



**EAST AFRICAN COMMUNITY
LAKE VICTORIA BASIN COMMISSION**

**LAKE VICTORIA SOUTH WATER WORKS DEVELOPMENT
AGENCY**

**Prequalification Documents for
Construction Works for Kisumu Informal Settlement
Sanitation Project, Kenya**

**KfW-Project No.: BMZ No.: 2015 68 211 & 2019 67 207, and EU No.:
3020 00 362**

**Invitation for
Prequalification No.: LVSWWDA/IWRMP/WPI-1/24-25**

**KfW Procurement
No. PN 511467**

**Project: High Priority Investments within Lake
Victoria Basin Integrated Water
Resources Management Programme
“Kisumu Informal Settlement Sanitation
Project, Kenya”**

**Employer: Lake Victoria South Water Works
Development Agency (LVSWWDA)**

Funding:



german
cooperation
DEUTSCHE ZUSAMMENARBEIT
Co-Funded by the German Government

Implemented by
KfW



Co-Funded by the European Union

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PART 1 - PREQUALIFICATION PROCEDURES

Section I Instructions to Applicants

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Section I Instructions to Applicants

A. General

- 1. Scope of Application** 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer¹, as defined in the **PDS**, issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Works described in Section VII, Scope of Works. In case the Works are to be bid as individual contracts (i.e., the slice and package procedure), these are listed in the **PDS**. The International Competitive Bidding (“ICB”) number corresponding to this prequalification is also provided in the **PDS**.
- 2. Source of Funds** 2.1 The Employer as indicated in the **PDS** has applied for or received financing (hereinafter called “funds”) from KfW Development Bank (hereinafter called “KfW”) towards the cost of the project named in the **PDS**. The Employer intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted.
- 3. Corrupt and Fraudulent Practices** 3.1 KfW requires compliance with its policy in regard to corrupt and fraudulent practices as set forth in Section VI.

3.2 In further pursuance of this policy, Applicants shall permit and shall cause its agents to provide information and permit KfW or an agent appointed by KfW to inspect on site all accounts, records and other documents relating to the submission of the Application, bid submission (in case prequalified), and contract performance (in the case of award), and to have them audited by auditors or agents appointed by KfW.
- 4. Eligible Applicants** 4.1 An Applicant may be a firm that is a private entity, a government-owned entity - subject to Section V - or a combination of such entities in the form of a joint venture (“JV”) under an existing JV Agreement or with the intent to enter into such an agreement supported by Declarations of Association. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The Applicant shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of the Applicant and any and all its members, if the Applicant is a JV, during the prequalification process, bidding (in the event the Applicant submits a bid) and during contract execution (in the event the Applicant is awarded the Contract). Unless specified in the **PDS**, there is no limit on the number of members in a JV.

4.2 A firm may apply for prequalification both individually, and as part of a JV, or as a subcontractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture. However, a firm may participate as a subcontractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.

4.3 KfW’s eligibility criteria for prequalification are described in Section V, Eligibility Criteria.

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

- 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 KfW throughout the procurement process and execution of the contract.
- 4.5 An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid Securing Declaration.
- 4.6 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.
5. **Eligible Materials, Equipment, and Services**
- 5.1 The materials, equipment and services to be supplied under the Contract and financed by KfW may have their origin in any country subject to the restrictions specified in Section V, Eligibility Criteria, and all expenditures under the Contract will not contravene such restrictions.

B. Contents of the Prequalification Documents

6. **Sections of Prequalification Documents**
- 6.1 These Prequalification Documents consist of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.
- PART 1 Prequalification Procedures
- (a) Section I Instructions to Applicants (ITA).

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

PART 2 - Works Requirements

- (g) Section VII Scope of Works.

- 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the Prequalification Documents, responses to requests for clarification, or Addenda in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.
- 6.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Documents and to furnish with its application all information or documentation as is required by the Prequalification Documents.
7. **Clarification of Prequalification Documents**
- 7.1 A prospective Applicant requiring any clarification of the Prequalification Documents shall contact the Employer in writing at the Employer's address indicated in the **PDS**. The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Employer shall forward a copy of its response to all prospective Applicants who 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) The Application Submission Sheet, indicating the Applicant's name, address, telephone, fax and email. If the Applicant is an association, the Application Submission Sheet shall also describe the form of association and list the association members;
 - (b) A Power of Attorney authorizing the representative of the Applicant, designated in accordance with ITA 4.1 to submit the Application on behalf of the Applicant. If the Applicant is a JV, the Power of Attorney shall be provided by the Lead Member nominated in the JV Agreement or in the Declarations of Association, submitted in accordance with ITA 4.1. If the representative of the Applicant is the owner, member or director of the Applicant or the Applicant's Lead Member, if so, nominated in accordance with ITA 4.1, a Power of Attorney shall not be necessary.
 - (c) Presentation of the Applicant (maximum 10 pages, no brochures). If the Applicant is a single entity, the Presentation shall describe the Applicant's type of entity, ownership structure and organization chart, as well as its main business areas as they apply to the project. If the Applicant is a JV, the Presentation shall provide this information about each JV member as well as a description of the intended form of collaboration of the members within the JV. Where the Applicant's qualifications to carry out the assignment have been acquired as a result of a merger or acquisition, the presentation must include a detailed business history of the Applicant.
 - (d) Statements and Declarations: False information provided in the following Statements and Declarations by the Applicant or in the case of an JV by any of the JV members shall lead to the exclusion of the Applicant from the tender process:
 - (I) If the Applicant is an existing JV, the Applicant shall submit a proof of the existing Association Agreement, indicating the Lead Member. If the Applicant is a JV, which the members intend to form for the purpose of executing the contract, each member of the association shall submit a Declaration of Association, indicating the Lead Member, in the format provided in Annex Section IV, Application Forms.
 - (II) Declaration of Undertaking in the format provided in Section IV, Application Forms. If the Applicant is a JV, only one Declaration of Undertaking must be submitted, i.e., the representative of the JV can sign on behalf of the JV subject to a power of attorney.
 - (III) Financial Capacity Statement in the format provided in

Section IV, Application Forms and supported by the Applicant's Balance Sheets and Profit and Loss Statements. If the Applicant is a JV, separate statements, including the supporting Balance Sheets and Profit and Loss Statements, shall be provided by each member of the JV. All Balance Sheets and Profit and Loss Statements shall be certified by a reputable auditor.

(IV) List of project references in the format provided in Section IV, Application Forms. Unless otherwise stated in the **PDS** the references shall be limited to a maximum of 10 projects carried out during the 5 years preceding the publication of this prequalification document. The Employer reserves the right to contact the clients indicated in the references to ascertain the information provided by the Applicant.

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

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

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

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

12. Application Submission Form

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

13. Documents Establishing the Eligibility of the Applicant

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

14. Documents Establishing the Qualifications of the Applicant

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

15. Signing of the Application and Number of Copies

15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV, designated in accordance with ITA 4.1, on behalf of the JV.

