Prime Contractor	<input type="checkbox"/> Member in JV	<input type="checkbox"/> Management Contractor
Total Contract Amount:	_____ <i>[insert total contract amount in local currency]</i>	_____ Euro € <i>[insert Exchange rate and total contract amount in Euro € 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 Euro € equivalent]</i>
Employer's Name and Contact Person's Name:	_____ <i>[insert full names]</i>		
Address:	_____ <i>[indicate street/number/town or city/country]</i>		
Telephone/Fax numbers of Employer and Contact Person:	_____ <i>[insert telephone/fax numbers, including country and city area codes]</i>		
Email of Employer and Contact Person:	_____ <i>[insert email address, if available]</i>		

**Form EXP–4.2(a) (cont.):
Specific Construction and Contract Management Experience (cont.)**

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

Similar Contract No.: <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with criterion 4.2(a) of Section III - Evaluation and Prequalification Criteria	
1. Amount	_____ <i>[insert amount in local currency, exchange rate, Euro € in words and in figures]</i>
2. Physical size of required works items	_____ <i>[insert physical size of items]</i>
3. Complexity	_____ <i>[insert description of complexity]</i>
4. Methods/Technology	_____ <i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	_____ <i>[insert rates and items]</i>
6. 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]*
 Joint Venture Member's Name: *[insert full name]*
 IPC No. and title: *[insert IPC number and title]*
 Subcontractor's Name¹ (as per ITA 24.3): *[insert full name]*
 Page *[insert page number]* of *[insert total number]* pages

1. Key Activity No. 1: *[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, e.g., 15 June, 2015]</i>		
Completion Date:	_____		
	<i>[insert day, month, year, e.g., 03 October, 2017]</i>		
Role in Contract: <i>[check the appropriate box]</i>	<input type="checkbox"/> Prime Contractor	<input type="checkbox"/> Member in JV	<input type="checkbox"/> Management Contractor
	<input type="checkbox"/> Subcontractor		
Total Contract Amount:	_____		_____ Euro €
	<i>[insert total contract amount in contract currency(ies)]</i>		<i>[insert exchange rate and total contract amount in Euro € equivalent]</i>
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year	Total quantity in the contract (i)	Percentage participation (ii)	Actual quantity perform (i) x (ii)
Year 1			
Year 2			
Year 3			
Year 4			
Employer's Name and Contact Person:	_____		
	<i>[insert full name]</i>		
Address:	_____		
	<i>[indicate street / number / town or city / country]</i>		
Telephone/Fax numbers of Employer and Contact Person:	_____		
	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
Email of Employer and Contact Person:	_____		
	<i>[insert email address, if available]</i>		

¹ If permitted by the Employer under "specialized works" in Table 4.2 (b) of Section III - Evaluation and Prequalification Criteria.

**Form EXP-4.2(b) (cont.):
Construction Experience in Key Activities (cont.)**

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

Description of the key activities in accordance with criterion 4.2(b) of Section III - Evaluation and Prequalification Criteria	
	<i>[insert response to inquiry indicated in left column]</i>

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

**Form CER:
Quality Management / Environmental, Social, Health and Safety (ESHS)
Certification**

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

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

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

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

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

Certification *[Quality / Environmental / Health and Security]*
[Delete as appropriate]

DESCRIPTION	INFORMATION
Identification of the certificate:	_____ <i>[insert full name of the certificate]</i>
Date of Issue:	_____ <i>[insert day, month, year of first certificate award]</i>
Areas covered by the certificate:	_____ <i>[activities and locations]</i>
Expiry Date:	_____ <i>[insert day, month, year]</i>
Issuer's Name:	_____ <i>[insert full name]</i>
Address:	_____ <i>[insert street / number / town or city / country]</i>
Telephone/Fax numbers:	_____ <i>[insert phone/fax no., incl. country & city area codes]</i>
Email:	_____ <i>[insert email address, if available]</i>
Compliance with international standards	The certificate is <i>[ISO 9001, ISO 14001, ISO 45001]</i> <i>[select as appropriate]</i> <input type="checkbox"/> Yes / <input type="checkbox"/> No
If no, proof of conformity with ISO standards by the Applicant	The Applicant shall provide a conformity assessment of its certificate by an internationally recognized Accredited Certification Body

The Applicant shall fill this Form for each Certification required under criterion 5.1 of Section III - Evaluation and Prequalification Criteria.

