

**REPUBLIC OF KENYA
COAST WATER WORKS DEVELOPMENT AGENCY**



**IMPROVEMENT OF DRINKING WATER AND
SANITATION SYSTEMS IN MOMBASA;
MWACHE CKE 1103**

**DESIGN, BUILD AND OPERATE OF MWACHE
WATER TREATMENT PLANT AND ASSOCIATED
WORKS**

BID No. CWWDA/AFD/PQ/W3/2022-2023

INITIAL SELECTION DOCUMENT

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PART 2 – Employer's Requirements

Employer:

Chief Executive Officer,
Coast Water Works Development Agency,
P.O. Box 90417- 80100,
Nkrumah Road off Mikindani Street
MOMBASA - Kenya
Tel: +254-041-2315230
E-mail: info@cwwda.go.ke

Engineer:

Artelia / Mangat I.B Patel (MIBP) Ltd. Consulting Engineers
Joint Venture



Head Office

6 rue de Kirraube
38130 Echirolles, France
Tel: +33 4 76334000
Email: artelia@arteliagroup.com



Local Project Office

P.O. Box 48674 – 00100
Nairobi – Kenya
Tel: +254 2710500
Email: mibp.nairobi@mibp.co.ke

Initial Selection Documents for Procurement of Works

Design, Build and Operate of Mwache Water Treatment Plant and Associated Works

Employer: *Coast Water Works Development Agency (CWWDA)*

Project: Improvement of drinking water and sanitation systems
in Mombasa – Mwache Project

Country: *Kenya*

Invitation for Initial Selection No.: CWWDA/AFD/PQ/W3/2022-2023

International Procurement Competiton No.: CWWDA/AFD/W3/2022-
2023

Issued on: 14th February 2023

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PART 1 – Initial Selection Procedures

Section I - Instructions to Applicants (ITA)

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A. General

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| 1 | Scope of Application | 1.1 | In connection with the invitation for Initial Selection indicated in Section II, Initial Selection Data Sheet (ISDS), the Employer, as defined in the ISDS , issues these Initial Selection Documents ("Initial Selection Documents") to prospective applicants ("Applicants") interested in submitting applications ("Applications") for Initial Selection for the Works (Design, Build and Operate or Design and Build, as specified in the ISDS) described in Section VII, Scope of Employer's Requirement. |
| 2 | Source of Funds | 2.1 | The Employer specified in the ISDS has received or has applied for financing (hereinafter called "funds") from <i>Agence Française de Développement</i> (hereinafter called " AFD ") toward the project named in the ISDS . The Employer intends to apply a portion of the funds to eligible payments under the contract(s) for which these Initial Selection Documents are issued. |
| 3 | Corrupt and Fraudulent Practices | 3.1 | AFD requires compliance with its policy regarding corrupt and fraudulent practices as set forth in Section VI - AFD Policy - Corrupt and Fraudulent Practices - Environmental and Social Responsibility. |
| | | 3.2 | In further pursuance of this policy, Applicants shall permit and shall cause their subcontractors and subconsultants, to permit AFD to inspect all accounts, records and other documents relating to the submission of the Application, Bid submission (in case of Initial Selection), and contract performance (in the case of award), and to have them audited by auditors appointed by AFD. |
| 4 | Eligible Applicants | 4.1 | An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 4.3 - or any combination of such entities in the form of a joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the Initial Selection process, Bidding (in the event the JV submits Bid) and during contract execution (in the event the JV is awarded the Contract). Unless specified in the ISDS , there is no limit on the number of members in a JV. |
| | | 4.2 | A firm may apply for initial selection both individually, and as part of a joint venture, or as a subcontractor. If initially selected, 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 Application, but only in that capacity. Applications submitted in violation of this procedure will be rejected. |
| | | 4.3 | AFD's eligibility criteria for initial selection are described in Section V, Eligibility Criteria. |
| | | 4.4 | Applicants shall not have a conflict of interest. Any Applicant found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest for the purpose of this initial selection process, if the Applicant: <ul style="list-style-type: none"> 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 initial selection 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 initial selection; or
- f) Any of its affiliates has been hired (or is proposed to be hired) by the Employer as Employer's Representative 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 Funds who: (i) are directly or indirectly involved in the preparation of Initial Selection Documents or specifications of the contract, and/or the initial selection evaluation process; or (ii) would be involved in the implementation or supervision of such contract unless the conflict stemming from such relationship has been resolved in a manner acceptable to AFD throughout the procurement process and execution of the contract.

4.5 An Applicant shall not be under suspension from submitting an Application by the Employer as the result of the execution of a Bid-Securing Declaration.

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

5 Eligible Materials, Equipment and Services

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

B. Contents of the Initial Selection Documents

6 Sections of Initial Selection Documents

6.1 The Initial Selection 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: Initial Selection Procedures

- Section I - Instructions to Applicants (ITA)
- Section II – Initial Selection Data Sheet (ISDS)
- Section III – Initial Selection Criteria
- Section IV – Application Forms
- Section V – Eligibility Criteria
- Section VI - AFD Policy – Corrupt and Fraudulent Practices – Environmental and Social Responsibility

PART 2: Employer's Requirements

- Section VII – Scope of Employer's Requirements

- 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the Initial Selection 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 Initial Selection Documents and to furnish with its Application all information or documentation as is required by the Initial Selection Documents.
- 7 Clarification of Initial Selection Documents**
- 7.1 A prospective Applicant requiring any clarification of the Initial Selection Documents shall contact the Employer in writing at the Employer's address indicated **in the ISDS**. 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 Initial Selection Documents directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated **in the ISDS**, the Employer shall also promptly publish its response at the web page identified **in the ISDS**. Should the Employer deem it necessary to amend the Initial Selection 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 Initial Selection Documents**
- 8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Initial Selection Documents by issuing an Addendum.
- 8.2 Any Addendum issued shall be part of the Initial Selection Documents and shall be communicated in writing to all Applicants who have obtained the Initial Selection Documents from the Employer. The Employer shall promptly publish the Addendum at the Employer's web page identified **in the ISDS**.
- 8.3 To give 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 Application**
- 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 Initial Selection process.
- 10 Language of Application**
- 10.1 The Application as well as all correspondence and documents relating to the Initial Selection exchanged by the Applicant and the Employer, shall be written in the language specified **in the ISDS**. 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 ISDS**, in which case, for purposes of interpretation of the Application, the translation shall govern.
- 11 Documents Comprising the Application**
- 11.1 The Application shall comprise the following:
- a) **Application Submission Form**, in accordance with ITA 12;

- b) **Eligibility:** documentary evidence establishing the Applicant's eligibility, in accordance with ITA 13;
 - c) **Qualifications:** documentary evidence establishing the Applicant's qualifications, in accordance with ITA 14; and
 - d) any other document required as specified **in the ISDS**.
- 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 Statement of Integrity, Eligibility and Social and Environmental Responsibility as provided in Section IV, Application Forms, without any alteration to its format and furnish supporting documentation as specified in Forms ELI-1.1 and ELI-1.2.
- 14 **Documents Establishing the Qualifications of the Applicant**
 - 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Initial Selection Criteria, the Applicant shall provide the information requested in the corresponding Forms included in Section IV, Application Forms.
 - 14.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the USD equivalent using the rate of exchange determined as follows:
 - a) for turnover or financial data required for each year - exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year are to be converted); and
 - b) 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 the Employer's country; unless otherwise stated **in the ISDS**. Any error in determining the exchange rates in the Application may be corrected by the Employer.
- 15 **Signing of the Application and Number of Copies**
 - 15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories. If a JV has not been formalized and a letter of intent to form a JV is presented, then the Letter of Intent shall be signed by every member of the intended JV.
 - 15.2 The Applicant shall submit copies of the signed original Application, in the number specified **in the ISDS**, 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

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| <p>16 Sealing and Marking of Applications</p> | <p>16.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:</p> <ul style="list-style-type: none"> 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 Initial Selection process <p>16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.</p> |
| <p>17 Deadline for Submission of Applications</p> | <p>17.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated in the ISDS. When so specified in the ISDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the ISDS.</p> <p>17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Initial Selection 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.</p> |
| <p>18 Late Applications</p> | <p>18.1 The Employer reserves the right to accept Applications received after the deadline for Submission of Applications.</p> |
| <p>19 Opening of Applications</p> | <p>19.1 The Employer shall open all Applications at the date, time and place specified in the ISDS. Late Applications shall be treated in accordance with ITA 18.1.</p> <p>19.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the ISDS.</p> <p>19.3 The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.</p> |

