



**German Financial Cooperation with the Government of
Republic of Kenya**

**LAKE NAKURU BIODIVERSITY
CONSERVATION PROJECT**

BMZ-No.: 2015 67 916 and 2016 65 116

**Prequalification Document
for**

**Procurement of Lot 1-Construction of Njoro Wastewater
Treatment Plant**

Tender No: CRVWWDA/KfW/LNBCP/NTP/LOT1/2023-2024

**Employer: Central Rift Valley Water Works Development Agency
(CRVWWDA), Nakuru, Kenya**

November 2023

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Section I. Instructions to Applicants

A. General

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

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

the **PDS**, there is no limit on the number of members in a JV.

- 4.2 A firm may apply for prequalification both individually, and as part of a JV, or as a subcontractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture. However, a firm may participate as a subcontractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.
- 4.3 KfW's eligibility criteria for prequalification are described in Section V – Eligibility Criteria.
- 4.4 Applicants shall not have a conflict of interest. Any Applicant found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest for the purpose of this prequalification process, if the Applicant:
 - (a) Directly or indirectly controls, is controlled by or is under common control with another Applicant; or
 - (b) Receives or has received any direct or indirect subsidy from another Applicant; or
 - (c) Has the same legal representative as another Applicant; or
 - (d) Has a relationship with another Applicant, directly or through common third parties, that puts it in a position to influence the application of another Applicant, or influence the decisions of the Employer regarding this prequalification process; or
 - (e) Any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the prequalification; or
 - (f) Any of its affiliates has been hired (or is proposed to be hired) by the Employer as Engineer for the Contract implementation; or
 - (g) Has a close business or family relationship with a professional staff of the Employer (or of the project implementing agency, or of a recipient of a part of the loan) who: (i) are directly or indirectly involved in the preparation of the prequalification documents or specifications of the contract, and/or the prequalification evaluation process; or (ii) would be involved in the implementation or supervision of such contract unless the conflict stemming from such relationship has been resolved in a manner acceptable to KfW throughout the procurement process and execution of the contract.

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

B. Contents of the Prequalification Documents

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

PART 1 Prequalification Procedures

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

PART 2 - Works Requirements

- (g) Section VII. Scope of Works.
- 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the Prequalification Documents, responses to requests for clarification, or Addenda in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.
- 6.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Documents and to furnish with its Application all information or documentation as is required by the Prequalification Documents.
- 7. **Clarification of Prequalification**
 - 7.1 A prospective Applicant requiring any clarification of the Prequalification Documents shall contact the Employer in writing

Documents

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

8. Amendment of Prequalification Documents

- 8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Documents by issuing an Addendum.
- 8.2 Any Addendum issued shall be part of the Prequalification Documents and shall be communicated in writing to all prospective Applicants who have obtained the Prequalification Documents from the Employer. The Employer shall promptly publish the Addendum at the Employer's web page identified in the **PDS**.
- 8.3 To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

9. Cost of Applications

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

10. Language of Application

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

11. Documents Comprising the Application

- 11.1 The Application shall comprise the following:
 - (a) The Application Submission Sheet, indicating the Applicant's name, address, telephone, fax and email. If the Applicant is an association, the Application Submission Sheet shall also describe the form of association and list the association

members;

- (b) A Power of Attorney authorizing the representative of the Applicant, designated in accordance with ITA 4.1 to submit the Application on behalf of the Applicant. If the Applicant is a JV, the Power of Attorney shall be provided by the Lead Member nominated in the JV Agreement or in the Declarations of Association, submitted in accordance with ITA 4.1. If the representative of the Applicant is the owner, member or director of the Applicant or the Applicant's Lead Member, if so nominated in accordance with ITA 4.1, a Power of Attorney shall not be necessary.
- (c) Presentation of the Applicant (maximum 10 pages, no brochures). If the Applicant is a single entity, the Presentation shall describe the Applicant's type of entity, ownership structure and organization chart, as well as its main business areas as they apply to the project. If the Applicant is a JV, the Presentation shall provide this information about each JV member as well as a description of the intended form of collaboration of the members within the JV. Where the Applicant's qualifications to carry out the assignment have been acquired as a result of a merger or acquisition, the presentation must include a detailed business history of the Applicant.
- (d) Statements and Declarations: False information provided in the following Statements and Declarations by the Applicant or in the case of an JV by any of the JV members shall lead to the exclusion of the Applicant from the tender process:
 - (I) If the Applicant is an existing JV, the Applicant shall submit a proof of the existing Association Agreement, indicating the Lead Member. If the Applicant is a JV, which the members intend to form for the purpose of executing the contract, each member of the association shall submit a Declaration of Association, indicating the Lead Member, in the format provided in Annex Section IV, Application Forms.
 - (II) Declaration of Undertaking in the format provided in Section IV, Application Forms. If the Applicant is a JV, only one Declaration of Undertaking must be submitted, i.e. the representative of the JV can sign on behalf of the JV subject to a power of attorney.
 - (III) Financial Capacity Statement in the format provided in Section IV, Application Forms and supported by the Applicant's Balance Sheets and Profit and Loss Statements. If the Applicant is a JV, separate statements, including the supporting Balance Sheets and Profit and Loss Statements, shall be provided by each member of the JV. All Balance Sheets and Profit and Loss Statements shall be certified by a reputable auditor.

- (IV) List of project references in the format provided in Section IV, Application Forms. Unless otherwise stated in the **PDS** the references shall be limited to a maximum of 10 projects carried out during the 5 years preceding the publication of this prequalification document. The Employer reserves the right to contact the clients indicated in the references to ascertain the information provided by the Applicant.
- (V) List of Available Expertise and Human Resource Capacity in the format provided in Section IV, Application Forms.
- (e) All Application forms and required attachments, provided in Section IV, Application Forms. If the Applicant is a single entity, in accordance with ITA 4.1, it should not include form ELI 1.2 in its Application.
- (f) Any other documents required in the **PDS**.
- 11.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.
- 12. Application Submission Form**
 - 12.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.
- 13. Documents Establishing the Eligibility of the Applicant**
 - 13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete and sign the Declaration of Undertaking as provided in Section IV, Application Forms without any alteration to its format and furnish supporting documentation as specified in Forms ELI 1.1, ELI 1.2(a) and ELI 1.2(b).
- 14. Documents Establishing the Qualifications of the Applicant**
 - 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification and Evaluation, the Applicant shall provide the information requested in the corresponding Forms included in Section IV, Application Forms.
- 15. Signing of the Application and Number of Copies**
 - 15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV, designated in accordance with ITA 4.1, on behalf of the JV.
 - 15.2 The Applicant shall submit copies of the signed original Application, in the number specified in the **PDS**, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

