



Public Procurement Regulatory Authority

Standard Request for Qualification

Public Private Partnership Projects

Public Procurement Regulatory Authority
P. O. Box 49,
Dar es Salaam.

June, 2008

Guidance Notes

1. The Standard Request for Qualification Document (RFQ) is intended primarily for use by the procuring entities in qualifying Applicants who express an interest in entering a Public Private Partnership (PPP) under International Competitive Bidding (ICB) procedures where the financial and technical capacity are of primary importance. It includes:
 - i) a format of the Request for Qualification Notice,
 - ii) an introduction,
 - iii) the purpose for issuing the RFQ,
 - iv) qualification requirements,
 - v) General Instruction to Applicants (GITA),
 - vi) Particular Instructions to Applicants (PITA),
 - vii) a standardized Letter of Application, and
 - viii) a set of information forms attached as annexes for Applicants to complete.

Section 1: Introduction

This section allows the Procuring Entity (PE) to define clearly the objectives, goals, and scope of the PPP project and provides background information (including a list of existing relevant studies and basic data) to enable the Applicant to prepare the Application for Qualification (AFQ). It also allows the PE to describe briefly the purpose of issuing the RFQ and gives the bidding structure as well as a brief description of the bidding process.

Section 2: Purpose for issuing RFQ

This section clearly spells out the PEs purpose for issuing out the RFQ. It consists of a template that may be filled by the PE but is also subject to modification depending on the size and complexity of the project.

Section 3: Qualification criteria

This section sets out the qualification requirements it deems appropriate for the PPP. The requirements depend on the market interest, the relative size and complexity of the PPP and the value for money objectives of the PE. While general qualification requirements are given, the PE has discretion as to the specific detail required.

Section 4: General Instruction to Applicants (GITA)

The Section provides the General Instruction to Applicants that will apply for this RFQ. It provides relevant information to help Applicants prepare their AFQs. Information is also provided on the submission, opening, and evaluation of AFQs and on shortlisting of qualified Applicants.

The text in this section shall not be modified.

Section 5: Particular Instruction to Applicants (PITA)

The Section provides clauses specific to the particular PPP project that modify or supplement Section 4: GITA

Section 6: Annexes

This section contains the format for submission of the AFQ. It contains the following forms: details of applicant, technical capacity of applicant, financial capacity of applicant, details of eligible projects, statement of legal capacity, and undertakings of applicants on anti-bribery, anti-money laundering.

The text in this section shall not be modified.

2. Care should be taken when preparing a Request for Qualification Document for issue in specific cases to ensure that the qualification criteria are clear and explicit and that they refer to the needs and characteristics of the specific procurement. When using the Standard Request for Qualification Document, the following directions should be observed:
 - a) No changes should be made to the wording of the GITA; provisions related to a particular contract or contracts should be stated in the PITA.
 - b) The attached information forms may require minor adaptation to suit the individual requirements of particular PPP projects.
 - c) The italicized notes in the RFQ contain guidance and instructions for the Procuring Entity preparing and issuing the document, and should not be incorporated in the final customized version.
 - d) At the discretion of the Procuring Entity, the Evaluation Guide may be incorporated in the final document as one of the annexes, with the objective of providing an element of transparency to Applicants regarding the preparation of the qualification criteria and the evaluation of submitted applications by the PE.

3. If the project consists of several components to be bid for simultaneously on a “slice /component” basis, the non-standard, project/component-specific parts of the RFQ document should be prepared for each individual component/slice in the event that award of individual components will be made to different applicants. In the RFQ document, section 3 shall state the qualification requirements that are specific for each project/component. Applicants will be asked to indicate in their submissions the individual component or combination of components in which they are interested, and will be invited to apply for qualification in only those or similar components for which their assessed capacity is sufficient.

TABLE OF CONTENTS

Guidance Notes	i
Table of Contents	ii
Abbreviations and Acronyms	vi

Specific Procurement Notice	vii
SECTION 1: INTRODUCTION	1
1.1 Back ground	1
1.2 Project Information	1
1.3 Project Bidding Structure	2
SECTION 2: PURPOSE OF ISSUING RFQ	4
SECTION 3: QUALIFICATION REQUIREMENTS	5
3.1 Eligibility	5
3.2 Financial Capacity	5
3.3 Technical Capacity/Project Experience and Awareness	6
SECTION 4: GENERAL INSTRUCTIONS TO APPLICANTS (GITA)	7
A General	7
1 Scope of Application	7
2 Eligibility of Applicants	7
3 Site Visit and Verification of Information	8
B Request for Qualification	8
4 RFQ Sections	8
5 RFQ Clarifications	9
6 RFQ Amendments	9
C Preparation and Submission of AFQ	9
7 AFQ Preparation Costs	9
8 Application Language	9
9 Format and Signing of Application	10
10 Sealing and Marking of the Application	10
11 Deadline for Submission of Application	10
12 Late AFQ	11
13 Modification/Substitution/Withdrawal of AFQs	11