E. Procedures for Evaluation of Applications

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| <p>20 Confidentiality</p> | <p>20.1 Information relating to the Applications, their evaluation and results of the Initial Selection shall not be disclosed to Applicants or any other persons not officially concerned with the Initial Selection process until the notification of Initial Selection results is made to all Applicants in accordance with ITA 28.</p> <p>20.2 From the deadline for submission of Applications to the time of notification of the results of the Initial Selection in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the Initial Selection process may do so only in writing.</p> |
| <p>21 Clarification of Applications</p> | <p>21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.</p> <p>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</p> |

clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

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| 22 Responsiveness of Applications | 22.1 The Employer may reject any Application which is not responsive to the requirements of the Initial Selection Documents. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant. |
| 23 Margin of Preference | 23.1 Margin of preference for domestic bidders shall not apply in the bidding process resulting from this initial selection. |
| 24 Subcontractors | <p>24.1 Unless otherwise stated in the ISDS, the Employer does not intend to execute any specific elements of the Works by subcontractors selected in advance by the Employer (so-called "Nominated Subcontractors").</p> <p>24.2 A "specialized subcontractor" is a subcontractor hired for specialized work as defined by the Employer in Section III 4.2 - Experience. If no specialized work is specified by the Employer as such, subcontractors experience shall not be considered for Applications evaluation.</p> <p>24.3 The Employer may decide to permit subcontracting for certain specialized works as indicated in Section III 4.2 - Experience. When such subcontracting is permitted by the Employer, the specialized subcontractors experience shall be considered for the evaluation. Section III, Initial Selection Criteria, describes the qualification criteria for subcontractors.</p> <p>24.4 The Applicant shall not propose to subcontract the whole of the contract.</p> |

F. Evaluation of Applications and Initial Selection of Applicants

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| 25 Evaluation of Applications | <p>25.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Initial Selection Criteria to evaluate the qualifications of the Applicants, and no other factors, methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.</p> <p>25.2 Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 shall not be considered.</p> |
| 26 Employer's Right to Reject All Applications | 26.1 The Employer reserves the right to annul the Initial Selection process and reject all Applications at any time, without thereby incurring any liability to the Applicants. |
| 27 Initial Selection of Applicants | <p>27.1 The range of Applicants that the Employer may Initially Select (x = maximum number) is specified in the ISDS.</p> <p>27.2 Initial Selection of Applicants involves several steps, as follows:</p> <p style="margin-left: 20px;">a) Step 1 - Table 1 Evaluation: The first step of Initial Selection involves evaluation against the methods, criteria and</p> |

requirements described in Section III, Table 1: Qualification Criteria;

- b) **Step 2 - Rejection:** Applicants that do not meet any of the qualification criteria and requirements in Table 1: Qualification Criteria will not be evaluated further, and will be eliminated from the Initial Selection process;
- c) **Step 3 - Long List:** Applicants that meet any of the qualification criteria and requirements in Table 1: Qualification Criteria will be long listed, and evaluated further;
- d) **Step 4:** Depending on the number of Applicants that are long listed, one of the following options will apply:
Option 2: Applicants are evaluated using Table 2 Evaluation: Where the number of long listed Applicants is $> x$, the Employer shall evaluate all long listed Applicants against Table 2: Rated Criteria. This evaluation method involves scoring each Application against rated criteria using the scoring methodology described;
- e) **Step 5 - Rank Applicants:** The total scores, from this step of the Initial Selection evaluation, for each long listed Applicant are compared, and the Applicants are ranked from the highest to the lowest total score;
- f) **Step 6 - Initial Selection up to x :** In accordance with the value selected by the Employer for x , the Employer Initially Selects the Applicants that are ranked from the highest score, to the Application ranked as x ;
- g) **Step 7 - Reject $x+1$ Applicants:** Where the number of long listed Applicants is $> x$, the Employer rejects all Applicants that are ranked greater than x , i.e. ranked as $x+1$, $x+2$, $x+3$, etc.

28 Notification of Initial Selection

- 28.1 The Employer shall notify all Initially Selected Applicants in writing that they have been Initially Selected. In providing this notification the Employer shall include the names of all Applicants that have been Initially Selected.
- 28.2 The Employer shall separately notify all other Applicants that they have not been Initially Selected, and that they have been eliminated from the process. Any Applicant that has been eliminated from the process at this stage may request, in writing, the grounds on which they were eliminated.

29 Invitation for Bids

- 29.1 Promptly after the notification of the results of the Initial Selection, the Employer shall invite Bids from all the Applicants that have been initially selected.
- 29.2 Bidders may be required to provide a Bid Security or a Bid-Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.

30 Changes in Qualifications of Applicants

- 30.1 Any change in the structure or formation of an Applicant after being initially selected 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 and also including any change in any specialized subcontractor) 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 any of the qualification criteria set forth in Section III, Initial Selection Criteria, Table 1 - Qualification Criteria; or (ii) in the opinion of the Employer, the change may result in a substantial reduction in competition; or (iii) an initially selected applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; or (iv) no longer continues to be in the list of Initially Selected Applicants as a result of the Employer's re-evaluation of the Application in accordance with ITA 27. 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 – Initial Selection Data Sheet (ISDS)

| A. Introduction | |
|---|---|
| ITA 1.1 | <p>The identification of the Invitation for Initial Selection is: CWWDA/AFD/PQ/W3/2022-2023</p> <p>The Employer is: Coast Water Works Development Agency (CWWDA)</p> <p>The identification number of the IPC is: CWWDA/AFD/W3/2022-2023</p> <p>The Invitation for Initial Selection aims to select Applicants for: a Design Build Operate (DBO) Contract</p> |
| ITA 2.1 | The name of the Project is: Improvement of drinking water and sanitation systems in Mombasa – Mwache Project |
| ITA 4.1 | Maximum number of members in the JV shall be: 3 |
| B. Contents of the Initial Selection Documents | |
| ITA 7.1 | <p>For <u>clarification purposes</u> only, the Employer's address is:</p> <p>The Chief Executive Officer,</p> <p>Coast Water Works Development Agency (CWWDA)</p> <p>P.O. Box 90417 – 80100, Nkrumah Road, Off Mikindani Street,</p> <p>Mombasa - Kenya</p> <p>Attention: Project Coordinator and Procurement Manager</p> <p>Electronic mail address: dkanui@gmail.com or info@cwwda.go.ke</p> |
| ITA 7.1 & 8.2 | Web page: www.cwwda.go.ke |
| C. Preparation of Applications | |
| ITA 10.1 | <p>The Application as well as all correspondence shall be submitted in English.</p> <p>Language for translation of supporting documents and printed literature is English.</p> |
| ITA 11.1(d) | <p>The Applicant shall submit with its Application, the following additional documents:</p> <ol style="list-style-type: none"> 1. Copies of Completion Certificates for successful project implementation for each reference project, demonstrating specific experience, as well as Employer's name and contact person information (name, position, official email, telephone and website). In case of references involving more than one party (e.g. in a JV), the detail of the scope handled by the relevant party shall be clearly stated. 2. Supporting original letters from the Applicant's Bank dated not older than six months from the latest date of deadline for application submission, confirming the respective lines of credit. 3. In case of a JV, a JV Agreement (intended), initialled and signed by the Parties to the JV, clearly stating among others, the areas of specialisation and roles of each member, and stating that the members are jointly and severally liable 4. In case a bidder has no pending litigation, evidence shall be attached in form of a clearance statement from a relevant Government body e.g. a Court of Law, Ministry of Justice or other authority mandated to provide such clearances (to be provided by all members of a JV). |