- 16. Sealing and**
 - 16.1 The Applicant shall enclose the original and the copies of the

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| Identification of Applications | <p>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 prequalification process indicated in the PDS 1.1. |
| 17. Deadline for Submission of Applications | <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>17.1 Applicants may either submit their Applications by mail or by hand. Applications shall be submitted in accordance with the instructions, including the address and deadline, stipulated in the PDS.</p> <p>17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Documents in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.</p> |
| 18. Late Applications | <p>18.1 Late Applications received after the deadline indicated in ITA 17.1 will be rejected.</p> |
| 19. Opening of Applications | <p>19.1 The Employer shall open all Applications at the date, time and place specified in the PDS. Late Applications shall be treated in accordance with ITA 18.1.</p> <p>19.2 The Employer shall prepare a record of the opening of Applications, which shall include, as a minimum, the name of the Applicant and whether the Application has been received in time.</p> |

E. Procedures for Evaluation of Applications

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

to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.

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

22. Responsiveness of Applications

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

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

23. Domestic Bidder Price Preference

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

24. Subcontractors

- 24.1 Unless otherwise stated in the **PDS**, the Employer does not intend to execute any specific elements of the Works by subcontractors selected in advance by the Employer (nominated subcontractors).
- 24.2 A "specialized sub-contractor" is a sub-contractor hired for specialized work as defined by the Employer in Section III 4.2 - Experience. If no specialized work is specified by the Employer as such, sub-contractors experience shall not be considered for Applications evaluation.

F. Evaluation of Applications and Prequalification of Applicants

25. Evaluation of Applications

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

26. Employer's Right to Reject All Applications

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

27. Prequalification of Applicants

- 27.1 The Employer shall assess the responsive Applications in terms of the Eligibility and Qualification Criteria and methods set out in Section III, Qualification and Evaluation.
- 27.2 The Employer shall determine the fulfillment of minimum requirements on a pass/fail basis as per Section III, Qualification and Evaluation.
- 27.3 The Employer shall assign a numeric score to each of the sub-criteria, for which a maximum score is provided in accordance with ITA 27.1. All Sub-criteria Scores shall be summed to determine the Applicant's Pre-Qualification Score.
- 27.4 For the purposes of scoring individual Qualification Criteria in accordance with 27.3 the Employer shall apply the following qualitative approach:
- (a) 100% of the max. score: Excellent, if the Application substantially exceeds the requirement in accordance with the respective sub-criterion. No errors or omissions are noted.
 - (b) 75% of the max. score: Good, if the Application meets or marginally exceeds the requirement in accordance with the respective sub-criterion. Minor errors or omissions noted;
 - (c) 50% of the max. score: Unsatisfactory, if the Application

marginally falls short of the requirement in accordance with the respective sub-criterion. Major errors or omissions noted;

- (d) 25% of the max. score: Poor, if the Application substantially deviates from or indicates misunderstanding of the requirement in accordance with the respective sub-criterion. Major errors or omissions are noted comprising the fulfilment of the sub-criterion;
- (e) 0 % of the max. score: Insufficient / Fail, if the Application does not meet the requirement at all in accordance with the respective sub-criterion, or does not provide any information regarding the requirement.

27.5 An Applicant shall be considered prequalified if:

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

28. Notification of Prequalification

- 28.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified. In addition, those Applicants who have been disqualified will be informed separately.
- 28.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.

29. Invitation for Bids

- 29.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified.
- 29.2 Bidders may be required to provide a Bid Security acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.

**30. Changes in
Qualifications of
Applicants**

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

Section II. Prequalification Data Sheet

A. General

ITA 1.1	<p>The Employer is:</p> <p>Chief Executive Officer</p> <p>Central Rift Valley Water Works Development Agency</p> <p>Maji Plaza, Prison Road, Off Nakuru - Eldama Ravine Highway,</p> <p>P.O Box 2451-20100,</p> <p>Nakuru, Kenya.</p> <p>The list of contracts (lots) comprising the ICB is: Lot 1-Construction of Njoro Wastewater Treatment Plant</p> <p>ICB name and number are: CRVWWDA/KfW/LNBCP/NTP/LOT1/2023-2024</p>
ITA 2.1	The name of the Project is: Lake Nakuru Biodiversity Conservation Project
ITA 4.2	Maximum number of members in the JV shall be: "maximum three (3)"

B. Contents of the Prequalification Documents

ITA 7.1	<p>For purposes of communication during the preparation of Prequalification Application, a Firm/Joint Venture /Association intending to submit a Prequalification Application shall be required to pre-register its intent by an email communication to the Employer through the addresses indicated below.</p> <p>The email shall clearly indicate the name of the firm (or one of the firms for JV or Association), name, position, email and telephone contact of its contact persons. In case of a joint venture or association, at least one of the firms is required to pre-register the interest of the JV or Association.</p> <p>For clarification purposes, the Employer's address is:</p> <p>Chief Executive Officer</p> <p>Central Rift Valley Water Works Development Agency</p> <p>Maji Plaza, Prison Road, Off Nakuru - Eldama Ravine Highway,</p> <p>P.O Box 2451-20100,</p> <p>Nakuru, Kenya.</p> <p>Attention: Eng. Alice Kimaru</p> <p>Electronic mail address: info@crvwwda.go.ke (CC: procurement@crvwwda.go.ke)</p> <p>Latest information about addenda or clarifications will be sent to pre-registered Firms/Joint Ventures or Associations ten (10) days prior to submission of the Prequalification Application.</p>
ITA 7.1 & 8.2	Web page: https://www.crvwwda.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)	The Applicant shall submit with its Application, the following additional documents: None

ITA 15.2	<p>In addition to the original, the number and type of copies to be submitted with the Application is: One (1) hard copy and one (1) soft copy in form of an unalterable and printable PDF on a Flash Drive/Compact Disc or via cloud.</p> <p>In the event of any discrepancy between the original, copy and the digital copy the original hard copy shall prevail.</p>
D. Submission of Applications	
ITA 17.1	<p>The Original Application shall be submitted not later than</p> <p>Date: 22nd December 2023</p> <p>Time: 1100 Hrs East African Time</p> <p>at the following address, which shall be the controlling address for the purposes of the timely submission of the Application:</p> <p>Manager; Supply Chain Management</p> <p>Central Rift Valley Water Works Development Agency</p> <p>Maji Plaza, Prison Road, Off Nakuru - Eldama Ravine Highway,</p> <p>P.O Box 2451-20100,</p> <p>Nakuru, Kenya.</p> <p>Attention: William Sakuda</p> <p>Applicants "Shall Not" have the option of submitting their Applications electronically</p>
ITA 19.1	<p>The opening of the Applications shall be at</p> <p>Central Rift Valley Water Works Development Agency (CRVWWDA);</p> <p>Maji Plaza, Prison Road, Off Nakuru - Eldama Ravine Highway, P.O Box 2451- 20100, Nakuru, Kenya</p> <p>Agency's Conference Hall</p> <p>Date: 22nd December 2023</p> <p>Time: 1110 Hrs East African Time</p>
E. Procedures for Evaluation of Applications	
ITA 23.1	A margin of preference shall not apply
ITA 24.1	At this time the Employer <i>does not intend</i> to execute certain specific parts of the Works by subcontractors selected in advance (nominated subcontractors).