15.2 The Applicant shall submit copies of the signed original Application, in the number specified in the **PDS**, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

- 16. Sealing and Identification of Applications**
- 16.1 The Applicant shall 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 submitted in accordance with the instructions, including the address and deadline, stipulated in the **PDS**.
- 17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Documents in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
- 18. Late Applications**
- 18.1 Late Applications received after the deadline indicated in ITA 17.1 will be rejected.
- 19. Opening of Applications**
- 19.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 18.1.
- 19.2 The Employer shall prepare a record of the opening of Applications, which shall include, as a minimum, the name of the Applicant and whether the Application has been received in time.

E. Procedures for Evaluation of Applications

- 20. Confidentiality**
- 20.1 Information relating to the Applications, their evaluation and result shall not be disclosed to Applicants, or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
- 20.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process (except as specified in ITA 20.1 above), may do so only in writing.
- 21. Clarification of Applications**
- 21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification of its application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.

- 21.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.
- 22. Responsiveness of Applications**
- 22.1 The Employer shall reject an Application that is not substantially responsive to the requirements of this prequalification document. An Application shall be considered as responsive if the following documents are submitted:
- Responsiveness criteria:
1. Declaration of Undertaking (ITA 11.1 d) (II)).
 2. Financial Capability Statements and supporting documentation (ITA 11.1 d) (III))
 3. Application Submission Form (ITA 11.1 a).
 4. Power(s) of Attorney authorizing the representative of the Applicant (ITA 11.1 b).
 5. If the Applicant is an association, either proof of the existing Association Agreement or a Declaration of Association (ITA 11.1 d) (I)).
- 23. Domestic Bidder Price Preference**
- 23.1 A margin of preference for domestic bidders shall not apply in the bidding process resulting from this prequalification unless otherwise specified in the **PDS**.
- 24. Subcontractors**
- 24.1 Unless otherwise stated in the **PDS**, the Employer does not intend to execute any specific elements of the Works by subcontractors selected in advance by the Employer (nominated subcontractors).
- 24.2 A "specialized sub-contractor" is a sub-contractor hired for specialized work as defined by the Employer in Section III 4.2, Experience. If no specialized work is specified by the Employer as such, sub-contractors experience shall not be considered for Applications evaluation.
- ## F. Evaluation of Applications and Prequalification of Applicants
- 25. Evaluation of Applications**
- 25.1 The Employer shall evaluate the responsive Applications using the factors, methods, criteria, and requirements defined in Section III, Qualification and Evaluation, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used.
- 25.2 Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.1 shall not be considered.
- 25.3 In case of multiple contracts, Applicants should indicate in their applications the individual contracts in which they are interested. The Employer shall prequalify each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements. The Qualification and Evaluation are mentioned in Section III.
- 26. Employer's Right to**
- 26.1 The Employer reserves the right to annul the prequalification

- Reject All Applications** process and reject all Applications at any time, without thereby incurring any liability to the Applicants.
- 27. Prequalification of Applicants**
- 27.1 The Employer shall assess the responsive Applications in terms of the Eligibility and Qualification Criteria and methods set out in Section III, Qualification and Evaluation.
- 27.2 The Employer shall determine the fulfilment of minimum requirements on a pass / fail basis as per Section III, Qualification and Evaluation.
- 27.3 The Employer shall assign a numeric score to each of the sub-criteria, for which a maximum score is provided in accordance with ITA 27.1. All Sub-criteria Scores shall be summed to determine the Applicant's Pre-Qualification Score.
- 27.4 For the purposes of scoring individual Qualification Criteria in accordance with ITA 27.3 the Employer shall apply the following qualitative approach:
- (a) 100% of the max. score: Excellent, if the Application substantially exceeds the requirement in accordance with the respective sub-criterion. No errors or omissions are noted.
 - (b) 75% of the max. score: Good, if the Application meets or marginally exceeds the requirement in accordance with the respective sub-criterion. Minor errors or omissions noted.
 - (c) 50% of the max. score: Unsatisfactory, if the Application marginally falls short of the requirement in accordance with the respective sub-criterion. Major errors or omissions noted.
 - (d) 25% of the max. score: Poor, if the Application substantially deviates from or indicates misunderstanding of the requirement in accordance with the respective sub-criterion. Major errors or omissions are noted comprising the fulfilment of the sub-criterion.
 - (e) 0% of the max. score: Insufficient / fail, if the Application does not meet the requirement at all in accordance with the respective sub-criterion or does not provide any information regarding the requirement.
- 27.5 An Applicant shall be considered prequalified if:
- (a) its Application is considered responsive in accordance with ITA 22.1 and.
 - (b) its Application has met the pass/fail requirements in accordance with ITA 27.2 and.
 - (c) the Application scored at least 70 points out of 100 points in accordance with ITA 27.3.
- 28. Notification of Prequalification**
- 28.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified. In addition, those Applicants who have been disqualified will be informed separately.
- 28.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.
- 29. Invitation for Bids**
- 29.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have

been prequalified.

- 29.2 Bidders may be required to provide a Bid Security acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.
- 30. Changes in Qualifications of Applicants**
- 30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if (i) as a consequence of the change, the Applicant no longer meets the qualification criteria set forth in Section III, Qualification and Evaluation; or (ii) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids.

Section II Prequalification Data Sheet

A. General

ITA 1.1	<p>The Employer is:</p> <p>Attention: Chief Executive Officer</p> <p>Address: Lake Victoria South Water Works Development Agency Lavictors House, Off Ring Road, Milimani P.O. Box 3325 – 40100 Kisumu, Kenya</p> <p>Hotline: +254 (0)20 2157233</p> <p>Email: info@lvswwda.go.ke</p> <hr/> <p>The number of contracts (lots) comprising the ICB is: one lot</p> <p>ICB Name: Construction Works for Kisumu Informal Settlement Sanitation Project, Kenya</p> <p>ICB No: LVSWWDA/IWRMP/WPI-1/24-25</p>
ITA 2.1	<p>The Project, the Lake Victoria Basin Integrated Water Resources Management Programme (LVB-IWRMP), is co-funded by The European Union and The Federal Republic of Germany through KfW.</p> <p><i>KfW Procurement No. is PN 511467</i></p> <p><i>EU No.: 3020 00 362,</i></p> <p><i>BMZ No. BMZ No.: 2015 68 211 & 2019 67 207</i></p>
ITA 4.1	<p>Maximum number of members in the JV shall be: Two (2)</p> <p>The lead member shall be specified in the JV Agreement or letter of intent</p>
<h3>B. Contents of the Prequalification Documents</h3>	
ITA 7.1	<p>For clarification purposes only, the Employer's address is:</p> <p>Attention: Chief Executive Officer</p> <p>Address: Lake Victoria South Water Works Development Agency Lavictors House, Off Ring Road, Milimani P.O. Box 3325 – 40100 Kisumu, Kenya</p> <p>Hotline: +254 (0)20 2157233</p> <p>Email: procurement@lvswwda.go.ke</p> <p>CC: info@lvswwda.go.ke, mmayi@lvswwda.go.ke; matochieng22@gmail.com</p>
ITA 7.1 & 8.2	<p>Web pages: http://www.tenders.go.ke/, www.lvswwda.go.ke and www.gtai.de</p>

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 IV)	The Applicant shall submit with its Application project references up to a maximum of 10 projects carried out during the past 10 years (for both general and specific experience in total; references fulfilling both categories will be counted as one) .
ITA 11.1 (f)	The Applicant shall submit with its Application, the following additional documents: not applicable
ITA 15.2	In addition to 1 original , the number and type of copies to be submitted with the Application is: Two (2) paper copies and one (1) digital copy (flash disk). In case of any discrepancy on information or compliance with prequalification submission requirements between paper copy and digital copy, the paper copy version shall be adopted.