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| ITA 14.2 | The source for determining exchange rates is: Central Bank of Kenya |
| ITA 15.2 | In addition to the original , the number of copies to be submitted with the Application is: three (3) paper copies and one (1) digital copy (flashdisk). |
| D. Submission of Applications | |
| ITA 17.1 | <p>The deadline for Application submission is:</p> <p>Date: 28th March 2023</p> <p>Time: 1200hrs East African Time</p> <p>Applicants shall not have the option of submitting their Applications electronically.</p> <p>If electronic submission of Applications shall be permitted, the electronic application submission procedures shall be: N/A</p> |
| ITA 19.1 | <p>The opening of the Applications shall be at:</p> <p>Date: 28th March 2023</p> <p>Time: 1205hrs East African Time</p> <p>Coast Water Works Development Agency (CWWDA) Headquarters</p> <p>CEO's Boardroom,</p> <p>Nkrumah Road, Off Mikindani Street, Mombasa - Kenya</p> |
| ITA 19.2 | If electronic submission of Applications shall be permitted, electronic Application opening procedures are: N/A |
| E. Procedures for Evaluation of Applications | |
| ITA 24.1 | At this time the Employer does not intend to execute certain specific parts of the contract by subcontractors selected in advance by the Employer (nominated subcontractors). |
| F. Evaluation of Applications and Initial Selection of Applicants | |
| ITA 27.1 | <p>Initial Selection – maximum number (x)</p> <p>The Employer intends to initially select the following maximum number of Applications: five (5). This number is referred to as (x), and is the maximum number to be initially selected.</p> |

Section III – Initial Selection Criteria

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.

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Table 1 - Qualification Criteria

| 1 Eligibility | | | | | | |
|---------------------------------|--|-----------------------|---|-----------------------|-------------------|--|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| 1.1 Nationality | Nationality in accordance with ITA 4.3 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI-1.1 and ELI-1.2, 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 AFD Eligibility | Not being ineligible to AFD financing, as described in ITB 4.3 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Statement of Integrity and Environmental and Social Responsibility |
| 1.4 State-Owned Entity | Meet conditions of ITB 4.3 | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Forms ELI-1.1 and ELI-1.2, with attachments |

| 2 Historical Contract Non-Performance | | | | | | | |
|---|---|------------------------|--------------------------------------|-------------------------------------|------------|-----------------------------|--|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements | |
| | | | All Parties Combined | Each Member | One Member | | |
| 2.1 History of Non-Performing Contracts | Termination of a contract ¹ did not occur as a result of contractor's default in the past five (5) years. | Must meet requirements | Must meet requirements | Must meet requirements ² | N/A | Form CON-2 | |
| 2.2 Suspension Based on Execution of Bid Securing Declaration by the Employer | Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.5. | Must meet requirement | Must meet requirement | Must meet requirement | N/A | Application Submission Form | |
| 2.3 Pending Litigating | 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 | |

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

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

| 3 Financial situation and Performance | | | | | | |
|---------------------------------------|---|-----------------------|--------------------------------------|-------------|------------------------------|---|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| 3.1 Financial Capabilities | (i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the cash flow requirements estimated as EUR 10,000,000(ten million EUR) for the subject contract(s) net of the Applicants other commitments; | Must meet requirement | Must meet requirement | N/A | N/A | Forms FIN-3.1, with attachments and FIN-3.3 |
| | (ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on contracts 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 |
| | (iii) The audited balance sheets or, if not required by the laws of the Applicant's country, other financial statements acceptable to the Employer, for the last five (5) years shall be submitted and demonstrate the current soundness of the Applicant's financial position. The Applicant's financial position will be deemed sound if at least two (2) of | Must meet requirement | N/A | N/A | Leader must meet requirement | Form FIN-3.1, with attachments |

| 3 Financial situation and Performance | | | | | | |
|--|--|-----------------------|--------------------------------------|---|---|-------------------------|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| | <p>the following four (4) criteria are met:</p> <p>a) Average earnings before interest, taxes, depreciation, and amortization (EBITDA) for the last five (5) years > 0;</p> <p>b) Total equity (net worth) for the last five (5) years > 0;</p> <p>c) Average liquidity ratio for the last five (5) years > 1 ((Current assets) / (Current liabilities) > 1);</p> <p>d) Average indebtedness ratio for the last five (5) years < 6 ((Total financial liabilities) / (EBITDA) < 6).</p> | | | | | |
| 3.2 Minimum Average Annual Turnover | Minimum average annual turnover of EUR Fifty Million (50,000,000 EUR) for the last five (5) years . | Must meet requirement | Must meet requirement | Must meet twenty five per cent 25% of the requirement | Must meet forty per cent 40% of the requirement | Form FIN-3.2 |

| 4 Experience | | | | | | |
|--------------------------------|--|-----------------------|--------------------------------------|-----------------------|----------------------------|-------------------------|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| 4.1 General Experience | Experience in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last five (5) years, starting 1st January 2017. | Must meet requirement | N/A | Must meet requirement | N/A | Form EXP-4.1 |
| 4.2 Specific Experience | <p>A minimum number of similar contracts specified below that have been satisfactorily and substantially³ completed as a prime contractor, joint venture member⁴ management contractor (excluding as subcontractor) between 1st January 2012 and application submission deadline:</p> <p><u>4.2.1 Contracts for Works: Design and Build of WTP</u></p> <p>Minimum of two (2) Design and Build contracts, each of minimum value of thirty million EUR (30,000,000 EUR) that are similar to the proposed works. <i>Each of the contracts, required above, shall meet the following minimum key requirements:</i></p> <ul style="list-style-type: none"> - Design and Build for water treatment plant (WTP) for | Must meet requirement | Must meet requirement ⁵ | N/A | Must meet the requirements | Form EXP-4.2 |

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

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

⁵ In the case of a JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. For instance, if the criterion mentions "two (2) contracts with a minimum value of 50M\$ each", a JV composed of 3 members and having carried out four (4) contracts of 30M\$ each shall not be qualified. On the other hand, if 2 of the 3 members of the JV each carried out one (1) contract of 50M\$, the criterion is met, even if the third member does not have any contract of this value.

| 4 Experience | | | | | | |
|--------------|--|-----------------------|--------------------------------------|-------------|----------------------------|-------------------------|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| | production of potable water from surface water resources with a capacity of at least one hundred thousand (100,000) m3/day , in similar climatic conditions; at least one contract should be in similar tropical climatic conditions , including technology and other characteristics as described in Part 2 – Section VII – Scope of Works. | | | | | |
| | <p><u>4.2.2. Contracts for Works : Design and Build of Pumping stations</u></p> <p>Minimum of two (2) Design and Build Contracts of pumping station, each of minimum value of five million EUR (5,000,000 EUR) that are similar to the proposed works. <i>Each of the contracts, required above, shall meet the following minimum key requirements: :</i></p> <ul style="list-style-type: none"> - Design and Build for a pumping station (raw water or treated water) from surface water resources with a capacity of at least one point five (1.5) m3/s, in similar tropical climatic conditions; at least one | Must meet requirement | Must meet requirement ⁶ | N/A | Must meet the requirements | Form EXP-4.2 |

⁶ In the case of a JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. For instance, if the criterion mentions "two (2) contracts with a minimum value of 50M\$ each", a JV composed of 3 members and having carried out four (4) contracts of 30M\$ each shall not be qualified. On the other hand, if 2 of the 3 members of the JV each carried out one (1) contract of 50M\$, the criterion is met, even if the third member does not have any contract of this value.

| 4 Experience | | | | | | |
|--------------|--|-----------------------|--------------------------------------|-------------|----------------------------|-------------------------|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| | contract should be in similar tropical climatic conditions. | | | | | |
| | <u>4.2.3. Contracts for Works : Design and Build of Concrete Reservoirs</u> Minimum of two (2) Design and Build contracts , each of minimum value of three million EUR (3,000,000 EUR) that are similar to the proposed works. Each of the contracts, required above, shall meet the following minimum key requirements: : - Design and Build for a reinforced concrete reservoir with a capacity of at least fifteen thousand (15,000) m3 , in similar tropical ; at least one contract should be in similar tropical climatic conditions. | Must meet requirement | Must meet requirement ⁷ | N/A | Must meet the requirements | Form EXP-4.2 |
| | <u>4.2.4. Contracts for Operation of Plant</u> | Must meet requirement | Must meet requirement ⁸ | N/A | Must meet the requirements | Form EXP-4.2 |