Form EXP–ESHS: Environmental, Social, Health and Safety (ESHS) Experience

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

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

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

IPC No. and title: *[insert IPC 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>		
Short Project Description (main scope and key values of project):	_____		
	<i>[insert short project description]</i>		
Award date:	_____		
	<i>[insert day, month, year]</i>		
Completion date:	_____		
	<i>[insert day, month, year]</i>		
Role in Contract: <i>[check the appropriate box]</i>	<input type="checkbox"/> Prime Contractor	<input type="checkbox"/> Member in JV	<input type="checkbox"/> Management Contractor
	<input type="checkbox"/> Subcontractor		
Total Contract Amount:	_____		_____
	<i>[insert total contract amount in local currency]</i>		<i>[insert total contract amount in Euro € equivalent]</i>
If party in a JV or subcontractor, specify participation of total contract amount:	_____ %	_____	_____
	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in Euro € equivalent]</i>
Employer's name and Contact Person's name:	_____		
	<i>[insert full name]</i>		
Address:	_____		
	<i>[insert street / number / town or city / country]</i>		
Telephone/Fax numbers of employer and Contact Person:	_____		
	<i>[insert phone/fax numbers, including country and city area codes]</i>		
Email of employer and Contact Person:	_____		
	<i>[insert email address, if available]</i>		

Similar Contract No.: <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the ESHS challenges and measures implemented under the contract: a) ESHS Challenge: b) ESHS Risk Assessment Level: c) ESHS implemented measures (as per criterion 5.3 of Section III - Evaluation and Prequalification Criteria): d) ESHS Knowhow Transfer or ESHS Local Staff Capacity Building (as per criterion 5.4, if any, of Section III - Evaluation and Prequalification Criteria):	 <i>[Insert description]</i> <i>[Insert classification of risk assessment as per development bank classification if applicable]</i> <i>[Provide a document supporting the implementation of ESHS measures, acceptable to the Employer¹]</i> <i>[Provide evidence of successful:</i> <ul style="list-style-type: none"> – <i>ESHS knowhow transfer to local partners or subcontractors;</i> <i>or</i> – <i>ESHS capacity building to local staff under the contract.]</i>

¹ For example ESHS activity reports, ESHS final reports, ESHS inspection reports, supervision Engineer's reports, etc. Only documents evidencing implementation of ESHS measures shall be accepted.

² For example ESHS activity reports presenting training activities, training materials with attendance sheets, etc. Only documents evidencing ESHS knowhow transfer or ESHS local staff capacity building shall be accepted.

**Form LOCAL CONTENT:
Local Content Plan Requirements**

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

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

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

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

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

Applicants shall take note that according to the PPDA Guideline on reservation schemes to promote local content in public procurement, issued under Section 97 of the PPDA Act 2003 and gazetted the 13rd February 2018, Foreign Providers are required to reserve at least 30% of the value of works through subcontracting of sub works and supply of materials, equipment and services to national and resident providers.

Foreign providers shall demonstrate in their Application:

- the form or scope of subcontracting in its Application;
- the value of the sub works, supplies and services to be subcontracted, and;
- the profile (s) of the proposed national and resident providers indicating their capacity to undertake the sub works, supplies or services.

For clarification purposes:

- "National provider" means a provider registered in Uganda and wholly owned and controlled by Ugandans;
- "Resident provider" means a provider incorporated in Uganda for at least two years at the time of submission of the bid and is not a national provider;
- "Foreign provider" means a provider not incorporated in Uganda.

This local content plan requirement shall form part of the contract and shall be enforced during the construction phase.