Section III. Qualification and Evaluation

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

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

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

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

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

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

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
3. Financial Situation and Performance							
3.1	Financial Capabilities: Liquidity	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as EUR 1,500,000 (euros one million five hundred thousand) for the subject contract(s) net of the Applicants other commitments	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN–3.1 with attachments and FIN-3.3
3.2	Financial Capabilities: Other Sources of Finance	(ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Forms FIN–3.1 and FIN-3.4
3.3	Financial Capabilities: Financial Position	(iii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Employer, for the last five (5) years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position based on the following criteria: a) Liquidity ratio ≥ 1.1	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN–3.1 with attachments

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		$\frac{Current\ Assets}{Current\ Liabilities} \geq 1.1$ b) Indebtedness ratio ≤ 80% $\frac{Total\ Liabilities * 100}{Total\ Assets} \leq 80\%$					
3.4	Average Annual Construction Turnover	Minimum annual construction turnover of EUR 12,000,000 (twelve million euros), for the last five (5) years , calculated as total certified annual payments received for contracts in progress and/or completed	Must meet requirement	Must meet requirement	Must meet twenty five (25)% of the requirement	Must meet forty (40)% of the requirement	Form FIN–3.2
4. Construction Experience							
4.1	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least five (5) years , starting 1st January 2014 .	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP–4.1
4.2 (a)	Specific Construction & Contract Management	Similar ² contracts, satisfactorily and substantially ³ completed as a prime contractor, joint venture member ⁴ , management contractor or	Must meet requirement	Must meet requirements	N/A	N/A	Form EXP-4.2 (a)

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

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

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

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
	Experience	subcontractor ⁴ between 1st January 2014 and application submission deadline two (2) contracts, each of minimum value EUR 15,000,000 (fifteen million euros) .					
4.2 (b)	Construction Experience in key activities	For the above or any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor ⁴ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum construction experience in the following key activities successfully completed ⁵ : Construction of a wastewater treatment plant with: (i). a capacity of minimum 20,000 m³/d (ii). according to ISO/IEC/ EN based standards or equivalent standards (iii). utilizing wastewater treatment technology namely: • mechanical screening, • fats, oils and grease removal, • grit removal, • anaerobic ponds, • trickling filters, • intermediate clarifiers, • maturation ponds.	Must meet requirements	Must meet requirements	N/A	N/A	Form EXP–4.2 (b)

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

Criteria			Requirements / Max. Scores			Documentation Requirements / Forms	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member		One Member
		<ul style="list-style-type: none">• sludge drying beds, and• both gravity and pumped flows. <p><i>Note: not all technologies need to be covered in one previous construction experience</i></p>					
5. Environmental and Social and Health and Safety (ESHS) Experience and Capacity							
5.1	Certificates	Availability of a valid ISO certification as below or internationally recognized equivalent (equivalence to be demonstrated by the Applicant) <ul style="list-style-type: none">- Quality Management certificate ISO 9001- Environmental management certificate ISO 14001:2014- Health and Safety certificate OHSAS 18001	Must meet requirement	N/A	Must meet requirement, if part in JV is substantial (more than 40 (forty) percent of the works)	Must meet requirement	Form CER-5.1 Form CER-5.1 Form CER-5.1
5.2	Experience in Projects with significant ESHS Impact	For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor ⁶ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum specific experience relating to the following ESHS requirements ⁶ : (i). Implementing a Construction	Max. 30 points	Max. 30 points ⁷	N/A	Must have executed at least two (2) contracts demonstrating experience with the key ESHS requirements as listed in the Requirements	Form EXP-5.2

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

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

Criteria			Requirements / Max. Scores			Documentation Requirements / Forms	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member		One Member
		Environmental and Social Management plan that guides the management of environmental and social risks and impacts. (ii). Recruitment and HR policies and procedures for the management of Labor and Working Conditions. (iii). Integrating operating procedures to promote resource efficiency and pollution prevention and management. (iv). Instituting standard operating procedures to mitigate against adverse impacts and promotion of community welfare as well as community health and safety. (v). Experience in implementing measures for the protection and conservation of biodiversity and Sustainable Management of Living Natural Resources. (vi). Stakeholder Engagement and Information Disclosure. (vii). Application of Grievance Redress Mechanisms including workers' grievance mechanism				column.	
5.3	Environmental Capacity	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective environmental management system: The qualitative assessment of the Applicant's compliance will be carried	Max. 10 points	Max. 10 points ⁷	N/A	N/A	Form ENV-5.3

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		out in terms of the scoring method described in ITA 27.4. The sub-criterion score will be calculated by adding the requirement scores.					
5.4	Occupational Health and Safety Capacity	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective health and safety management system For assessment and scoring see note in 5.3. above	Max. 10 points	Max. 10 points ⁸	N/A	N/A	Form OHSAS-5.4
5.5	Socially Responsible Work Implementation	The Applicant must demonstrate a comprehensive understanding of the requirements regarding work site implementation and operation For assessment and scoring see note in 5.3. above	Max. 20 points	Max. 20 points ⁸	N/A	N/A	Form LOC-5.5
5.6 a)	ILO Core Labor Standards	Undertaking to fully respect the ILO Core Labor Standards in the Applicant's business practice	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form (f) and form COC-5.6
5.6 b)	Ethical business principles	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards ethical Business principles.	Max. 10 points	Max. 10 points ⁸	N/A	N/A	Form COC-5.6

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

Criteria			Requirements / Max. Scores				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		For assessment and scoring see note in 5.3. above					
5.7	ESHS and Construction Personnel	<p>The Applicant must demonstrate that it has access to adequate candidates for the ESHS and construction personnel profiles, listed in Section VII, Scope of Works. The candidates must fulfill the minimum specific profile requirements and the general requirements (if any). The Applicants should present two (2) candidates for each key position listed in Section VII, Scope of Works. Combining several candidates to fulfill one candidate profile is not allowed. Providing multiple candidates for a single profile is allowed.</p> <p>For assessment and scoring see note in 5.3. above</p>	Max. 20 points	Max. 20 points	N/A	N/A	PER-5.7

The Application must score at least 70 percent in accordance with ITA 27.3 and 27.5 and must achieve more than 0 points in each sub-criterion of 5.2 - 5.7.