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

⁸ In the case of a JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. For instance, if the criterion mentions "two (2) contracts with a minimum value of 50M\$ each", a JV composed of 3 members and having carried out four (4) contracts of 30M\$ each shall not be qualified. On the other hand, if 2 of the 3 members of the JV each carried out one (1) contract of 50M\$, the criterion is met, even if the third member does not have any contract of this value.

| 4 Experience | | | | | | |
|--------------|---|---------------|--------------------------------------|-------------|------------|-------------------------|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| | <p>a) Minimum of two (2) operation and maintenance contracts, each with a duration of at least two(2) years to similar proposed works.</p> <p>For the sake of clarity, similar contracts are O&M contracts, concessions and BOT contracts for production of potable water from surface water resources, with a capacity $\geq 100,000$ m³/d, in similar tropical conditions, at least one contract should be in similar tropical climatic conditions, including technology and other characteristics as described in Part 2 – Section VII – Scope of Works.</p> | | | | | |

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

| 5 Environmental, Social, Health and Safety (ESHS) | | | | | | |
|--|---|-----------------------|--------------------------------------|-------------|------------------------------|---|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements |
| | | | All Parties Combined | Each Member | One Member | |
| | <ul style="list-style-type: none"> ✓ Project Areas management (base camps, quarries, borrow pits, storage areas); ✓ Health & Safety on worksites; ✓ Local recruitment and ESHS trainings of local staff (capacity building), ESHS trainings of subcontractors and local partners (transfer of knowledge); ✓ Wastewater (effluents); | | | | | on the topics indicated must be provided. |
| 5.3 ESHS Experience | Experience two (2) construction contracts over the last six 6 years , where ESHS measures were carried out or are on progress satisfactorily and in compliance with international standards. | Must meet requirement | N/A | N/A | Leader must meet requirement | Form EXP-ESHS with supporting documents (the Applicant shall submit a piece of evidence supporting the ESHS implementation measures) |
| 5.4 Specific ESHS Knowledge Transfer Experience | Experience of one (1) construction contract in developing/ emerging countries over the last five (5) years in which the ESHS knowledge transfer to a local partner or the ESHS capacity building of the Employer's country staff was carried out satisfactorily. | Must meet requirement | N/A | N/A | Leader must meet requirement | Form EXP-ESHS with supporting documents (the Applicant shall submit a piece of evidence supporting the ESHS knowledge transfer or capacity building) |
| 5.5 ESHS Dedicated Personnel | Availability of in-house personnel dedicated to ESHS issues: Environmental and Social Manager, and/or Health and Safety Manager. | Must meet requirement | N/A | N/A | Leader must meet requirement | Organizational chart evidencing filled ESHS position(s) |

| 6 Security | | | | | | | |
|---|--|-----------------------|--------------------------------------|--------------------------|------------------------------|---|--|
| Criterion | Requirement | Single Entity | Joint Venture (existing or intended) | | | Submission Requirements | |
| | | | All Parties Combined | Each Member ⁹ | One Member | | |
| 6.1 Specific experience in areas with security risks | Experience of two (2) contracts involving a presence in the country and completed within the last ten (10) years in an area with a similar security risk requiring the implementation of a security plan | Must meet requirement | N/A | Must meet requirement | Leader must meet requirement | Form EXP-4.2(b): for each experience listed, the security plan, as well as proof of the implementation of security measures must be provided¹⁰ | |
| 6.2 Security documentation | Having internal security management procedures and systems for business trips and on worksites | Must meet requirement | N/A | Must meet requirement | Leader must meet requirement | Supply of the following documents acceptable to the Employer: – Description of the monitoring and alert system – Crisis management procedure | |
| 6.3 Repatriation | Subscription to an emergency repatriation assistance contract | Must meet requirement | N/A | Must meet requirement | Leader must meet requirement | Furnish a certificate from the company that will provide repatriation services | |
| 6.4 Security preparation | Existence and implementation of procedures and tools for preparing employees likely to work or who are working in areas with security risks | Must meet requirement | N/A | Must meet requirement | Leader must meet requirement | Procedures and preparation tools provided at the time of departure with proof of implementation (proof of awareness-raising or training actions carried out) | |
| 6.5 Dedicated security personnel | Availability of personnel dedicated to security issues: security officer or equivalent with a minimum of two (2) years of relevant experience within the last seven (7) years | Must meet requirement | N/A | N/A | Leader must meet requirement | Organisational chart highlighting a filled position dedicated to security and the security officer's CV | |

⁹ With the exception of companies that have their registered office in the country of the Employer (except the Leader of the JV, which must meet each of the criteria).

¹⁰ Proof of acceptable implementation: contract or certification of a contract with security companies, proof of security training before departure on-site, security service provider invoices, proof of crisis simulation tests or an audit of the security plan.

Table 2 – Rated Criteria

| Criteria | | Scoring | | Documentation | | | | | | | | | | | | | | |
|--|-----------------------|--|----------------------------|-------------------------|----------------------|----------------------|---------------------|----------------------|------------------|--------------|-------------|-------------|-------------|-------------|-------------|----|--|--------------|
| Requirements | | Maximum Score | Remark | Submission Requirements | | | | | | | | | | | | | | |
| 1 Contracts for Design and Build for water treatment plant (4.2.1) | | | | | | | | | | | | | | | | | | |
| <p>Number of Similar Contracts</p> <p>Number of satisfactorily and substantially¹ completed Design and Build contracts that exceed the number specified in Table 1, criterion 4.2 a that are:</p> <p>a) similar to the Requirements (Table 1, criterion 4.2 1.); and</p> <p>b) completed during the past ten (10) years.</p> <p>Scoring methodology:</p> <table><tr><td>Number of contracts (Number of satisfactorily and substantially completed similar contracts)</td><td>[≥7 contracts]</td><td>[6 contracts]</td><td>[5 contracts]</td><td>[4 contracts]</td><td>[3 contract]</td><td>[2 contracts]</td></tr><tr><td>Weighting</td><td>[100]</td><td>[90]</td><td>[80]</td><td>[70]</td><td>[60]</td><td>[50]</td></tr></table> <p>NB: The Applicant shall limit the number of submitted similar contracts references to ten (10) in its Application.</p> | | Number of contracts (Number of satisfactorily and substantially completed similar contracts) | [≥7 contracts] | [6 contracts] | [5 contracts] | [4 contracts] | [3 contract] | [2 contracts] | Weighting | [100] | [90] | [80] | [70] | [60] | [50] | 45 | In case of JV, all members combined will be evaluated. | Form EXP-4.2 |
| Number of contracts (Number of satisfactorily and substantially completed similar contracts) | [≥7 contracts] | [6 contracts] | [5 contracts] | [4 contracts] | [3 contract] | [2 contracts] | | | | | | | | | | | | |
| Weighting | [100] | [90] | [80] | [70] | [60] | [50] | | | | | | | | | | | | |
| TOTAL 1 | | X (maximum of 45 of ≥ 7 contracts) | | | | | | | | | | | | | | | | |
| 2 Contracts for Design and Build for a pumping station (4.2.2) | | | | | | | | | | | | | | | | | | |
| Number of Similar Contracts | | 10 | In case of JV, all members | Form EXP-4.2 | | | | | | | | | | | | | | |

¹ Substantial completion shall be based on 80% or more works completed under the contract.