D. Submission of Applications

ITA 17.1	<p>The Application envelope containing the original and the copies shall be submitted not later than</p> <p>Date: 06/12/2024</p> <p>Time: 12.00 Noon (Kenya time)</p> <p>(Applicants shall NOT have the option of submitting their Applications electronically). at the following address, which shall be the controlling address for the purposes of the timely submission of the Application:</p> <p>Attention: Chief Executive Officer</p> <p>Address: Lake Victoria South Water Works Development Agency Lavictors House, Off Ring Road, Milimani P.O. Box 3325 – 40100 Kisumu, Kenya</p> <p>Hotline: +254 (0)20 2157233</p> <p>Email: procurement@lvswwda.go.ke</p> <p>CC: info@lvswwda.go.ke; mmayi@lvswwda.go.ke; , matochieng22@gmail.com</p>
ITA 19.1	<p>The opening of the Applications shall be:</p> <p>Address: Lake Victoria South Water Works Development Agency Lavictors House, Off Ring Road, Milimani PO. Box 3325 – 40100. Kisumu</p> <p>Country: KENYA</p> <p>Date: 06/12/2024</p> <p>Time: 12.00 Noon (Kenya time)</p>

E. Procedures for Evaluation of Applications

ITA 23.1	A margin of preference shall not apply .
ITA 24.1	At this time the Employer does not intend to execute certain specific parts of the Works by Subcontractors selected in advance (Nominated Subcontractors).

Section III Qualification and Evaluation

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

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

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

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

In Item 5 of this Section, the Environmental, Social, Health and Safety (ESHS) requirements are defined in accordance with the specific ESHS challenges of the Contract.

No.	Subject	Criteria Requirement	Requirements / Max. Scores				Documentation Requirements / Forms
			Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
1. Eligibility							
1.1	Nationality	Nationality in accordance with ITA 4.3 • Applicants from Russia are not eligible for this project ²	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 4.4	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
1.3	KfW Eligibility	Not being ineligible for KfW financing, as described in ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Declaration of Undertaking
1.4	Government-Owned Entity	Meet conditions of ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments
2. Historical Contract Non-Performance							
2.1	History of Non-Performing Contracts	Termination of a contract did not occur as a result of contractor's default in the past five (5) years	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON-2
2.2	Suspension Based on Execution of Bid Securing Declaration by the Employer	Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.5	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 This applies at present for all KfW-funded construction projects.

No.	Subject	Criteria Requirement	Requirements / Max. Scores				Documentation Requirements / Forms
			Single Entity	Joint Venture (existing or intended)			
			All Parties Combined	Each Member	One Member		
3. Financial Situation and Performance							
3.1	Financial Capabilities: Liquidity	The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as EUR 1.5 Million (One and a half Million EURO) for the subject contract(s) net of the Applicants other commitments	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN-3.1 with attachments and FIN-3.3
3.2	Financial Capabilities: Other Sources of Finance	The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Forms FIN-3.1 and FIN-3.4
3.3	Financial Capabilities: Financial Position	The audited balance sheets or, if not required by the laws of the Applicant's country, other financial statements acceptable to the Employer, for the last 3 years shall be submitted and must demonstrate the current soundness of the Applicant's financial position based on the following criteria: a) Liquidity ratio ≥ 1.1 $\frac{\text{Current Assets}}{\text{Current Liabilities}} \geq 1.1$ b) Indebtedness ratio $\leq 80\%$ $\frac{\text{Total Liabilities} * 100}{\text{Total Assets}} \leq 80\%$	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN-3.1 with attachments
3.4	Average Annual Construction Turnover	<u>Average</u> annual construction turnover of EUR 8 Million (Eight Million Euro) for the last 5 years , calculated as total certified annual payments received for contracts in progress and/or completed	Must meet requirement	Must meet requirement	Must meet twenty five percent [25%] of the requirement	Must meet forty percent [40%] of the requirement	Form FIN-3.2

No.	Subject	Criteria Requirement	Requirements / Max. Scores				Documentation Requirements / Forms
			Single Entity	Joint Venture (existing or intended)			
			All Parties Combined	Each Member	One Member		
4. Construction Experience							
4.1	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last 10 years, starting 1st January 2014 . (A minimum of 3 No references each attached to Form EXP- 4.1 are required to meet this criterion. Non-compliance will lead to disqualification. These references should be presented separately from those given for 4.2 below, references suitable for both categories can be presented twice)	Must meet requirement	Must meet requirements	Must meet requirement	N/A	Form EXP-4.1
4.2 (a)	Specific Construction & Contract Management Experience	Similar ³ contracts, satisfactorily and substantially ⁴ completed as a prime contractor, joint venture member ⁵ , management contractor or subcontractor between 1st January 2014 and application submission deadline with minimum value of EUR 8 million (Eight million Euro) for each contract: <ul style="list-style-type: none"> • Minimum 3 references in water and sanitation projects required evidenced by completion/taking over certificates each attached to form EXP- 4.2 (a) are allowed under this criterion. • References must show experience in Kenya or countries of EAC • Bidders are strongly advised that Non-Compliance to this requirement will lead to disqualification. 	Must meet requirement	Must meet requirements	N/A	N/A	Form EXP-4.2 (a)
4.2 (b)	Construction Experience in key activities	For the above or any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor ⁴ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum construction experience in the following key activities successfully	Must meet requirements	Must meet requirements	N/A	Must meet the following requirements for the key activities listed below: <ul style="list-style-type: none"> • Minimum one per JV member 	Form EXP-4.2 (b)

³ The similarity shall be based on the physical size, complexity, methods / technology and/or other characteristics described in Section VII, Scope of Works. Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.

⁴ Substantial completion shall be based on 80% or more works completed under the contract.

⁵ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, shall be considered to meet this requirement.

No.	Subject	Criteria Requirement	Requirements / Max. Scores				Documentation Requirements / Forms
			Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		completed ⁶ (at least one reference each): <ul style="list-style-type: none"> Excavation for Sewer Pipes, diameter not exceeding 300mm including rock excavation approx. 450m³/month (total excavation amount divided by the duration of excavation works) Laying & Jointing, Testing & Commissioning of Sewer Pipes, diameter not exceeding 300mm – 950 m/month Construction of sanitation or similar blocks, approx.1000m² floor area/month Implementation of Civil Engineering Projects governed by "Conditions of Contract for Construction" (FIDIC Red Book) or its "MDB Harmonized Version edition 2010" (FIDIC Pink Book) 					
5. Environmental and Social and Health and Safety (ESHS) Experience and Capacity							
5.1	Certificates	Availability of a valid ISO certification as below or internationally recognized equivalent (equivalence to be demonstrated by the Applicant). <ul style="list-style-type: none"> Quality management certificate ISO 9001. Environmental management certificate ISO 14001:2014. Health and Safety certificate OHSAS 18001. In absence of formal certification of the bidders environmental and occupational health and safety management system, the bidder shall describe the in-house policies and procedures, practices and management resources to demonstrate that bidder has a management system in place that resembles the key elements of the mentioned certifications.	Must meet requirement	N/A	Must meet requirement, if part in JV is substantial (more than forty percent (40%) of the works)	Must meet requirement	Form CER-5.1

⁶ 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).