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Application Submission Sheet

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

ICB No.: *[insert ICB number]*

To: *[insert full name of Employer]*

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

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

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

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

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

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

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

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

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

Attachments:

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

Declaration of Undertaking

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

To: ("Project Executing Agency")

1. We recognise and accept that KfW only finances projects of the Project Executing Agency ("PEA")¹⁰ subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:
 - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;
 - 2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
 - 2.4) having been subject, within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
 - 2.5) not having fulfilled the applicable fiscal obligations with regard to the payment of taxes at the respective tax residence and in the country of origin of the PEA (*contractors based in Annex 1 countries (<https://www.consilium.europa.eu/de/policies/eu-list-of-non-cooperative-jurisdictions/>) must submit a fully completed and legally countersigned declaration of tax conformity (Appendix1 to the Declaration of Undertaking) in addition to the Declaration of Undertaking at the time of award of the contract/contract review. This shall become an integral part of the contract. Failure to submit may result in exclusion from the awarding procedure. For contractors based in countries not listed as*

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

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

Annex I countries, only the Declaration of Undertaking must be submitted, and not the declaration of tax conformity;

2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank (*in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*); or

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

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

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

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

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

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

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

- i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;
- ii. having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract;

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

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

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

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

engage in any Sanctionable Practice during the performance of the Contract;

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

6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation¹¹ (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender based violence.

7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA and KfW or an auditor appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on the spot checks and to ensure access to sites and the respective project.
8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with applicable law, but in any case for at least six years from the date of fulfillment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with applicable law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the applicable law by the PEA and KfW.

Name: _____ In the capacity of: _____

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

Signature:

Dated:

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

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

Appendix 1**Declaration of tax conformity – binding confirmation for legal persons****Name of company**

I hereby confirm with my signature that:

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

.....
(Place)

.....
(Date)

.....
(Name of the consultant)

.....
(Signature(s))

Appendix 1**Declaration of tax conformity – binding confirmation for natural persons**

I hereby confirm with my signature that:

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

.....

(Place)

.....

(Date)

.....

(Name of the person)

.....

(Signature)

Form ELI-1.1

Applicant Information Form

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

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

Form ELI-1.2 (a)

Applicant's JV Information Form

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

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

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

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

Form ELI-1.2 (b) Declaration of Association

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

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

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

[Insert the names of the other JV Members here]

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

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

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

[Signature of the authorised representative of the Member]

Form CON-2

Historical Contract Non-Performance, Pending Litigation and Litigation History

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

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

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

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

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

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

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

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

Form FIN-3.1

Financial Situation and Performance

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

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

1. Financial data

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

2. Financial documents

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

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

“ Attached are copies of financial statements¹³ for the *[number]* years required above; and complying with the requirements

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

Form FIN-3.2

Average Annual Construction Turnover

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

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

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

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

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

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

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

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

Form FIN-3.3

Sources of Finance

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

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

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

Form FIN-3.4

Current Contract Commitments / Works in Progress

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

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

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

Form EXP-4.1

General Construction Experience

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

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

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

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

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

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

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

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

Form EXP-4.2 (a)

Specific Construction and Contract Management Experience

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

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

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

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

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

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

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

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

Form EXP-4.2 (b)

Construction Experience in Key Activities

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

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

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

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

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

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

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

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

¹⁴ If applicable

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

2. Key Activity No. Two

3. Key Activity No. Three

Optional: Form EQP-4.3 Specific Construction Equipment

[The following table is optional and depending on the nature of the project, it shall be filled in for contracts performed by the Applicant or each member of a Joint Venture, and if so nominated in accordance with ITA 2.4, nominated sub-contractor]

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

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

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

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

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

Form CER-5.1 Certification

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

The Construction of Njoro Wastewater Treatment Plant is rated Category 'A' and the civil works contract has level ③ ESHS requirements. Therefore, it is mandatory for Applicants to be in the possession of all three valid certificates. The following table shall be provided by the Applicant for each certificate.

Applicant's Legal Name: _____ Date: _____

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

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

Form ESHS EXP-5.2

Experience in Projects with significant ESHS Impact

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

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

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

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

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

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

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

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

Maximum points attributed to above requirements: 30 points

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

Form ENV-5.3

Environmental Management Capacity

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

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

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

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

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

		<i>regular basis for the last three years]__</i>	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
5	- that procedures exist to respond to and mitigate environmental emergencies and other adverse impacts on work sites.	<i>__ [Provide supporting evidence like emergency manuals (index only), emergency procedures, etc.]__</i>	③
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			

Maximum points attributed to above requirements: 10 points

[Total points shall be distributed to the individual requirements. In case of ① and ② the total points shall be distributed to the reduced number of requirements.]

Form OHSAS-5.4

Occupational Health and Safety Capacity

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

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

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

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

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

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

	-		
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Maximum points attributed to above requirements: 10 points

[Total points shall be distributed to the individual requirements. In case of ❶ and ❷ the total points shall be distributed to the reduced number of requirements.]

Form LOC-5.5

Socially Responsible Works Implementation

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

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

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

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

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

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

5	- a strategy for communication and interaction with stakeholders and local communities incl. grievance mechanism, incl. avoidance of damage to property and people	___ <i>[Provide a concept how this relationship has been managed in former contracts.]</i> ___	③
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[insert brief description or, if applicable, short abstract of the documentation annexed]

Maximum points attributed to above requirements: 20 points

[Total points shall be distributed to the individual requirements. In case of ① and ② the total points shall be distributed to the reduced number of requirements.]

Form COC–5.6

Ethical Business Principles

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

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

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

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

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

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

	for major supply items), subcontractors and temporary workforce a) are aware of and b) comply with these principles.	<i>enforcement is implemented to external partners</i> <i>b) nature, content and frequency of internal trainings to employees.]__</i>	③
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
5	- that a confidential and anonymous mechanism for employees and third parties to report violations of the ethical business principles exists.	<i>__ [Describe the mechanism and the offered reporting channels (ombudsmen, whistleblower scheme, website, etc.)]__</i>	③
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			

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

[Total points shall be distributed to the individual requirements. In case of ① and ② the total points shall be distributed to the reduced number of requirements.]