| Criteria | | | | | | | Scoring | | Documentation | | | | | | | | | | | | | | |
|--|-----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--|-----------------------|-------------------------|----------------------|----------------------|----------------------|----------------------|------------------|--|--------------|-------------|-------------|-------------|-------------|--|-----------------------------|--|
| Requirements | | | | | | | Maximum Score | Remark | Submission Requirements | | | | | | | | | | | | | | |
| <p>Number of satisfactorily and substantially² completed Design and Build contracts that exceed the number specified in Table 1, criterion 4.2 that are:</p> <p>a) similar to the Requirements (Table 1, criterion 4.2.2.); and</p> <p>b) completed during the past ten (10) years.</p> <p>Scoring methodology:</p> <table><tr><td>Number of contracts (Number of satisfactorily and substantially completed similar contracts)</td><td>[≥7 contracts]</td><td>[6 contracts]</td><td>[5 contracts]</td><td>[4 contracts]</td><td>[3 contracts]</td><td>[2 contracts]</td></tr><tr><td>Weighting</td><td>[100]</td><td>[90]</td><td>[80]</td><td>[70]</td><td>[60]</td><td>[50]</td></tr></table> <p><u>NB:</u> The Applicant shall limit the number of submitted similar contracts references to ten (10) in its Application.</p> | | | | | | | Number of contracts (Number of satisfactorily and substantially completed similar contracts) | [≥7 contracts] | [6 contracts] | [5 contracts] | [4 contracts] | [3 contracts] | [2 contracts] | Weighting | [100] | [90] | [80] | [70] | [60] | [50] | | combined will be evaluated. | |
| | | | | | | | Number of contracts (Number of satisfactorily and substantially completed similar contracts) | [≥7 contracts] | [6 contracts] | [5 contracts] | [4 contracts] | [3 contracts] | [2 contracts] | | | | | | | | | | |
| | | | | | | | Weighting | [100] | [90] | [80] | [70] | [60] | [50] | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL 2 | | | | | | | X (maximum 10 for ≥ 7 contracts) | | | | | | | | | | | | | | | | |
| 3 Contracts for Design and Build for a reinforce concrete reservoir (4.2.3) | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Number of Similar Contracts</p> <p>Number of satisfactorily and substantially³ completed Design and Build contracts that exceed the number specified in Table 1, criterion 4.2 (where this number is N) that are:</p> <p>a) similar to the Requirements (Table 1, criterion 4.2. 3.); and</p> <p>b) completed during the past ten (10) years.</p> <p>Scoring methodology:</p> <table><tr><td>Number of contracts</td><td>[≥7 contracts]</td><td>[6 contracts]</td><td>[5 contracts]</td><td>[4 contracts]</td><td>[3 contracts]</td><td>[2 contracts]</td></tr></table> | | | | | | | Number of contracts | [≥7 contracts] | [6 contracts] | [5 contracts] | [4 contracts] | [3 contracts] | [2 contracts] | 5 | In case of JV, all members combined will be evaluated. | Form EXP-4.2 | | | | | | | |
| Number of contracts | [≥7 contracts] | [6 contracts] | [5 contracts] | [4 contracts] | [3 contracts] | [2 contracts] | | | | | | | | | | | | | | | | | |

² Substantial completion shall be based on 80% or more works completed under the contract.

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

| Criteria | | | | | | | Scoring | | Documentation |
|---|-----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|---|--|-------------------------|
| Requirements | | | | | | | Maximum Score | Remark | Submission Requirements |
| (Number of satisfactorily and substantially completed similar contracts) | | | | | | | | | |
| Weighting | [100] | [90] | [80] | [70] | [60] | [50] | | | |
| NB: The Applicant shall limit the number of submitted similar contracts references to ten (10) in its Application. | | | | | | | | | |
| TOTAL 3 | | | | | | | X (maximum 5 for ≥ 7 contracts) | | |
| | | | | | | | | | |
| 4 Contracts for Operation of Plant (4.2.4) | | | | | | | | | |
| Number of Similar Contracts Number of satisfactorily and substantially ⁴ completed Design and Build contracts that exceed the number specified in Table 1, criterion 4.2 that are: c) similar to the Requirements (Table 1, criterion 4.2 d.); and d) completed during the past ten (10) years . Scoring methodology: | | | | | | | 20 | In case of JV, all members combined will be evaluated. | Form EXP-4.2 |
| Number of contracts (Number of satisfactorily and substantially completed similar contracts) | [≥7 contracts] | [6 contracts] | [5 contracts] | [4 contracts] | [3 contracts] | [2 contracts] | | | |
| Weighting | [100] | [90] | [80] | [70] | [60] | [50] | | | |
| NB: The Applicant shall limit the number of submitted similar contracts references to ten (10) in its Application. | | | | | | | | | |
| TOTAL 4 | | | | | | | X (maximum 20 for ≥ 7 contracts) | | |

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

| Criteria | Scoring | | Documentation |
|--|---------------|--|-------------------------|
| Requirements | Maximum Score | Remark | Submission Requirements |
| 5 Contract Management Capability | | | |
| <i>Contract management capability demonstrated in the following key areas according to the Form CMC in Section IV – Application Forms:</i> | | In case of JV, the capability of the lead member will be evaluated | Form CMC |
| a) Description of project management systems and how they will be applied (including status of accreditation with recognized international standards applicable to the industry) | 10 | | |
| b) Understanding of Employer's Requirements (approach to the contract, preliminary timeline/delivery schedule, risk identification), and | 5 | | |
| c) Use of value Engineering, innovation and continuous improvement. | 5 | | |
| TOTAL 5 | 20 | | |
| TOTAL 1 + 2 + 3 + 4 + 5 | 100 | | |

Section IV – Application Forms

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1. Administrative Forms

Application Submission Form

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

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

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

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

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

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

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

In the capacity of: _____
[insert capacity of person signing the Application]

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

Applicant's Name: _____
[insert full name of Applicant or the name of the JV]

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

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

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

Statement of Integrity, Eligibility and Environmental and Social Responsibility

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

To: _____ (the "**Contracting Authority**")

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

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

works for such an entity, regardless of the nature of his/her capacity, any undue advantage of any kind, for himself or another Person or entity for such Person to perform or refrain from performing any act in breach of its legal, contractual or professional obligations;

- 6.5 We have not and we will not engage in any practice likely to influence the contract award process to the detriment of the Contracting Authority and, in particular, in any anti-competitive practice having for object or for effect to prevent, restrict or distort competition, namely by limiting access to the market or the free exercise of competition by other undertakings;
- 6.6 Neither we nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or France;
- 6.7 We commit ourselves to comply with and ensure that all of our suppliers, contractors, subcontractors, consultants or subconsultants comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract, including the fundamental conventions of the International Labour Organisation (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the environmental and social commitment plan (ESCP) provided by the Contracting Authority.
7. We, as well as members of our joint venture and our suppliers, contractors, subcontractors, consultants or subconsultants authorise AFD to inspect accounts, records and other documents relating to the procurement process and performance of the Contract and to have them audited by auditors appointed by AFD.

Name: _____ In the capacity of: _____

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

Signature: _____

Dated: _____

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

Form ELI-1.1: Applicant Information Form

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

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

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

| |
|--|
| Applicant's name: _____ <i>[insert full name]</i> |
| In case of Joint Venture (JV), name of each member: _____ <i>[insert full name of each member in JV]</i> |
| In case of a JV, Applicant's actual or intended country of Constitution: _____ <i>[indicate country of Constitution]</i> |
| Applicant's actual or intended year of Constitution: _____ <i>[indicate year of Constitution]</i> |
| Applicant's legal address (in country of Constitution): _____ <i>[insert street / number / town or city / country]</i> |
| Applicant's authorized representative information: Name: _____ <i>[insert full name]</i> Address: _____ <i>[insert street / number / town or city / country]</i> Telephone/Fax numbers: _____ <i>[insert telephone/fax numbers, including country and city codes]</i> Email address: _____ <i>[indicate email address]</i> |
| 1. Attached are copies of original documents of: <ul style="list-style-type: none"> <input type="checkbox"/> Articles of Constitution (or equivalent documents of association) of the legal entity named above; <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1; <input type="checkbox"/> In case of State-owned enterprise or institution, in accordance with ITA 4.3, documents establishing: <ul style="list-style-type: none"> • Legal and financial autonomy • Operation under commercial law • That the Applicant is not a dependent agency of the Employer |
| 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

Form ELI-1.2: Applicant's JV Information Form

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

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

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

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

| |
|---|
| Applicant name: _____ <i>[insert full name]</i> |
| Applicant's JV member's name: _____ <i>[insert full name Applicant's JV Member]</i> |
| Applicant's JV member's country of Constitution: _____ <i>[indicate country of Constitution]</i> |
| Applicant's JV member's year of Constitution: _____ <i>[indicate year of Constitution]</i> |
| Applicant's JV member's legal address (in country of Constitution): _____ <i>[insert street / number / town or city / country]</i> |
| Applicant's JV member's authorized representative information: Name: _____ <i>[insert full name]</i> Address: _____ <i>[insert street / number / town or city / country]</i> Telephone/Fax numbers: _____ <i>[insert telephone/fax numbers, including country and city codes]</i> Email address: _____ <i>[indicate email address]</i> |
| 1. Attached are copies of original documents of: <div style="margin-left: 20px;"> <input type="checkbox"/> Articles of Constitution (or equivalent documents of association) of the legal entity named above; <input type="checkbox"/> In case of a state-owned enterprise or institution, in accordance with ITA 4.3, documents establishing: <ul style="list-style-type: none"> • Legal and financial autonomy • Operation in accordance with commercial law • That the Applicant is not a dependent agency of the Employer </div> |
| 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