No.	Subject	Criteria Requirement	Requirements / Max. Scores				Documentation Requirements / Forms
			Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
5.2	Experience in Projects with significant ESHS Impact	For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor ⁷ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum specific experience relating to the following ESHS requirements ⁶ : <ul style="list-style-type: none"> • Implementation of site safety on construction sites • Implementation of waste management • Handling air emissions, noise and traffic • Implementation of site rehabilitation and revegetation • Provision of first aid and medical evacuation for staff 	Max. 30 points (Must have executed at least 3 contract(s) demonstrating experience with the key ESHS requirements as listed in the requirements column.)	Max. 30 points ⁸	N/A	Must have executed at least 3 contract(s) demonstrating experience with the key ESHS requirements as listed in the requirements column.	Form ESHS-5.2
5.3	Environmental Capacity	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective environmental management system: The qualitative assessment of the Applicant's compliance will be carried out in terms of the scoring method described in ITA 27.4. The sub-criterion score will be calculated by adding the requirement scores.	Max. 10 points	Max. 10 points ⁷	N/A	N/A	Form ENV-5.3
5.4	Occupational Health and Safety Capacity	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective health and safety management system. For assessment and scoring see note in 5.3 above.	Max. 10 points	Max. 10 points ⁹	N/A	N/A	Form OHSAS-5.4
5.5	Socially Responsible Work Implementation	The Applicant must demonstrate a comprehensive understanding of the requirements regarding work site implementation and operation. For assessment and scoring see note in 5.3 above.	Max. 20 points	Max. 20 points ⁸	N/A	N/A	Form LOC-5.5
5.6 (a)	ILO Core Labour Standards	Undertaking to fully respect the ILO Core Labour Standards in the Applicant's business practice.	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form (f) and form COC-5.6

⁷ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, shall be considered to meet this requirement.

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

⁹ Members will be scored if their part in the JV is substantial (more than forty percent (40%) of the works). Individual member scores will be averaged.

No.	Subject	Criteria Requirement	Requirements / Max. Scores				Documentation Requirements / Forms
			Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
5.6 (b)	Ethical business principles	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards ethical Business principles. For assessment and scoring see note in 5.3 above.	Max. 10 points	Max. 10 points ⁸	N/A	N/A	Form COC-5.6
5.7	ESHS and Construction Personnel	The Applicant must demonstrate that it has access to adequate candidates for the ESHS personnel profiles, listed in Section VII, Scope of Works. The candidates must fulfil the minimum specific profile requirements and the general requirements (if any). Combining several candidates to fulfil one candidate profile is not allowed. Providing multiple candidates for a single profile is allowed. For assessment and scoring see note in 5.3 above.	Max. 20 points	Max. 20 points	N/A	N/A	PER-5.7

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Application Submission Sheet

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

ICB No.: *[insert ICB number]*

To: Chief Executive Officer
Lake Victoria South Water Works Development Agency
P.O. Box 3325 – 40100
Lavictors House, Off Ring Road, Milimani
Kisumu, Kenya
Hotline: +254 (0) 20 2157233
email: info@lvswwda.go.ke

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

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

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

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

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

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

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

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

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

Attachments:

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

Appendix 1a – Declaration of Undertaking

Reference name of the Application/Offer/Contract: ("Contract")¹⁰
To: ("Project Executing Agency")

1. We recognise and accept that KfW only finances projects of the Project Executing Agency ("PEA")¹¹ subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:
 - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;
 - 2.2) having been convicted by a final judgment or a final administrative decision or a preliminary investigation/charge is pending against us for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings, or have been subject to (financial) sanctions and/or embargo provisions by the United Nations, the European Union or the Federal Republic of Germany. This exclusion criterion is also applicable to legal persons whose shares (or the majority thereof) are owned or de facto controlled by natural or legal persons against whom such judgments, administrative decisions, (financial) sanctions and/or embargoes have been imposed and – in the case of (financial) sanctions and/or embargoes – these restrictive measures continue to apply;
 - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
 - 2.4) having been subject within the past five years to a Contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
 - 2.5) not having fulfilled the applicable fiscal obligations with regard to the payment of taxes at the respective tax residence and in the country of origin of the PEA (*contractors based in Annex 1 countries (<https://www.consilium.europa.eu/de/policies/eu-list-of-non-cooperative-jurisdictions/>) must submit a fully completed and legally countersigned declaration of tax conformity (Appendix 1 to the Declaration of Undertaking) in addition to the Declaration of Undertaking at the time of award of the contract/contract review. This shall become an integral part of the contract. Failure to submit may result in exclusion from the awarding procedure. For contractors based in countries not listed as Annex 1 countries, only the Declaration of Undertaking must be submitted, and not the declaration of tax conformity*);
 - 2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank (*in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*); or
 - 2.7) being guilty of misrepresentation in supplying the information required as a condition of participation in the Tender.

¹⁰ Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW's "Guidelines for the Procurement of Consulting Services, Works, Plant, Goods and Non-Consulting Services in Financial Cooperation with Partner Countries".

¹¹ The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services.

3. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:
 - 3.1) being an affiliate controlled by the PEA or a shareholder controlling the PEA, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;
 - 3.2) having a business or family relationship with a PEA's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;
 - 3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the PEA;
 - 3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the PEA;
 - 3.5) in the case of procurement of Works, Plant or Goods:
 - i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;
 - ii. having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract;
4. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
5. We undertake to bring to the attention of the PEA, which will inform KfW, any change in situation with regard to points 2 to 4 here above.
6. In the context of the Tender Process and performance of the corresponding Contract:
 - 6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice, or violate the Guidelines during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;
 - 6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and
 - 6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation¹² (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender-based violence.
7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA and KfW or an agent appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on-the-spot checks and to ensure access to sites and the respective project.

¹² In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with applicable law, but in any case, for at least six years from the date of fulfillment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with applicable law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the applicable law by the PEA and KfW.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of¹³: _____

Signature:

Dated:

¹³ In the case of a JV, insert the name of the JV. The person who will sign the application, bid or proposal on behalf of the Applicant/Bidder shall attach a power of attorney from the Applicant/Bidder.

Appendix 1

Appendix 1 to the Declaration of Undertaking

Declaration of tax conformity – binding confirmation for legal persons

Name of company

I hereby confirm with my signature that:

1. I am authorised to make this declaration on behalf of the above company;
2. the company properly pays all taxes in accordance with the tax laws of the country in which the company is domiciled;
3. the company is not currently nor has been in the past involved in any legal proceedings concerning the taxation of the company;
4. the company will duly pay taxes that may arise from the provision of contracted services;
5. all information and statements provided in advance are complete, accurate in terms of content and currently correct.