Section V – Eligibility Criteria

Eligibility in AFD-Financed Procurement

1. Financing allocated by AFD to a Contracting Authority has been entirely untied since 1st January 2002. To the exception of any equipment or any sector which is subject to an embargo by the United Nations, the European Union or France, all goods, works, plants, consulting services and non-consulting services are eligible for AFD financing regardless of the country of origin of the supplier, contractor, subcontractor, consultant or subconsultant inputs or resources used in the implementation processes. The Contracting Authority means the Purchaser, the Employer, the Client, as the case may be, for the procurement of goods, works, plants, consulting services or non-consulting services.
2. Natural or legal Persons¹ (including all members of a joint venture or any of their suppliers, contractors, subcontractors, consultants or subconsultants) shall not be awarded an AFD-financed contract if, on the date of submission of an application, a bid or a proposal, or on the 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 the courts, have entered into receivership, or are in any analogous situation arising from a similar procedure;
 - 2.2 Have been:
 - a) convicted, within the past five years by a court decision, which has the force of res judicata in the country where the contract is implemented, of fraud, corruption or of any other offense committed during a procurement process or performance of a contract, unless they provide supporting information together with their Statement of Integrity (Form available as Appendix to the Application, Bid or Proposal Submission Form) which shows that this conviction is not relevant in the context of the Contract;
 - b) subject to an administrative sanction within the past five years by the European Union or by the competent authorities of the country where they are constituted, for fraud, corruption or for any other offense committed during a procurement process or performance of a contract, unless they provide supporting information together with their Statement of Integrity (Form available as Appendix to the Application, Bid or Proposal Submission Form) which shows that this sanction is not relevant in the context of the Contract;
 - c) convicted, within the past five years by a court decision, which has the force of res judicata, of fraud, corruption or of any other offense committed during the procurement process or performance of an AFD-financed contract;
 - 2.3 Are listed for financial sanctions by the United Nations, the European Union and/or France for the purposes of fight-against-terrorist financing or threat to international peace and security;
 - 2.4 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 dispute resolution is still pending or has not confirmed a full settlement against them;
 - 2.5 Have not fulfilled their fiscal obligations regarding payments of taxes in accordance with the legal provisions of either the country where they are constituted or the Contracting Authority's country;

¹ Means any Person whether natural or legal, firm, company, corporation, government, state or state agency or any association, or group of two or more of the foregoing (whether or not having separate legal status).

- 2.6 Are subject to an exclusion decision of the World Bank and are listed on the website <http://www.worldbank.org/debarr>, unless they provide supporting information together with their Statement of Integrity (Form available as Appendix to the Application, Bid or Proposal Submission Form) which shows that this exclusion is not relevant in the context of the Contract;
 - 2.7 Have created false documents or committed misrepresentation in documentation requested by the Contracting Authority as part of the procurement process of the 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 AFD's satisfaction, through all relevant documents, including its Charter and other information AFD 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 – AFD Policy - Corrupt and Fraudulent Practices – Environmental and Social Responsibility

1. Corrupt and Fraudulent Practices

The Contracting Authority and the suppliers, contractors, subcontractors, consultants or subconsultants must observe the highest standard of ethics during the procurement process and performance of the contract. The Contracting Authority means the Purchaser, the Employer, the Client, as the case may be, for the procurement of goods, works, plants, consulting services or non-consulting services.

By signing the Statement of Integrity the suppliers, contractors, subcontractors, consultants or subconsultants declare that (i) “it did not engage in any practice likely to influence the contract award process to the Contracting Authority’s detriment, and that it did not and will not get involved in any anti-competitive practice”, and that (ii) “the procurement process and the performance of the contract did not and shall not give rise to any act of corruption or fraud”.

Moreover, AFD requires including in the Procurement Documents and AFD-financed contracts a provision requiring that suppliers, contractors, subcontractors, consultants or subconsultants will permit AFD to inspect their accounts and records relating to the procurement process and performance of the AFD-financed contract, and to have them audited by auditors appointed by AFD.