2. Qualification Forms

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

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

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

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

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

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

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

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

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

Form FIN-3.1: Financial Situation and Performance

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

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

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

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

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

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

1. Financial data

| Type of Financial information in <i>[indicate currency]</i> | Historic information for previous <i>[insert number, in figure and in words]</i> years (amount in <i>[indicate currency, exchange rate, US\$ equivalent]</i>) | | |
|---|---|--------|--------|
| | Year 1 | Year 2 | Year 3 |
| Statement of financial position (information from balance sheet) | | | |
| Total assets (TA) | | | |
| Total financial liabilities ¹ | | | |
| Total equity/Net worth (NW) | | | |
| Current assets | | | |
| Current liabilities | | | |
| Working capital (WC) | | | |
| Information from income statement | | | |
| Total revenue | | | |
| Earnings before interest, taxes, depreciation, and amortization (EBITDA) ² | | | |
| Earnings before taxes (EBT) | | | |
| Cash flow information | | | |
| Cash flow from operating activities | | | |

¹ Means any financial indebtedness for and in respect of:

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

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

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

2. Financial documents

The Applicant and in case of a JV, each member shall provide copies of financial statements for **five (5) years** pursuant Section III, Initial Selection Criteria, criterion 3.1. The financial statements shall:

- a) Reflect the financial situation of the Applicant or in case of a JV, each member, and not an affiliated entity (such as parent company or subsidiary);
 - b) Be independently audited or certified in accordance with local legislation;
 - c) Be complete, including all notes to the financial statements;
 - d) Correspond to accounting periods already completed and audited.
- ☐ Attached are copies of financial statements³ for the **five, 5** years required above and complying with the requirements

³ If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified.

Form FIN–3.2: Annual Turnover

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

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

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

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

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

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

| Year | Annual turnover data | | |
|---------------------------------|--|--|---------------------------------|
| | Amount and currency ¹ | Exchange rate ² | US\$ equivalent |
| <i>[Indicate calendar year]</i> | <i>[insert amount and indicate currency]</i> | <i>[insert exchange rates used to calculate the US\$ equivalent]</i> | <i>[insert US\$ equivalent]</i> |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | Average Annual Turnover ³ | |

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

² Refer ITA 14 for date and source of exchange rate.

³ Total US\$ equivalent for all years divided by the total number of years. See Section III, Table 1, Qualification Criteria, 3.2.

**Form FIN–3.3:
Financial Resources**

[The following table shall be filled in by the Applicant and all parties 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 as specified in Section III, Initial Selection Criteria.

| Financial Resources | | |
|---------------------|---------------------|--------------------------|
| No. | Source of financing | Amount (US\$ equivalent) |
| 1 | | |
| 2 | | |
| 3 | | |
| ... | | |

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

Applicants and each member of 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, Telephone and Fax | Value of Outstanding Work (Current US\$ Equivalent) | Estimated Completion Date | Average Monthly Invoicing Over Last Six Months (US\$/month) |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| ... | | | | | |

Form EXP-4.1: General Experience

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

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

[Pursuant to Section III, Initial Selection Criteria, criterion 4.1, list contracts over the past [number] years, chronologically, according to their commencement (starting) dates.]

| Sarting Year | Ending Year | Contract Identification | Role of Applicant |
|---------------------------------|---------------------------------|--|--|
| <i>[Indicate year]</i> _____ | <i>[Indicate year]</i> _____ | Contract name: <i>[insert full name]</i> Brief Description of the contracts performed by the Applicant: <i>[describe contracts performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and US\$ equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i> | <i>[insert "Prime Contractor" or "JV Member" or "Subcontractor" or "Management Contractor"]</i> _____ |
| ... | ... | ... | ... |
| | | | |
| | | | |
| | | | |

Form EXP-4.2: Specific Experience

[The following table shall be filled in for contracts performed by the Applicant and each member of a Joint Venture and specialized subcontractor if any]

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

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

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

Subcontractor's Name¹ (as per ITA 24.3): *[insert full name]*

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

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

| Similar Contract No: <i>[insert number] of [insert number of similar contracts required]</i> | Information | | |
|--|--|---|---|
| Contract Identification: | <i>[Insert contract name and number, if applicable]</i> | | |
| Award Date: | <i>[Insert day, month, year, 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> | <input type="checkbox"/> Prime Contractor | <input type="checkbox"/> Member in JV | <input type="checkbox"/> Management Contractor |
| Total Contract Amount: | <i>[Insert total contract amount in local currency]</i> | | US\$ <i>[Insert Exchange rate and total contract amount in US\$ equivalent]</i> |
| If member is 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 US\$ equivalent]</i> |
| Employer's Name: | <i>[Insert full name]</i> | | |
| Address: | <i>[Indicate street / number / town or city / country]</i> | | |
| Telephone/Fax numbers: | <i>[Insert telephone/fax numbers, including country and city area codes]</i> | | |
| Email: | <i>[Insert email address, if available]</i> | | |

The Applicant shall provide completion certificate for completed project and support letter for the existing contract for each reference.

¹ If permitted by the Employer under "specialized activities" in Table 4.2 of Section III, Initial Selection Criteria.

**Form EXP–4.2 (cont.):
Specific Experience (cont.)**

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

| | |
|---|--|
| Similar Contract No: <i>[insert number]</i> of <i>[insert number of similar contracts required]</i> | Information |
| Description of the similarity in accordance with criterion 4.2 of Section III - Initial Selection Criteria | |
| 1. Amount | <div></div> <i>[insert amount in local currency, exchange rate, US\$ in letters and numbers]</i> |
| 2. Physical size | <div></div> <i>[Insert physical size of contract]</i> |
| 3. Compliance with key minimum requirements | <div></div> <i>[Describe how the contract meets the key minimum requirements listed in Table 1, criterion 4.2]</i> |
| 4. Other Characteristics | <div></div> <i>[Insert other characteristics, as described in Section VII, Scope of Employer's Requirements]</i> |

**Form CMC:
Contract Management Capability**

[The Applicant shall demonstrate Contract Management Capabilities in accordance with Table 2]

- 1) Description of project management system/s and how they will be applied (including status of accreditation with recognized international standards applicable to the industry)^(*)
- 2) Understanding of Employer's Requirements^(*) (approach to the contract, preliminary timeline, risk identification), and
- 3) Use of value Engineering, innovation and continuous improvement^(*).

(*): The total number of pages submitted should not exceed five (5) pages.

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

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

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

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

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

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

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

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

The Applicant shall fill this Form for each Certification required under criterion 5.1 of Section III - Initial Selection Criteria