.....
(Place)

.....
(Date)

.....
(Name of the consultant)

.....
(Signature(s))

Appendix 1

Appendix1 to the Declaration of Undertaking

Declaration of tax conformity – binding confirmation for natural persons

I hereby confirm with my signature that:

1. I make this declaration in my name/on my own account;
2. I duly pay taxes that I am obliged to pay under the tax law of my country of residence;
3. I am not currently involved in tax law court proceedings, nor have I been in the past;
4. I will duly pay taxes that may arise from the provision of contracted services;
5. I have filled in all the information and statements of this confirmation in full, accurately in terms of content and that they are up to date at this time.

.....

(Place)

.....

(Date)

.....

(Name of the person)

(Signature)

.....

Form ELI-1.1 Applicant Information Form

Date:

ICB No. and title:

Page of pages

Information	Data
Applicant's legal name:	<i>[insert full legal name]</i>
In case of JV, legal name of each partner:	<i>[insert full legal name of each partner in JV; indicate type of partnership (Joint Venture, Consortium, Association)]</i>
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 legal structure and ownership structure	
Legal structure:	<i>[provide details]</i>
Ownership structure:	<i>[provide details of direct and indirect ownership]</i>
Applicant's authorized representative information	
Name:	<i>[insert full legal name]</i>
Address:	<i>[insert street / number / town or city / country]</i>
Telephone / fax numbers:	<i>[insert telephone / fax numbers, including country and city codes]</i>
E-mail address:	<i>[indicate e-mail address]</i>

Attached the following documents:

1. General presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)
2. Copies of original documents of:
 - Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1.
 - In case of JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b).
 - In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing:
 - Legal and financial autonomy.
 - Operation under commercial law.
 - Establishing that the Applicant is not a dependent agency of the Employer.
3. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership

Signed _____

Name _____

For and on behalf of
[name of the Applicant or JVCA partner]

Form ELI-1.2 (a) Applicant's JV Information Form

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

Date:

ICB No. and title:

Page of pages

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

Information	Data
Applicant's legal name:	<i>[insert full legal name]</i>
Applicant's JV member's legal name:	<i>[indicate full legal name]</i>
Applicant's JV member's country of registration:	<i>[indicate country of registration]</i>
Applicant JV member's year of constitution:	<i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution:	<i>[insert street / number / town or city / country]</i>
Applicant JV Member's legal structure and ownership structure	
Legal structure:	<i>[provide details]</i>
Ownership structure:	<i>[provide details of direct and indirect ownership]</i>
Applicant JV Member's authorized representative information	
Name:	<i>[insert full legal name]</i>
Address:	<i>[insert street / number / town or city / country]</i>
Telephone / fax numbers:	<i>[insert telephone / fax numbers, including country and city codes]</i>
E-mail address:	<i>[indicate e-mail address]</i>

1. General Presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)
2. Attached are copies of original documents of:
 - Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1.
 - In case of JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b).
 - In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing:
 - - Legal and financial autonomy
 - - Operation under commercial law
 - - Establishing that the Applicant is not a dependent agency of the Employer.
3. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Signed _____

Name _____

For and on behalf of
[name of the Applicant or JVCA partner]

Form ELI-1.2 (b) Declaration of Association

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

Date:

ICB No. and title:

Page of pages

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

[Insert the names of the other JV Members here]

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

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

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

[Signature of the authorised representative of the Member]

Form CON-2 Historical Contract Non-Performance, Pending Litigation and Litigation History

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

Non-Performing Contracts in accordance with Section III, Qualification and Evaluation

- Contract non-performance did not occur since **1st January 20...** specified in Section III, Qualification and Evaluation, sub-factor 2.1.
- Contract(s) not performed since **1st January 20....** specified in Section III, Qualification and Evaluation, requirement 2.1.

Year	Non performed portion of contract	Contract Identification	Total Contract Amount [current value, currency exchange rate and EUR equivalent]
		Contract Identification: Name of Employer: Address of Employer: Reason(s) for non-performance:	
		Contract Identification: Name of Employer: Address of Employer: Reason(s) for non-performance:	
...

Pending Litigation, in accordance with Section III, Qualification and Evaluation

- No pending litigation in accordance with Section III, Qualification and Evaluation (sub-factor 2.3)
- Pending litigation in accordance with Section III, Qualification and Evaluation (sub-factor 2.3), as indicated below.

Year	Disputed Amount [currency]	Contract Identification	Total Contract Amount [current value, currency exchange rate and EUR equivalent]
<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>[indicate full address of Employer]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer" or "Contractor"]</i>	<i>[insert amount]</i>

Year	Disputed Amount [currency]	Contract Identification	Total Contract Amount [current value, currency exchange rate and EUR equivalent]
		Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</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>[indicate full address of Employer]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer" or "Contractor"]</i> Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	
...

Form FIN-3.1 Financial Situation and Performance

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

1. Financial Data

Financial information	Historic information for previous five (5) years				
	[EUR equivalent in 000s]*				
	Year 1	Year 2	Year 3	Year 4	Year 5
Information from Balance Sheet					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity / Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Profits After Taxes (PAT)					
Cash Flow Information					
Cash Flow from Operating Activities					

2. Financial documents

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

- (a) reflect the financial situation of the Applicant or JV member, and not an affiliated entity (such as parent company or subsidiary).
- (b) be independently audited or certified in accordance with local legislation.
- (c) be complete, including all notes to the financial statements.
- (d) correspond to accounting periods already completed and audited.

Attached are copies of financial statements ¹⁴ for the [number] years required above; and complying with the requirements.

¹⁴ If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified.

Form FIN-3.2 Average Annual Construction Turnover

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

Annual turnover data for the last five (5) years (construction only)

Year	Amount and Currency	Exchange Rate*	EUR equivalent
<i>[indicate year]</i>	<i>[Insert amount and indicate currency. Include partial accounting for the year up to the date of submission of applications]</i>	<i>[insert based exchange rate for EUR conversion]</i>	<i>[insert amount converted to EUR at the rate of exchange at the end of the period reported]</i>

Average Annual Construction Turnover ** _____

* Refer ITA 14 for date and source of exchange rate.

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

Form FIN-3.3 Sources of Finance

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

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

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

Form FIN-3.4 Current Contract Commitments / Works in Progress

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

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

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

Form EXP-4.1 General Construction Experience

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

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

Starting Month / Year	Ending Month / Year	Contract Identification*	Role of Applicant
[indicate month / year]	[indicate month / year]	Contract name: [insert full name] Brief Description of the Services performed by the Applicant: [describe Services performed briefly] Amount of contract: [insert amount in currency, mention currency used, exchange rate and EUR equivalent] Name of Employer: [indicate full name] Address: [indicate street/number/town or city/country address]	[insert "Prime Contractor", or "Sub-contractor" or "JV Member" or "Management Contractor"]
...	...	Contract name: Brief Description of the Services performed by the Applicant: Amount of contract**: Name of Employer: Address:	...
...	...	Contract name: Brief Description of the Services performed by the Applicant: Amount of contract**: Name of Employer: Address:	...
...	...	Contract name: Brief Description of the Services performed by the Applicant: Amount of contract**: Name of Employer: Address:	...