AFD 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 a proposal for a contract award if it is established that during the selection process the bidder or consultant that is recommended for the award has been convicted of corruption, directly or by means of an agent, or has engaged in fraud or anti-competitive practices in view of being awarded the Contract;
- b) Declare misprocurement when it is established that, at any time, the Contracting Authority, the suppliers, contractors, subcontractors, consultants or subconsultants their representatives have engaged in acts of corruption, fraud or anti-competitive practices during the procurement process or performance of the contract without the Contracting Authority having taken appropriate action in due time satisfactory to AFD to remedy the situation, including by failing to inform AFD at the time they knew of such practices.

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

- a) Corruption of a Public Officer means:
 - The act of promising, offering or giving to a Public Officer, directly or indirectly, an undue advantage of any kind for himself or for another Person¹ or entity, for such Public Officer to act or refrain from acting in his official capacity; or
 - The act by which a Public Officer solicits or accepts, directly or indirectly, an undue advantage of any kind for himself or for another Person or entity, for such Public Officer to act or refrain from acting in his official capacity.
- b) A Public Officer shall be construed as meaning:
 - Any person who holds a legislative, executive, administrative or judicial mandate (within the country of the Contracting Authority) regardless of whether that natural Person was nominated or elected, regardless of the permanent or temporary, paid or unpaid nature of the position and regardless of the hierarchical level the natural Person occupies;

¹ Means any Person whether natural or legal, firm, company, corporation, government, state or state agency or any association, or group of two or more of the foregoing (whether or not having separate legal status).

- Any other natural Person who performs a public function, including for a State institution or a State-owned company, or who provides a public service;
 - Any other natural Person defined as a Public Officer by the national laws of the country of the Contracting Authority.
- c) Corruption of a Private Person² means:
- The act of promising, offering or giving to any Private Person, directly or indirectly, an undue advantage of any kind for himself or for another Person or entity, for such Private Person to perform or refrain from performing any act in breach of its legal, contractual or professional obligations; or;
 - The act by which any Private Person solicits or accepts, directly or indirectly, an undue advantage of any kind for himself or for another Person or entity, for such Private Person to perform or refrain from performing any act in breach of its legal, contractual or professional obligations.
- d) Fraud means any dishonest conduct (act or omission), whether or not it constitutes a criminal offence, deliberately intended to deceive others, to intentionally conceal items, to violate or vitiate consent, to circumvent legal or regulatory requirements and/or to violate internal rules in order to obtain illegitimate profit.
- e) Anti-competitive practices mean:
- Any concerted or implied practices which have as their object or effect the prevention, restriction or distortion of competition within a marketplace, especially where they (i) limit access to the marketplace or free exercise of competition by other undertakings, (ii) prevent free, competition-driven price determination by artificially causing price increases or decreases, (iii) restrict or control production, markets, investments or technical progress; or (iv) divide up market shares or sources of supply;
 - Any abuse by one undertaking or a group of undertakings which hold a dominant position on an internal market or on a substantial part of it;
 - Any practice whereby prices are quoted or set unreasonably low, the object of which is to eliminate an undertaking or any of its products from a market or to prevent it from entering the market.

2. Environmental and Social Responsibility

In order to promote sustainable development, AFD seeks to ensure that internationally recognised environmental and social standards are complied with. Suppliers, contractors, subcontractors, consultants or subconsultants for AFD-financed contracts shall consequently undertake in the Statement of Integrity to:

- a) Comply with and ensure that all their subcontractors or subconsultants comply with international environmental and labour standards, consistent with applicable law and regulations in the country of implementation of the contract, including the fundamental conventions of the International Labour Organisation (ILO) and international environmental treaties;
- b) Implement environmental and social risks mitigation measures when specified in the environmental and social management plan (ESMP) provided by the Contracting Authority.

² Means any natural Person other than a Public Officer.

PART II – Works Requirements

Section VII – Scope of Works

1 OVERVIEW OF 'KW LV WATSAN' PROJECT

The KW-LVWATSAN 1 and 2 Project is being implemented through funding from Government of Uganda (GoU) and a consortium of Development Partners consisting of French Development Bank (AFD), German Development Bank (KfW), European Investment Bank (EIB) and European Union Africa Infrastructure Fund (EU – ITF). Funding to the tune 370 million Euros was secured for the project. The project aims at providing long-term solutions to the water supply challenges of Kampala, and is based on a long-term rehabilitation and extension strategy for the water supply system of Kampala (2003, updated 2010). It is closely linked to the on-going and future implementation of the Kampala Sanitation Master Plan (2014). The overall strategy aims at meeting Kampala's water demand for the year 2040. It includes a systematic and phased approach to reduce water losses and operational costs while protecting the watershed, improving sanitary conditions and serving the poor.