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

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

| Similar Contract No. <i>[insert specific number]</i> of <i>[total number of contracts]</i> required | Information | | |
|---|---|---|---|
| Contract Identification: | <div><div></div><div><i>[Insert contract name and number, if applicable]</i></div></div> | | |
| Short Project Description (main scope and key values of project): | <div><div></div><div></div><div><i>[Insert short project description]</i></div></div> | | |
| Award Date: | <div><div></div><div><i>[Insert day, month, year]</i></div></div> | | |
| Completion Date: | <div><div></div><div><i>[Insert day, month, year]</i></div></div> | | |
| Role in contract: <i>[Check the appropriate box]</i> | <input type="checkbox"/> Prime Contractor | <input type="checkbox"/> Member in JV | <input type="checkbox"/> Management Contractor |
| Total Contract Amount: | <div><div></div><div><i>[Insert total contract amount in local currency]</i></div></div> | <div><div></div><div><i>[Insert total contract amount in US\$ equivalent]</i></div></div> | |
| If party in a JV or Subcontractor, specify participation of Total Contract Amount | <div><div></div><div><i>[Insert a percentage amount]</i></div></div> | <div><div></div><div><i>[Insert total contract amount in local currency]</i></div></div> | <div><div></div><div><i>[Insert total contract amount in US\$ equivalent]</i></div></div> |
| Employer's Name | <div><div></div><div><i>[Insert full name]</i></div></div> | | |
| Address: | <div><div></div><div></div><div><i>[Insert street / number / town or city / country]</i></div></div> | | |
| Telephone/Fax numbers: | <div><div></div><div><i>[Insert telephone/fax numbers, including country and city area codes]</i></div></div> | | |

| Similar Contract No. <i>[insert specific number]</i> of <i>[total number of contracts]</i> required | Information |
|--|--|
| Email: | <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <i>[Insert email address, if available]</i> |
| Description of the ESHS challenges and measures implemented under the contract: a) ESHS Challenge b) ESHS Risk Assessment Level c) ESHS implemented measures (as per criterion 5.3 of Section III - Initial Selection Criteria) d) ESHS Knowhow Transfer or ESHS Local Staff Capacity Building (as per criterion 5.4, if any, of Section III - Initial Selection Criteria) | <div style="margin-bottom: 10px;"><i>[Insert description]</i></div> <div style="margin-bottom: 10px;"><i>[Insert classification of risk assessment as per development bank classification if applicable]</i></div> <div style="margin-bottom: 10px;"><i>[Provide a document supporting the implementation of ESHS measures, acceptable to the Employer¹]</i></div> <div> <i>[Provide evidence of successful²:</i> <div style="margin-left: 20px;">– ESHS knowhow transfer to local partners or subcontractors; or</div> <div style="margin-left: 20px;">– ESHS capacity building to local staff under the contract.]</div> </div> |

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

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

Section V – Eligibility Criteria

Eligibility in AFD-Financed Procurement

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

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

their Statement of Integrity (Form available as Appendix to the Application, Bid or Proposal Submission Form) which shows that this exclusion is not relevant in the context of the Contract;

- 2.7 Have created false documents or committed misrepresentation in documentation requested by the Contracting Authority as part of the procurement process of the Contract.
3. State-owned entities may compete only if they can establish that they (i) are legally and financially autonomous, and (ii) operate under commercial law. To be eligible, a state-owned entity shall establish to AFD's satisfaction, through all relevant documents, including its Charter and other information AFD may request, that it: (i) is a legal entity separate from their state (ii) does not currently receive substantial subsidies or budget support; (iii) operates like any commercial enterprise, and, inter alia, is not obliged to pass on its surplus to their state, can acquire rights and liabilities, borrow funds and be liable for repayment of its debts, and can be declared bankrupt.

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

1. Corrupt and Fraudulent Practices

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

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

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

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

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

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

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

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

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

2. Environmental and Social Responsibility

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

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

² Means any natural Person other than a Public Officer.

PART 2 – Employer's Requirements

Section VII – Scope of Employer's Requirements

(Bidders are advised that the construction of the water treatment plant may be **phased** according to the Employer's instructions).

1. Background and scope of the Project

Background

Mombasa is the second largest city in Kenya, after Nairobi, which is the Capital City of Kenya. Based on the 2019 Population Census, Mombasa has a population of 1,208,000 people and is projected to grow to 1,468,606 in 2025 and 1,686,666 in 2035. The city acts as a major gateway to the Country and the larger Eastern African region, hosting a major port and an International Airport. Mombasa is also a major tourist hub, key to the coastal tourism industry.

The total average current supply to Mombasa city is approximately 46,500 m³/d.

The Year 2015 Water Demand for Mombasa as estimated in the Master Plan for Mombasa City (Vitens, 2016) was 152,000m³/day while the Water Distribution Network Master Plan (MIBP & NK, 2017) estimated the Year 2020 demand for Mombasa as 227,000m³/day, hence the need for a new Water Treatment Plant and a new transmission system.

The Mwache Dam Water Supply Project entails:

- A 84m RCC dam on the Mwache river, crest length 526.1m
- A Raw Water Pumping Station, Raw Water Pumping Main, Water Treatment Plant (WTP) with a clear water tank and associated facilities within the vicinity of the Dam with a proposed production capacity of 186,000 m³/d. The construction of the WTP could be done in two phases as shall be instructed in the bidding documents.
- Four Terminal Reservoirs; one for each of the target supply areas (NML, WML, SML and Island); namely
 - Nguu Tatu terminal reservoir, proposed within the existing Nguu Tatu Reservoir Site, serving the North Mainland
 - Changamwe Reservoir, proposed at the existing Changamwe Reservoir Site, serving Mombasa Island
 - Dongo Kundu Reservoir, proposed to be constructed within Dongo Kundu area in Mtongwe, serving the South Mainland
 - West Mainland reservoir, proposed to be located at a100 masl site within the West Mainland, to serve the West Mainland area
- A system of Treated Water Transmission Pipelines, transmitting treated water from the Mwache WTP to the proposed Reservoirs
- Rehabilitation and Expansion of Water Supply Distribution network in the North, South and West Mainland; Capacity Building to Water Service Provider (MOWASSCO) through NRW management and supply of goods and equipment;

Scope of Work

Raw Water System

The scope of works of this contract for the Raw Water System includes:

- Raw Water Pumping Station (capacity 8,900m³/hr) which optimizes energy costs by utilizing the varying water levels in the Dam.
- Raw Water Pumping Main of approx. length 1.9Km and design capacity of 2.47m³/s. The TDH varies from 44m to 90m.

Water Treatment Plant

The scope of works of this contract for the Water Treatment Plant includes a Water Treatment Plant (WTP) including a clear water tank and associated facilities within the vicinity of the Dam with a proposed production capacity of **186,000 m³/d**.

The water treatment plant, capacity 186,000 m³/d, is expected to comprise of the following key units:

- Inlet works incorporating raw water flow measurement;
- Coagulation-flocculation;
- Clarifiers or dissolved air flotation for clarification of flocculated water, including sludge removal facilities;
- Sand filters, including filter gallery and filter control room;
- Calco-carbonic balance;
- Disinfection facilities;
- Clear water tank , storage capacity 15,000m³;
- Pump house and air blower room with pumps and air blowers for backwashing of filters;
- Sludge drying beds;
- Backwash water lagoons, and backwash water recirculation pumps;
- Chemical storage building for all reagents;
- Disinfection unit;
- Administration building, including laboratory;
- Barrack for the staff and families;
- Workshop & store;
- Generator house & switch room;
- Access Roads;
- Gate house.

Tendering and Contract Model

The Mwache water treatment plant and the associated facilities will be implemented through a Design, Build and Operate Contract. The tender documents for the construction of the Mwache WTP will be established following the FIDIC "Yellow Book" Conditions of Contract for Plant and Design-Build modified to contain short operation and maintenance period.

Under the arrangements for this type of contract, the Contractor designs and constructs, in accordance with the Employer's Requirements, the complete plant including civil, mechanical, electrical and construction works. The Contractor is in particular bound to guarantee the performances of the plant.

It will be possible for bidders to offer their own proprietary designs for the various treatment structures. Proprietary designs, if offered by bidders, should be compliant to the specifications of the Employer's Requirements.