Form EXP-4.2 (a) Specific Construction and Contract Management Experience

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

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

Similar Contract No. <i>[insert number] of [number of similar contracts required] *</i>	Information
1. Amount	<i>[insert amount in EUR in words and in figures incl. currency]</i>
2. Physical size of required work 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 yearly rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII "Scope of Works"]</i>

* Description of the similarity in accordance with sub-criterion 4.2 of Section III, Qualification and Evaluation.

Form EXP-4.2 (b) Construction Experience in Key Activities

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

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

Information	Data*			
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>	Prime Contractor	Member JV	Management Contractor	Sub-contractor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in contract currency(ies)]</i>		EUR <i>[insert exchange rate and total contract amount in EUR equivalent]</i>	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year. <i>[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]</i>	Total quantity in the contract (i)		Percentage participation (ii)	Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				
Year 4				
Employer's Name:				
Name:	<i>[insert full name]</i>			
Address	<i>[indicate street / number / town or city / country]</i>			
Telephone / fax number	<i>[insert telephone / fax numbers, including country and city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			
Description of key activities in accordance with sub-factor 4.2(b) of Section III				
...	<i>[insert response to inquiry indicated in left column]</i>			
...				
...				

2. Key Activity No. 2 (two): *[insert brief description of the activity, emphasizing its specificity]*

...

3.

Form CER-5.1 Certification

[insert Quality Management Certification]

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

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

Form ESHS -5.2 Experience in Projects with significant ESHS Impact

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

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

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

ESHS Contract No. <i>[insert number] of [insert number of ESHS contracts required as per Section III, 5.]</i>	Information and Documentation
3. ESHS knowhow transfer to local staff, local partners and subcontractors	<i>[description of know how transfer and capacity building measures implemented, incl. supporting documentation, if available]</i>
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>	

Maximum points attributed to above requirements: **30 points.**

[Total points shall be distributed equally to the number of contract references as per requirement in Section III, ch. 5.]

Form ENV–5.3 Environmental Management Capacity

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

The Applicant shall demonstrate:	Information and Documentation	ESHS level
1 the existence of an Environmental Policy	<i>[Provide relevant details of the Corporate Values or similar policy documents and declarations]</i>	2 5 points

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

2 the existence of an Environmental Management System, incl. an adequate organizational set-up for definition, enforcement and monitoring.	<i>[Provide details of the organizational set-up and procedures for relevant issues within your company, for qualification details of relevant key staff see Form PER-5.7]</i>	2 3 points
--	--	-------------------------

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

3 that all members of a JV, suppliers, subcontractors and temporary workforce a) are aware of and b) comply with the Environmental Management System.	<i>[Provide information on a) how awareness, know how transfer and enforcement is implemented to external partners. b) nature, content and frequency of internal trainings to employees.]</i>	2 2 points
---	---	-------------------------

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

Maximum points attributed to above requirements: **10 points.**

Form OHSAS–5.4 Occupational Health and Safety Capacity

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

The Applicant shall demonstrate:	Information	ESHS level
1 the existence of an Occupational Health & Safety Policy	<i>[Provide a policy document and the index of the Occupational Health & Safety manual or other relevant documents and declarations]</i>	2 5 points
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
2 the existence of management system, incl. an adequate organizational set-up for definition, enforcement and monitoring.	<i>[Provide details of the organizational set-up and procedures for health and safety issues within your company, for qualification details of relevant key staff see Form PER-5.7]</i>	2 5 points
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		

Maximum points attributed to above requirements: **10 points.**

Form LOC–5.5 Socially Responsible Works Implementation

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

The Applicant shall demonstrate:	Documentation	ESHS level
1 a strategy for staff and labour incl. recruitment of temporary workforce and local labour, worker grievance mechanism, etc.	<i>[Provide information and relevant documents, if any]</i>	2 7 points
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
2 a comprehensive strategy for ensuring public health and safety, including programs and procedures to combat the spread of communicable diseases (incl. HIV/AIDS)	<i>[Please provide supporting evidence]</i>	2 5 points
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
3 a comprehensive strategy for staff accommodation, e.g., worksite camps, house rental, security, etc.	<i>[Provide information and relevant documents, if any]</i>	2 3 points
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
4 a comprehensive training strategy for transfer of ESHS knowhow to temporary workforce and subcontractors	<i>[Provide information and relevant documents, if any]</i>	2 5 points
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		

Maximum points attributed to above requirements: **20 points.**

Form COC–5.6 Ethical Business Principles

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

Applicant's Name:

Date:

JV Member Name:

ICB No. and title:

Page of pages

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

Maximum points attributed to above requirements 2 to 4, requirement 1 is pass / fail: **10 points.**

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

Form PER-5.7 List of Available ESHS and Construction Personnel

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

Name	Designation, in accordance with Section VII, Scope of Works	Education/ Degree	Years of Professional Experience	Relationship with / Years within the Applicant ¹⁶	Country / Regional Experience	Relevant Project References (Description of project-related experience)	Languages
	Contractor's Representative / Project Manager						
	Community liaison officer						
	ESHS officer						
	Foreman						

Maximum points attributed to above requirements: **20 points.**

- 1) max. 7 points for Contractor's Representative.
- 2) max. 5 points for Community liaison officer.
- 3) max. 5 points for ESHS officer
- 4) max. 3 points for Foreman

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

Section V Eligibility Criteria

Eligibility in KfW-Financed Procurement

1. Consulting Services, Works, Goods, Plant and Non-Consulting Services are eligible for KfW financing regardless of the country of origin of the Contractors (including Subcontractors and suppliers for the execution of the Contract), except where an international embargo or sanction by the United Nations, the European Union or the German Government applies.
2. Applicants / Bidders (including all members of a Joint Venture and proposed or engaged Subcontractors) shall not be awarded a KfW-financed Contract if, on the date of submission of their Application/Offer or on the intended date of Award of a Contract, they:
 - 2.1 are bankrupt or being wound up or ceasing their activities, are having their activities administered by courts, have entered into receivership, or are in any analogous situation.
 - 2.2 have been:
 - (a) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union and/or the German Government for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - (b) convicted by a final court decision or a final administrative decision by a court, the European Union or national authorities in the Partner Country or in Germany for Sanctionable Practice during any Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests, unless they provide supporting information together with their Declaration of Undertaking (Form available as Appendix to the Application/Offer which shows that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction;
 - 2.3 have been subject within the past five years to a Contract termination fully settled against them for significant or persistent failure to comply with their contractual obligations during Contract performance, unless this termination was challenged, and the dispute resolution is still pending or has not confirmed a full settlement against them.
 - 2.4 have not fulfilled applicable fiscal obligations regarding payments of taxes either in the country where they are constituted or the PEA's country.
 - 2.5 are subject to an exclusion decision of the World Bank or any other multilateral development bank and are listed in the respective table with debarred and cross-debarred firms and individual available on the World Bank's website.or any other multilateral development bank unless they provide supporting information together with their Declaration of Undertaking which shows that this exclusion is not relevant in the context of this Contract or
 - 2.6 have given misrepresentation in documentation requested by the PEA as part of the Tender Process of the relevant Contract.
3. State-owned entities may compete only if they can establish that they (i) are legally and financially autonomous, and (ii) operate under commercial law. To be eligible, a state-owned entity shall establish to KfW's satisfaction, through all relevant documents, including its charter and other information KfW may request, that it: (i) is a legal entity separate from their state (ii) does not currently receive substantial subsidies or budget support; (iii) operates like any commercial enterprise, and, inter alia, is not obliged to pass on its surplus to their state, can acquire rights and liabilities, borrow funds and be liable for repayment of its debts, and can be declared bankrupt.