Form PER–5.7 List of Available ESHS and Construction Personnel

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

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

Maximum points attributed to above requirements: 20 points

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

Section V. Eligibility Criteria

Eligibility in KfW-Financed Procurement

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

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

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

1) Sanctionable Practice

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

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

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

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

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

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

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

receiving, accepting or soliciting, directly or indirectly, of any illegal payment or undue advantage of any nature, to or by any person, with the intention of influencing the actions of any person or causing any person to refrain from any action.

Fraudulent Practice Any action or omission, including misrepresentation that knowingly or recklessly misleads, or attempts to mislead, a person to obtain a financial benefit or to avoid an obligation.

Obstructive Practice Means (i) deliberately destroying, falsifying, altering or concealing evidence material to the investigation or the making of false statements to investigators, in order to materially impede an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice, or threatening, harassing or intimidating any Person to prevent them from disclosing their knowledge of matters relevant to the investigation or from pursuing the investigation, or (ii) any act intended to materially impede the exercise of KfW's access to contractually required information in connection with an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice.

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

2) Social and Environmental Responsibility

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

- (a) comply with and ensure that all their Subcontractors and major suppliers, i.e. for major supply items comply with international environmental and labour standards, consistent with applicable law and regulations in the country of implementation of the respective Contract and the fundamental conventions of the International Labour Organisation¹⁷ (ILO) and international environmental treaties and;
- (b) implement any environmental and social risks mitigation measures, as identified in the environmental and social impact assessment (ESIA) and further detailed in the

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

environmental and social management plan (ESMP) as far as these measures are relevant to the Contract and implement measures for the prevention of sexual exploitation and abuse and gender-based violence.

PART 2 – Works Requirements

Section VII. Scope of Works

1. Description of the Works

In the framework of the German Financial Cooperation with Kenya, financing was committed for the Lake Nakuru Biodiversity Conservation Project through KfW Development Bank. The project is executed by the Central Rift Valley Water Works Development Agency (CRVWWDA) as the Project Executing Agency (PEA).

The Lake Nakuru Biodiversity Conservation Project includes investments in the water supply, sewerage system and wastewater treatment. The water supply will be increased by development of additional boreholes, optimization of existing boreholes and optimization of an existing surface water intake including construction of new transmission mains and a reservoir. The sewer network will be expanded and rehabilitated increasing the wastewater flow to Njoro wastewater treatment plant. The sewerage system investments also include the construction of a wastewater transfer station and another smaller pump station to convey wastewater to Njoro wastewater treatment plant.

This prequalification document for procurement of Lot 1 only covers the construction of Njoro Wastewater Treatment Plant. The other investments are divided into two lots. It shall be noted that the successful bidder for the construction of Njoro Wastewater Treatment Plant is not allowed to implement one of the other lots. There will be close liaison with the contractor implementing the sewerage system.

Location:

The Project area comprises the urban area within the Lake Nakuru catchment, mainly composed of Nakuru City. The site is in Nakuru County approximately 160 km from Nairobi and is located within 36° 05' E-36° 42' E longitudes and 00° 07' S-00° 45' S latitude. Figure 1 below presents the general project location map.

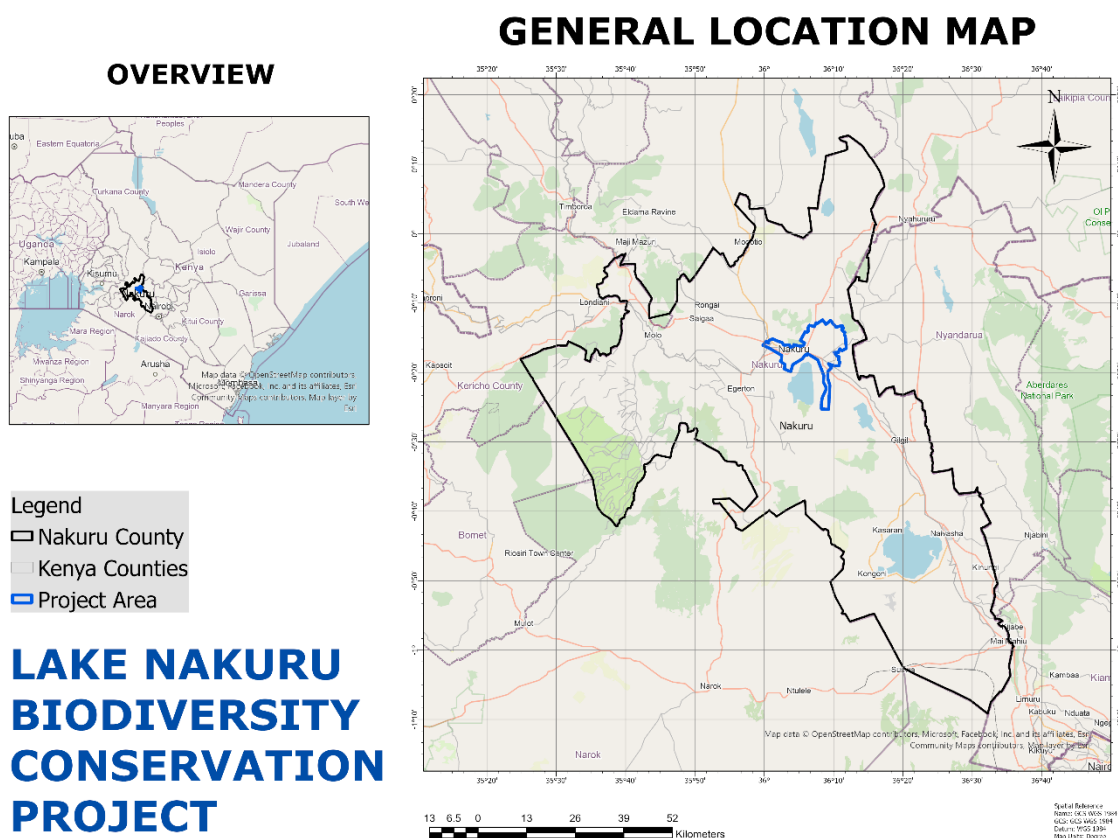


Figure 1: Project location

Scope of Works:

The Works detailed below are only an indicative Scope of Works and the Engineer may, where necessary, substitute some of the Works with others within the project areas without substantially altering the overall Scope of the Works. Works shall be measured and paid using the relevant rates and prices in the Bill of Quantities. The following is the indicative scope of works at Njoro WWTP:

- › New pretreatment works (inlet works) - 1No. Inlet works/pretreatment works with 60,000 m³/day capacity. The inlet works include inlet chamber, inlet building, screening system, aerated grit and grease removal system, equalization basin, flow measurement system and flow distribution chambers
- › New primary treatment (earth embankment anaerobic ponds) - 4No. each 10,000 m³/day capacity (size of each is 100 m by 70 m, and depth 3.5 m)
- › New secondary treatment (reinforced concrete trickling filters) - 2No. each 10,000 m³/day capacity and wet volume of 17,632 m³ (size of each 49.2 m diameter and 3.6 m height to be fitted with plastic media)
- › New secondary treatment (reinforced concrete intermediate clarifier) - 2No. each

10,000 m³/day capacity (size of each 25.2 m diameter and 3.1 m height)

- › New tertiary treatment (earth embankment maturation ponds) - 6No. each wet volume of 35,000 m³ in 2 parallel lines each with a capacity of 10,000 m³/day and with 3 ponds in series (size of each is 270 m by 93 m, and depth 2 m)
- › Effluent outfall works (450 m concrete pipe 1.2 m diameter)
- › New sludge drying beds and sludge disposal lagoons (6No. 38 m by 38 m by 0.5 m filter bed to dewater sludge from the anaerobic ponds and 8No. 33.8 m by 33.8 m by 0.5 m filter bed to dewater the sludge removed from the intermediate clarifiers)
- › Operation building, guard house, store, and workshop
- › Site works (double leaf gate, 4 km fence, 3 km 6 m wide gravel access road, concrete lined cut off drain, and paving slab parking)
- › Electromechanical works – including pumps, SCADA and instrumentation, switchgear and cabling, controls
- › Power supply system (630KVA 33/0.4KV standard transformers for connection to the national grid and 500KVA standby generators)

The Works will also include for any operations necessary to ensure the ongoing operation of the existing wastewater treatment plant.

Main Quantities (Earthworks, Concrete and Reinforcement Steel):

The indicative quantities of major components of the works are as follows:

- › Earthworks – about 650,000m³
- › Concrete - about 35,000m³
- › Reinforcement steel - about 6,000tons
- › Metal works – assorted but major
- › Timber work – assorted but minor
- › Equipment – Assorted but major

Main Equipment:

To perform the works with due diligence and expedition, the following equipment are critical and shall be required as minimum on site:

<u>Item</u>	<u>Equipment</u>	<u>Minimum number required</u>
<u>General equipment</u>		
1	Hydraulic excavator CAT 322 or equivalent with hydraulic rock hammer	3
2	Bulldozer D8 CAT or equivalent	2
3	Shovel CAT or equivalent	2
4	Wheel Loader CAT 950 4WD or equivalent	2
5	Grader CAT 14H or equivalent	1
6	Roller Self Propelled Smooth Drum Vibratory 15T	3
7	Roller Self Propelled Sheep Foot Vibratory 20T	2
8	Low Loader 30T capacity	1
9	Tip Trucks 15T Gross capacity	10
10	Water tanker 9,000 litres capacity	3
11	Lorry Crane	1
12	Survey Equipment	Assorted
13	Portable Generator	2
14	Pick Up Trucks	5
15	Dewatering Plant (site drainage)	2
<u>Concrete works equipment</u>		
1	Concrete Mixer 3m ³ Factory supplied and hauled readymix to be provided for the Works.	4
2	Rebar cutting and bending machine 5kw	2

3	Prefabricated/ slip circular formwork to suit secondary clarifiers and trickling filters Mobile Crane 50T capacity	1
4	Concrete Vibrators	Assorted sizes and quantity
5	Concrete Dumper Truck	2
6	Welding Machine	2
7	Laboratory Equipment	Assorted
8	Hand Tools	Assorted

Complexity Issues:

The complexity issues on site include, but are not limited to, the following::

- › The site borders a national park with sensitive biodiversity (The Lake Nakuru National Park, created in 1961 around Lake Nakuru and is protected under the Ramsar Convention)
- › The site has existing disused infrastructure (concrete inlet structures and distribution chambers and earth embankment walls, rock filter and grass plots that will require safe demolition and material disposal)
- › The site also has existing operational infrastructure (concrete inlet structures and distribution chambers, waste stabilization ponds, rock filter and grass plots that will need to be retained during construction). These facilities will be disconnected upon commissioning of the new WWTP facilities and set aside for future decommissioning to give space for expansion of the WWTP
- › The soil where waste stabilization ponds existed before is contaminated with sludge with about 30% of soil from excavation to be disposed off and suitable material imported to make up for embankment fill
- › Borrow pits are expected to be about 50 km away from the site accessible through the busy Eldoret - Nakuru - Nairobi Highway
- › Electromechanical components will require design approvals before fabrications
- › The city's sewer network will be constructed at the same time as the WWTP by another contractor and there will be need for close cooperation to ensure smooth implementation of the parts that require close coordination
- › There are a lot of trees on the site earmarked for construction of the inlet works and operation buildings and care must be taken to conserve the trees as they are also useful in providing buffer to absorb the odour from the pre-treatment and primary

treatment works

- › There are rampant vandalism issues around the site whereby the existing metallic infrastructure components like fences, manhole covers or even steel reinforcement from precast concrete slabs have been stolen and therefore adequate security and work protection is necessary
- › The site is also suspected to have a fault line that may need to be investigated during excavation to ensure proper protection of the waste stabilization ponds against seepage and groundwater, soil and general environmental contamination

2. Construction Period(s)

The expected construction period shall be thirty-six (36) months with a defects notification period (DNP) of twelve (12) months.

The expected start of the construction is Q2/Q3 2024.

Alternative time schedules are not permitted.

3. Site and other Data

Project Area Features:

Demographics and Social Economics

According to the 2019 population and housing census data, the population of the project area in 2019 was 325,273 and the major economic activities in the project area are commerce, industry/manufacturing, tourism, agriculture, tertiary services, and housing, with the latter occupying most of the space in the city.

Climatic Conditions

The total annual rainfall for Nakuru shows a mean rainfall between 800 mm in semi-arid regions and 1800 mm in the humid high areas, while the mean air temperature in coldest month is 19°C.

Topography

The city is positioned at an elevation of approximately 1,850 meters (6,070 feet) above sea level characterized by a combination of lake, volcanic features, hills, plateaus, and grassy plains.

Geology

The geology of the project area comprises varied series of lava flows and sheets to superficial sediments and volcanic soils. The volcanic units within the project area constitute basalts, trachytes, phonolites, tuffs, and ignimbrites, while the superficial deposits in the area comprise brown-red volcanic soils formed from weathering of the underlying tuffs, which are the main rocks exposed along road cuttings and riverbanks.