2. Construction Period(s)

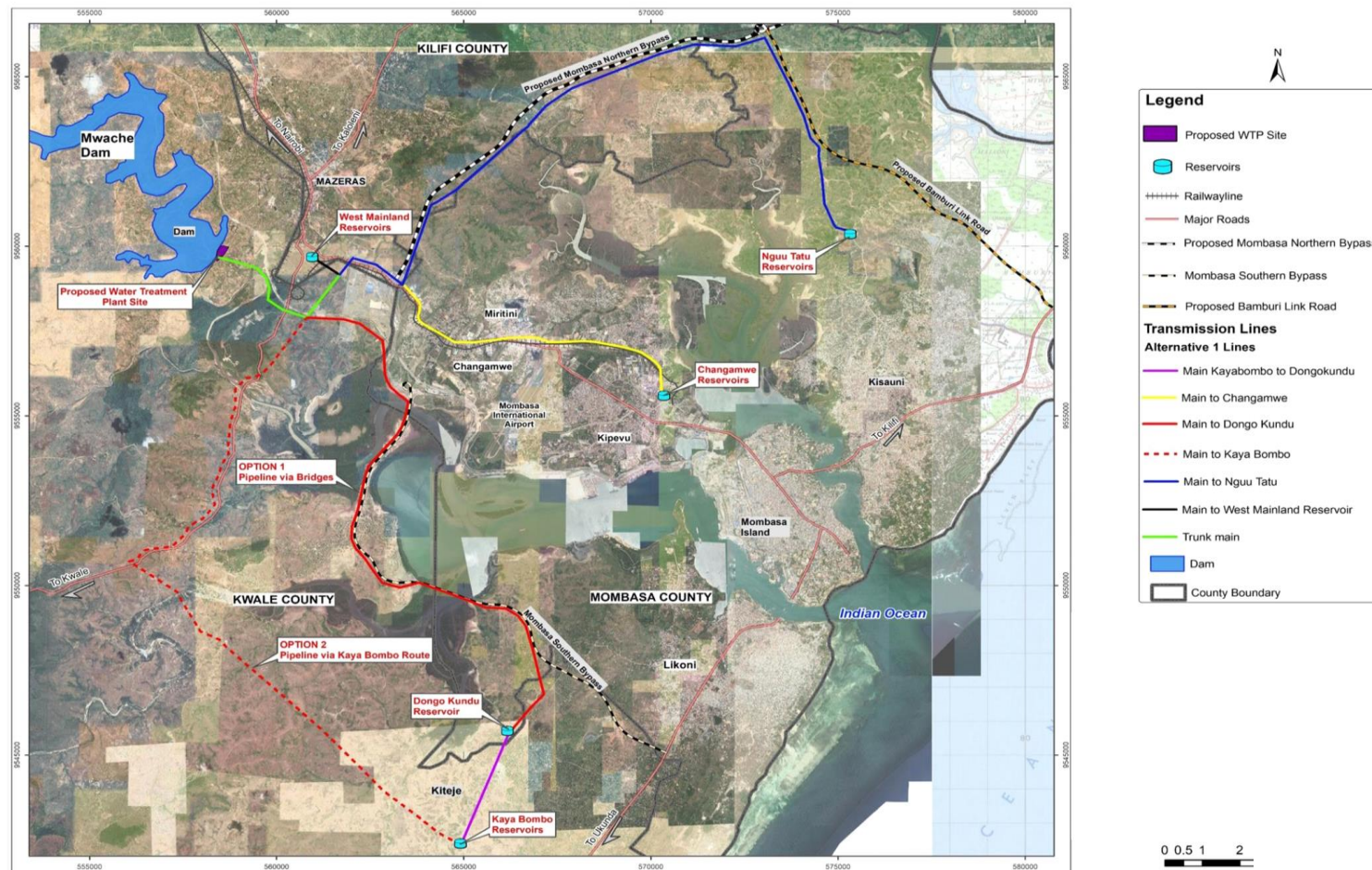
The Employer may consider **phasing the construction** of the Water Treatment Plant. The tentative calendar for the implementation of the Mwache water treatment plant is as follows:

| | |
|---|--|
| Launch of tender for the Design-Build-Operate Contract | September 2022 |
| Submission of tenders for the Design-Build-Operate Contract | End January 2023 |
| Signature of Design-Build-Operate Contract | June 2023 |
| Commissioning of the works | October 2025 (duration 30 months) |
| Operation of the WTP | 24 months (or 36 months) after the commissioning |

3. Site and other Data

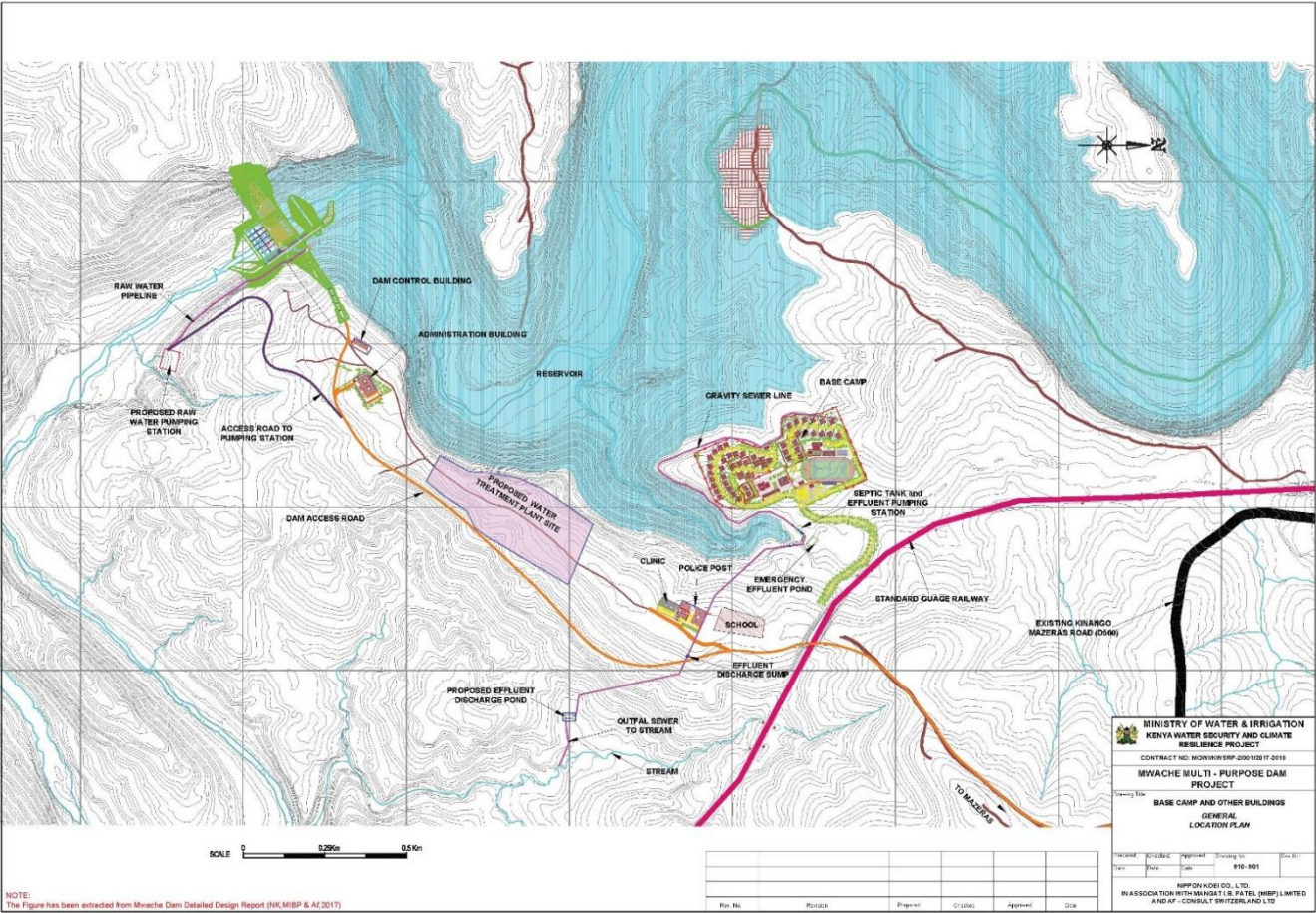
General

The figure hereafter presents the various component of the Mwache Dam Water Supply project including Mwache Dam, Mwache Trnasmision lines and Mwache Water treatment works.



Site location

The proposed location of the new Mwache water treatment plant works is in Fulugani Area of Kwale County, Kenya. Approximate location is WGS 84, UTM37M – 558680E, 9559640S.



Raw water quality

The proposed Mwache WTP will be supplied with raw water from the proposed Mwache Dam (being implemented under a separate contract). As the Dam does not currently exist, no data is available on water quality at the intake point. However, river water quality is available at the future dam location and upstream of this point. Water sampling and quality analysis were realized 18 times over a period going from January 2018 until February 2020.

Additional measurement campaign is underway with five sampling points in the catchment area.

All the results will be included in the Tender Documents.

The analyses of the results of the first monitoring plan show that the raw water to be treated at Mwache treatment plant is of good physical, chemical and bacteriological quality and suitable as a source of drinking water after appropriate treatment.