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

1) Sanctionable Practice

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

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

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

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

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

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

Coercive Practice	The impairing or harming, or threatening to impair or harm, directly or indirectly, any person or the property of the person with a view to influencing improperly the actions of a person.
Collusive Practice	An arrangement between two or more persons designed to achieve an improper purpose, including influencing improperly the actions of another person.
Corrupt Practice	The promising, offering, giving, making, insisting on, receiving, accepting or soliciting, directly or indirectly, of any illegal payment or undue advantage of any nature, to or by any person, with the intention of influencing the actions of any person or causing any person to refrain from any action.
Fraudulent Practice	Any action or omission, including misrepresentation that knowingly or recklessly misleads, or attempts to mislead, a person to obtain a financial benefit or to avoid an obligation.
Obstructive Practice	Means (i) deliberately destroying, falsifying, altering or concealing evidence material to the investigation or the making of false statements to investigators, in order to materially impede an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice, or threatening, harassing or intimidating any Person to prevent them from disclosing their knowledge of matters relevant to the investigation or from

pursuing the investigation, or (ii) any act intended to materially impede the exercise of KfW's access to contractually required information in connection with an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice.

Sanctionable Practice Any Coercive Practice, Collusive Practice, Corrupt Practice, Fraudulent Practice or Obstructive Practice (as such terms are defined herein) which is unlawful under the Financing Agreement.

2) Social and Environmental Responsibility

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

- (a) comply with and ensure that all their Subcontractors and major suppliers, i.e., for major supply items comply with international environmental and labour standards, consistent with applicable law and regulations in the country of implementation of the respective Contract and the fundamental conventions of the International Labour Organisation¹⁷ (ILO) and international environmental treaties and;
- (b) implement any environmental and social risks mitigation measures, as identified in the environmental and social impact assessment (ESIA) and further detailed in the environmental and social management plan (ESMP) as far as these measures are relevant to the Contract and implement measures for the prevention of sexual exploitation and abuse and gender-based violence.

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

PART 2 - Works Requirements

Section VII Scope of Works

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4.	Environmental and Social Management Plan (ESMP)	2-4

1 Description of the Works

1.1 Background

Kisumu County is one of the 6 counties in the Nyanza region. It lies between longitudes 330 20'E and 350 20'E and latitude 00 20' South and 00 50' South. The County is bordered by Homa Bay County to the South, Nandi County to the North East, Kericho County to the East, Vihiga County to the North West, Siaya County to the West and surrounded by the second largest freshwater lake in the World; Lake Victoria. Kisumu County covers approximately 567 km² water area and 2,086km² land area, representing 0.36% of the total land area of Kenya's 580,367km².

Kisumu City is the third largest City in Kenya after the capital Nairobi and the coastal City of Mombasa. It is a significant commercial, industrial, communication and administrative centre of Kisumu County and Lake Victoria Basin. It is also the headquarters of the Lake Basin Development Authority (LBDA) and the Lake Victoria Basin Community (LVBC) of the East African Community. Kisumu City is situated along A1 highway which extends from the Tanzanian border (Isebania) to the South Sudanese border (Lokichogio) and highway B1 which connects Nakuru to the Ugandan border. It also has a road network connection with adjacent counties such as Kericho, Kakamega, Kisii, Homa bay, Siaya, Busia and the Sugar Belt Satellite Townships of Muhoroni, Awasi, Chemelil, Miwani and Nandi Hills.

Manyatta A is an informal settlement in Kisumu Central Sub-County, Kondele Ward, covering an area of 2.4 km². It is located on the north eastern fringes of Kisumu CBD. The settlement is served by an interlink road that connects to Kibos Road to the North and the Kisumu Bypass Highway to the South East.

1.2 Financing

The EAC (East African Community) has received a grant through KfW Development Bank from the Federal Republic of Germany (BMZ NO.: 2015 68 211 and & 2019 67 207) and from European Union EDF-11 Regional Indicative Programme (Delegated funds from European Commission, No 3020 00 362) towards the implementation of the Lake Victoria Basin Integrated Water Resources Management Programme (LVB-IWRMP). The project aims to strengthen the long term strategic and regional function of the Lake Victoria Basin Commission (LVBC), and to improve water quality and availability through strategic management of the Lake Victoria Basin through a reduction of effluents into Lake Victoria and the river systems through targeted infrastructure investments in liquid and solid waste management.

The EAC has allocated the grant funds to LVBC through KfW and the EU. LVBC acts as the Programme Executing Agency for LVB-IWRMP, which includes High Priority Investments (HPIs) implemented in partnership with the EAC partner states of Kenya, Rwanda, Tanzania and Uganda. In Kenya, the Kisumu Informal Settlement Sanitation Project is being implemented with Lake Victoria South Water Works Development Agency (LVSWWDA) designated as the National Project Executing Agency (NPEA). LVSWWDA is in charge of tender preparation and concluding the construction contracts and will be supported by the Project Implementation Consultant (PIC) as the Engineer for project implementation and LVBC facilitating the relevant payments to the contractor.

1.3 Scope of Works

The Scope of Works comprises of:

- i) Construction of approximately 15 km Infill Sewers
- ii) Construction of up to 550 Nr Shared Plot Level Sanitation Blocks
- iii) Construction of 4Nr. Ablution Blocks in Public Schools
- iv) Procurement of Vehicles, Operation and Maintenance Equipment and Construction of one Divisional Office

2 Construction Period

The construction period for the Works is expected to be **18 consecutive months plus 12 months of Defects Notification Period.**

3 Site and Other Data

3.1 Introduction

Kisumu Informal Settlement Sanitation (Manyatta A) is a planned informal settlement located within Kisumu City in Kisumu Central Sub-County. It covers an area of about 2.4 km². As per the 2019 National Population and Housing Census, the population for Manyatta A was 46,705 persons consisting of 22,446 males and 24,259 females.

The total number of plots within the Project Area is 2,803 within which 14,156 households have been constructed.

Layout Plan of the Project Area is shown in **Figure 1**.

3.2 Location

The Construction Works for Kisumu Informal Settlement Sanitation will be implemented in the following wards within Manyatta A-Kisumu City:

- i) Corner Mbuta
- ii) Flamingo
- iii) Gonda
- iv) Kondele
- v) Magadi
- vi) Meta Meta

3.3 Surveys

During the design Phase of the project the following surveys have been carried out:

- **Topographical Survey:** Surveying has already been carried out to the required level of detail. The data and respective drawings will be provided within the Tender Documents.
- **Geotechnical Survey:** Geotechnical Investigations has already been carried out to required level of detail. The data and respective Drawings will be provided within the Tender Documents.

If deemed necessary by the Contractor, further surveying and investigation can be carried out by the Contractor at its own responsibility.