Soils and vegetation

The soils of the project area comprise latosolic soils, planosolic soils, and alluvial and lacustrine deposits and the soil profile consist of a thin covering of greyish-brown soil which varies from 0.3 into 1.0 m thick overlying buff-coloured diatomaceous silts which are highly water absorbent due to their open texture.

Access to Site

The site is accessible through all-weather road that passes Mwariki Estate off the Baringo Road - Sewage Treatment Plant Road and terminates immediately outside the operator's building at the WWTP. All the ponds can still be accessed through unmaintained crest roads on the pond's embankments.

Transport and Communication Facilities

Nakuru is the third largest city and fourth largest urban centre by metropolitan area in Kenya, behind Nairobi, Mombasa, and Kisumu respectively. The city is accessible from Nairobi by road through the Nairobi Eldoret Road, by train through the Kenya railway metre gauge line which has a station in the city, the Kenya railway standard gauge line from Mombasa which currently terminates in the neighbouring town of Naivasha within the Nakuru county and by air through the Lanet Airport which is currently under construction.

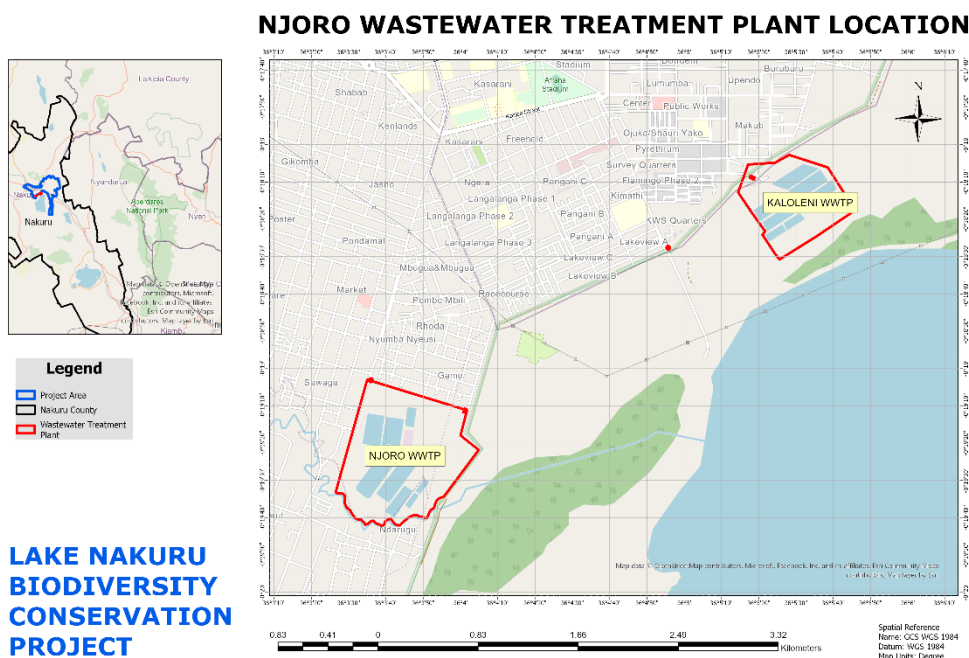
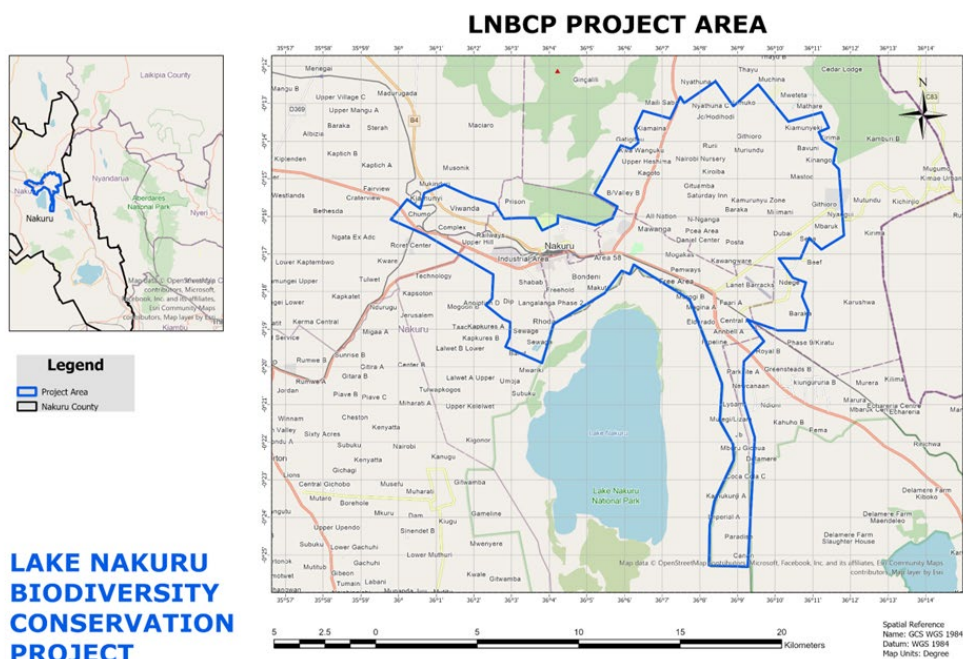
Medical Facilities

Nakuru is a host of many public and private medical facilities. It has level 5 hospital and many public dispensaries in addition to a sizeable number of private hospitals such as the Agha Khan Hospital, Nairobi Women's Hospital, Mediheal Hospital, Avenue Healthcare, etc.

Project Layout

The project area is bordered by Lake Nakuru National Park on the South and the Menengai Forest to the North. Administratively, the site covers parts of Nakuru North sub-county, Nakuru East sub-county and Nakuru West sub-county which are divided into 34 sub-locations and comprises the Nakuru Water and Sanitation Services Company (NAWASSCO) Ltd.'s jurisdiction.

The figures below shows the boundary of the project area and the location of Njoro WWTP.



Facilities and Services Provided by the Employer:

The following are the facilities and services to be provided by the Employer:

- › Sites for all works
- › Sizeable piece of land for Contractor's Camp Site (within the WWTP Site)

- › Letters of introduction to acquire information and permissions from relevant authorities
- › Authorization and confirmation documents for applications for letters of credit
- › Authorizations and confirmation documents for applications for tax exemption
- › Project Environmental Licence from National Environmental Management Authority (NEMA)
- › Environmental and Social Management Plans derived from the ESIA Reports
- › RAP reports if required
- › Support of the Water Service Provider, Nakuru Water and Sanitation Services Company Limited (NAWASSCO) regarding details of existing infrastructure and relevant details of their operations

4. Main Personnel:

To perform the works with due diligence and expedition, the following key personnel with the minimum managerial and technical competence stated shall be required as minimum on site.