The general objectives of the Kampala Water – Lake Victoria Sanitation Project (KW LV WatSan Project) are:

- To provide long-term solutions for water supply challenges;
- Meeting Kampala's water demand for 2040;
- Reducing water losses and operational costs;
- Protecting the watershed and improving sanitary conditions for the poor.

In order to be implemented, the project has been arranged into six packages:

Package 1: Immediate measures involving work at Ggaba I and II

Package 2 a): Water Network Modelling & Master Planning,

Package 2 b): Rehabilitation, Rezoning and Extension of the Kampala Water Network

Package 3: Ggaba refurbishment and optimization

Package 4: Katosi water treatment plant and transmission mains

Package 5: Improvement of water supply and sanitation in informal settlements

Package 6: Accompanying measures including asset management and capacity building

The works related to the present prequalification are those of Package 2b.

2 **PACKAGE 2b: CONSTRUCTION WORKS FOR WATER NETWORK RESTRUCTURING, REHABILITATION AND EXTENSION**

2.1 The Goal and Objectives

As part of the greater KW-LV WATSAN project, the overall objective of Work Package 2b is to ensure that the water produced is distributed to the customers in a sustainable, continuous, hygienically acceptable manner at socially acceptable costs. However, operation and management of the existing Kampala water distribution network is troubled with a number of challenges that include: ageing assets, relatively high physical losses, and numerous dry (no-water) zones among others. Therefore, the need to address these

current water distribution challenges, and to meet the anticipated future water demand for Kampala (including delivery of additional water produced from the Ggaba 1 & 3 refurbishment and the planned Katosi water treatment plant) call for critical improvements and expansion of Kampala's water distribution network.

The project aims at improving bulk water transfer and supply within the Greater Kampala Metropolitan Area, so as to satisfy both the 2025 and 2040 water demand, through:

- i. Restructuring, rezoning, expansion and extension of the transmission, primary, secondary and tertiary system, and associated reservoir and booster stations;
- ii. Densification of the secondary and tertiary distribution network
- iii. Rehabilitation and replacement of parts of the transmission, primary and secondary system

2.3 General tentative scope of works

The general tentative scope of works under Package 2b includes rehabilitation, restructuring, rezoning and extension of distribution network including the following;

- Phase 1 : Primary distribution network, water storage, pumping stations and electro-mechanical components
- Phase 2 : Secondary and tertiary water supply networks small diameters, Water storage, pumping stations and electro-mechanical components and approximately 60km of transmission supply mains with off-take tees provisions will be implemented in communities around the Mukono and Buikwe areas.

Works will be implemented under 2 Phases:

- Phase 1: current tender (primary distribution system, water storage, pumping station, electro-mechanical works and Scada)

- Phase 2: separate tender (secondary and tertiary networks, water storage, pumping station, electro-mechanical works and Scada)

2.4 Implementation of the works

The project scope of works for Phase 1 will be contracted for construction of the primary distribution network. The construction scope shall be as follows:

Phase 1: "Procurement and installation of about **70 km** of new pipelines ranging up to DN 1,400 mm, storage reservoirs/tanks, booster stations, electro-mechanical and SCADA components in Greater Kampala Metropolitan Area.

2.4 Form of contract

It is envisaged that the successful Bidder will be contracted for the Phase1 construction works based on the Agency Harmonized Edition of the Conditions of Contract for Construction prepared and copyrighted by the International Federation of Consulting Engineers (*Fédération Internationale des Ingénieurs-Conseils*, or FIDIC) FIDIC 2010-All rights reserved.

3 *DURATION OF THE WORKS*

The estimated duration of works for Phase 1 is 30 **months** and 12 additional months for the defect notification period.