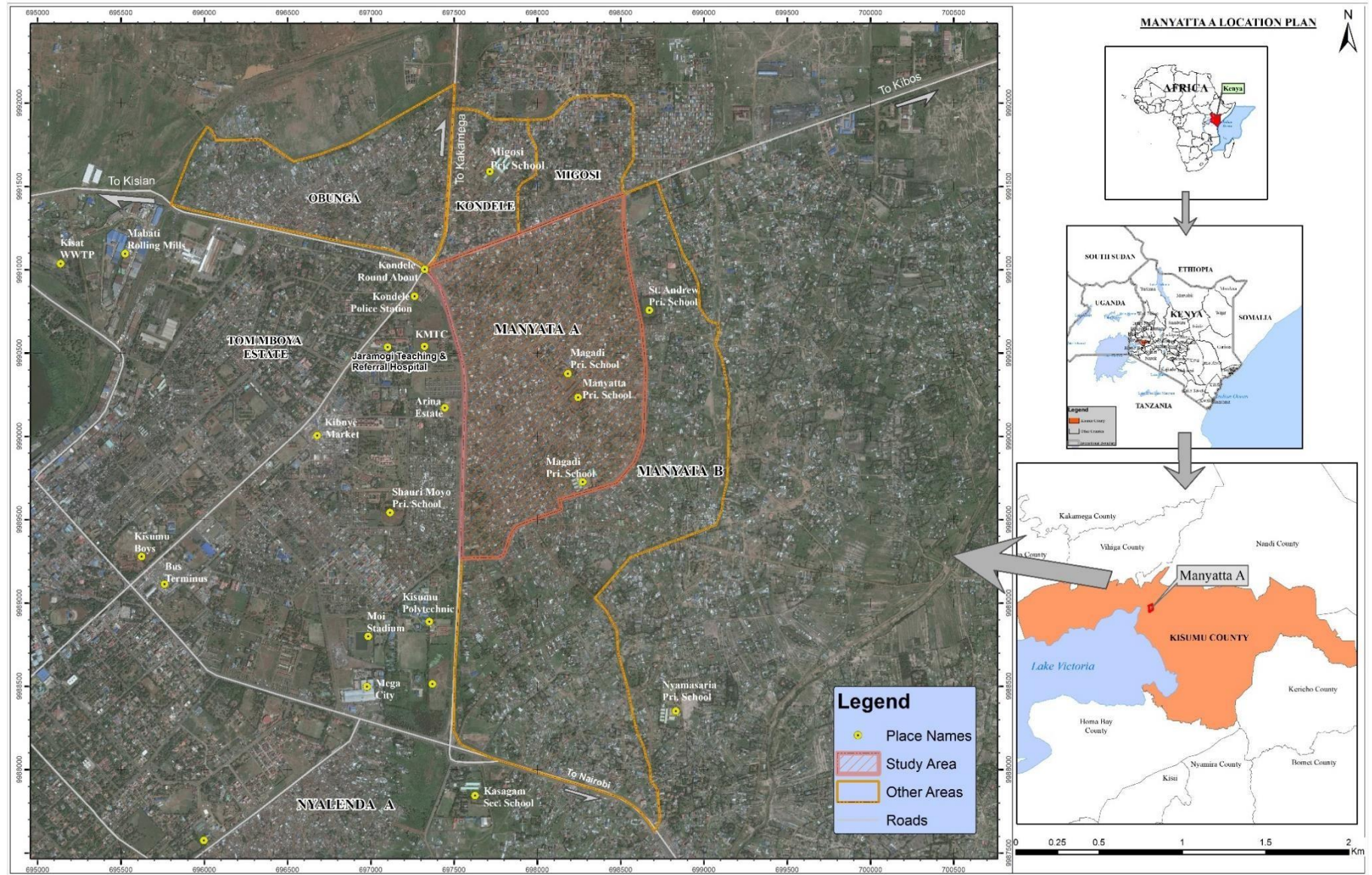


Figure 1: Layout Plan of the Project Area

4 Environmental and Social Management Plan (ESMP)

The Contractor will be required to prepare prior to the commencement of works and implement an Environmental and Social Management Plan (ESMP) as per the approved Environmental and Social Impact Assessment (ESIA) study report, the Environmental and Social Management Framework (ESMF), the Land Acquisition, Resettlement and Compensation Plan (LARP), the Stakeholder Engagement Plan (SEP) and conditions of approval.

The Works' policy goal of the projects is to integrate environmental protection, occupational and community health and safety, gender, equality, child protection, vulnerable people (including those with disabilities), sexual harassment, gender-based violence (GBV), sexual exploitation and abuse (SEA), HIV / AIDS awareness and prevention and wide stakeholder engagement in the planning processes, programs, and activities of the parties involved in the execution of the Works.

The winning Tenderer is required to cooperate closely with the Employer and to monitor, continuously improve the processes and activities and to report on the compliance with the project policies.

The winning Tenderer shall confirm via a statement to comply with:

- i. Apply good international industry practice to protect and conserve the natural environment and to minimize unavoidable impacts.
- ii. Provide and maintain a healthy and safe work environment and safe systems of work.
- iii. Protect the health and safety of local communities and users, with particular concern for those who are disabled, elderly, or otherwise vulnerable.
- iv. Ensure that terms of employment and working conditions of all workers engaged in the works meet the requirements of the ilo labour conventions to which the host country is a signatory. Optimize local employment (allocate jobs fairly among the locals through involvement of local leaders).
- v. Be intolerant of and enforce disciplinary measures for illegal activities. To be intolerant of, and enforce disciplinary measures for gbv, inhumane treatment, sexual activity with children, and sexual harassment.
- vi. Incorporate a gender perspective and provide an enabling environment where women and men have equal opportunity to participate in, and benefit from, planning and development of the works.
- vii. Work co-operatively, including with end users of the works, relevant authorities, contractors, and local communities.
- viii. Engage with and listen to affected persons and organizations and be responsive to their concerns, with special regard for vulnerable, disabled, and elderly people.
- ix. Provide an environment that fosters the exchange of information, views, and ideas that is free of any fear of retaliation and protects whistle-blowers.
- x. Minimize the risk of hiv transmission and to mitigate the effects of hiv / aids associated with the execution of the works.
- xi. Deliver skills and training needed during the project implementation to the local people around the project area.
- xii. Ensure monitoring of labour standards among sub-contractors, workers, and service providers.

5 Requirements for ESHS and Construction Personnel

In accordance with “Form PER-5.7” in Section IV, the following personnel profiles shall be submitted by the Applicant.

Contractor’s Representative / Project Manager

B.Sc. Civil Engineering or similar, min. 15 years of professional experience, regional experience in East Africa, relevant project references for management of construction projects in the sanitation sector, proficiency in English, registered with Engineers Board of Kenya or equivalent

Community liaison officer

B.Sc. Sociology / Community Development or similar, min. 8 years of professional experience, regional experience in East Africa, relevant project references for community liaison at similar work sites, proficiency in English and Kiswahili

ESHS officer

B.Sc. in relevant field and course certificate related to ESHS, min. 5 years of professional experience, regional experience in East Africa, relevant project references for ESHS implementation at similar work sites, proficiency in English and Kiswahili

Foreman

B.Sc., min. 10 years of professional experience, regional experience in East Africa, relevant project references for overseeing construction projects in the sanitation sector, proficiency in English and Kiswahili