Item	Position	Minimum qualification / experience	Minimum total years of work experience	Minimum years of experience in similar works and positions
1	Project Manager	<ul style="list-style-type: none"> • Be fully conversant with FIDIC MDB Conditions of Contract. • Be fully conversant in English. Kiswahili is an added advantage. • Have experience in 3 finished contracts of a similar nature 	15	10
2	Planner	<ul style="list-style-type: none"> • Be fully conversant with MS Project/Primavera or other widely accepted planning software. • Have worked on at least 2 contracts of a similar nature. 	5	3
3	Mechanical and Electricals Engineer(s)	<ul style="list-style-type: none"> • Worked at least 2 contracts of a similar nature. • Experience in design reviews for their disciplines with particular emphasis on trickling filters. 	10	5
4	Process Engineer	<ul style="list-style-type: none"> • Worked on at least 2 contracts of a similar nature. • Experience in design reviews with particular emphasis on trickling filters. 	10	5
5	Health and Safety Manager	<ul style="list-style-type: none"> • Be fully conversant in English and Kiswahili. • Have experience in 3 contacts of a similar nature. • Be attested by an international organisation. • Be familiar with international ESHS Guidelines, especially the World Bank/International Finance Corporation EHS Guidelines and the sector specific EHS guidelines for water and sanitation • Be familiar with the development and implementation of 	5	3

		contractors ESHS performance monitoring and supervision schemes		
6	Environmental Officer	<ul style="list-style-type: none"> • Have demonstrated experience in handling sludge disposal. • Be fully conversant with Kenyan environmental law regarding such. • Be familiar with international ESHS Guidelines: especially the World Bank/International Finance Corporation EHS Guidelines and the sector specific EHS guidelines for water and sanitation • Be familiar with the development and implementation of contractors ESHS performance monitoring and supervision schemes including monitoring of project operation 	5	2
7	Social Liaison Officer	<ul style="list-style-type: none"> • Have experience in social awareness campaigns with wastewater disposal. • Be fully conversant in English and Kiswahili. • Have documented experience with management of grievances • Have documented experience within supervision and monitoring of contractor performance for labour management and public health, safety and security in line with international standards (WB ESSs, IFC General EHS Guidelines) 	5	2
8	Form-Work Specialist	<ul style="list-style-type: none"> • Have experience in 3 contracts of a similar nature comprising circular tanks of similar dimensions 	5	5
9	Temporary Works Specialist	<ul style="list-style-type: none"> • Have experience in 3 contracts of a similar nature including demonstrated design of temporary works 	5	3

In addition to the required competences presented in the table above, the following shall be considered:

- One of the proposed Project Managers is envisaged to be the same person: (i) to be included in the Tender and (ii) to be proposed by the awarded contractor as Contractor Representative pertaining Sub-Clause 4.3 of FIDIC MDB Conditions of Contract.
- The Mechanical and Electrical Engineer(s) can be the same person for both disciplines if experience is demonstrated for both disciplines.
- One of the proposed Health and Safety Managers is envisaged to be the same person: (i) to be included in the Tender and (ii) to be proposed by the awarded contractor as Accident Prevention/ Health and safety officer pertaining Sub-Clause 6.7 of FIDIC MDB Conditions of Contract.

To demonstrate the personnel capabilities, the Applicants should refer to FORM PER-5.7 in Section IV.

5. Environmental and Social Management Plan (ESMP)

This project is geared towards enhancing social and economic benefits to the people living within project areas and the region in general. The project, however, should also observe environmental conservation requirements in accordance to the established laws and regulations in Kenya.

The successful Contractor will be held to the highest standards of performance and conduct on environmental and social issues.

Amongst other, the following guiding principles for Njoro WWTP need to be considered:

- Ensuring the prevention of pollution into the environment from construction related wastes including accidental raw sewage, partially treated sewage from the old lagoons and accumulated sludge and other solid matter,
- Enhancing consideration of environmental, social and economic functions within the project implementation and coverage areas,
- Compensations or appropriate acquisition process of any land and/or property affected by any of the projects is in accordance with the established project principles and guidelines,
- The Contractors and other players in the project activities are required to implement the project approved ESMP through a sustained supervision by the Client or the respective appointed supervising Consultant and stakeholder engagement,

The Contractor(s) will be required to adopt the ESMP prepared under the ESIA process and approved by NEMA as well as the conditions issued through the EIA Licence from NEMA to develop a comprehensive Construction Environmental and Social Management Plan (C-ESMP) reflecting the realities and actual project implementation details.

The C-ESMP will also reflect and assist in realizing the ESHS Requirements. The actions on works items should address environmental and social aspects associated with the works and in line with guidelines from the ESMP. The C-ESMP will comprise aspects presented in the ESMP including the following:

- Environmental issues
- Proposed management actions
- Responsibilities,
- Implementation timeframes and
- Costs indications .

Upon completion and prior to commissioning of the WWTP, the Contractor will establish appropriate operational guidelines on environmental conservation and social linkages to enable the management identify critical environmental and social issues and institute appropriate actions towards minimizing associated conflicts as part of the C-ESMP.

As part of the C-ESMP, the Contractor will prepare the following standalone management plans;

- Construction Health and Safety Plan
- Traffic Management Plan
- Stakeholders and Social Engagement Plan
- Labour Influx Management Plan
- Gender Management Plan
- Community Health, Safety and Security Plan
- Child Protection Plan
- Waste Management Plan
- Biodiversity Management Plan
- Silt and sedimentation Management Plan
- Accident and Emergency Response Plan
- Code of Conduct (for all workers)
- Grievance Redress Mechanism (GRM)

In order to implement the C-ESMP, it is required that the Contractor establishes a professional team to oversee environment and social (E&S) management aspects including the waste management, emissions control, social integration, water conservation, safety and health, enhanced sanitation and hygiene measures throughout the project period.

The implementation of the C-ESMP will be regularly audited by independent specialists and will be regularly supervised and monitored by PEA's Engineering Consultant on a day-to-day base.

The Contractor will be required to conform to the C-ESMP as to the Standard Works Requirements as per Tender Documents and Construction Contract.

The ESMP as well will be part of the tender documents and the construction contract.

6. Main contractual provisions

The contractual framework will be based on “FIDIC Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer, Multilateral Development Bank Harmonised Edition of June 2010” (FIDIC Pink Book).

Tenderers are informed that Section 144 in The Public Procurement and Asset Disposal Regulations 2020 will apply for this Contract that includes that at least 40% of materials for the Permanent Works must be sourced locally.