D	Opening and Evaluation of AFQs	11
14	<i>Opening of AFQs and Checking for Responsiveness</i>	11
15	<i>Evaluation of AFQs</i>	12
16	<i>Confidentiality</i>	13
17	<i>Clarification</i>	14
E:	Qualification and Bidding	14
18	<i>Short-listing and Notification of Applicants</i>	14
19	<i>Submission of Proposals</i>	14
20	<i>Proprietary Data</i>	14
21	<i>Fraud and Corruption</i>	14
F	Review of Procurement Decisions	15
22	<i>Right to Review</i>	15
23	<i>Time Limit on Review</i>	15
24	<i>Submission of Applications for Review</i>	15
25	<i>Decision by the Head of Procuring Entity</i>	16
26	<i>Administrative Review by the Public Procurement Regulatory Authority</i>	16
27	<i>Decision by the Public Procurement Regulatory Authority</i>	17
28	<i>Review by the Public Procurement Appeals Authority</i>	17
SECTION 5: PARTICULAR INSTRUCTIONS TO APPLICANTS (PITA)		18
SECTION 6: ANNEXES		20
Annex – I	Details of Applicant	21
Annex – II	Technical Capacity of Applicant	23
Annex – III	Financial Capacity of Applicant	24
Annex – IV	Details of Eligible Projects	26
Annex –V	Statement of Legal Capacity	29
Annex – VI	Undertakings of Applicants on Anti-bribery, Anti-money Laundering	30

ABBREVIATIONS AND ACRONYMS

AFQ	Application for Qualification
Applicant	As defined under Clause 2.1 of GITA
Consortium	As defined under Clause 2.1(a) of GITA
Eligible Project	As defined under Clause 2.2
Eligible Experience	As defined under Clause 16.3
GITA	General Instructions to Applicants
ICB	International Competitive Bidding
Net Worth	As defined under Clause 2.3 (b)
O&M	Operation and Maintenance
PE	Procuring Entity
PITA	Particular Instructions to Applicants
PPRA	Public Procurement Regulatory Authority
RFQ	Request for Qualification
Site	As defined under Clause 4.2
SPV	Special Purpose Vehicle

SPECIFIC PROCUREMENT NOTICE
Request for Qualification

[Insert: name of project]

This Request for Qualification follows the general procurement notice for this project that appeared in the *[Insert name of paper]*, of *[Insert date]* and *[insert name of Gazette or Journal]* *[insert number]* of *[insert date]*.

The *[insert name of procuring entity]* has identified an investment/development opportunity for *[insert brief description of project]* at *[Insert location]* and intends to enter into a Public Private Partnership in order to exploit it.

The *[insert name of Procuring Entity]* invites Applications for Qualification (AFQ) from applicants (firms/consortia) interested in the above mentioned opportunity. It is expected that Requests for Proposal (RFP) will be issued in *[insert month and year]*.

Qualification will be conducted through the procedures specified in the Request for Qualification (RFQ) in line with the principles of the Public Procurement Act No.21 of 2004 and accompanying regulations.

Interested applicants may obtain further information from and inspect the Request for Qualification documents at the address specified below *[insert name of PE and address at the end of this notice]* at *[insert office hours]*. A complete set of Request for Qualification documents in English may be purchased by interested applicants (firms/consortia) upon payment of a non-refundable fee¹ of *[insert amount in local currency]* or in *[insert amount in specified convertible currency]*. The method of payment will be cash, bank draft or banker's cheque to *[insert name of institution/individual to which payments should be made]*

Applications for Qualification (AFQ) should be submitted in sealed envelopes, delivered to the address below by *[insert time and date]*, and be clearly marked "Application for Qualification for *[insert name of project and the component name(s) and number(s)]*."

[Insert name of officer]

[Insert name of office]

[Insert postal address] and/or [insert street address]

[Insert telephone number, indicate country and city code]

[Insert facsimile or cable number]

¹ The fee, to defray printing and mailing/shipping costs, should be nominal (see *Public Procurement (Goods, Works, Non-Consultant Services and Disposal of Public Assets by Tender) Regulations, 2005 – Government Notice 97 of 15th April 2005 -Regulation 82*)

SECTION 1: Introduction

1.1 Background

[This section shall provide the background and the roles of the Procuring Entity (PE) as an institution and background of the Public Private Partnership (PPP) Project to be implemented by providing the general picture based on the feasibility study. It will also describe briefly the purpose of issuing Request for Qualification (RFQ)].

1.2 Project Information

[The PE may amend this subsection, or insert further details, which sets out what its value for money objectives are in entering into the PPP].

[Insert name of PE] has, as part of its [insert development strategy], identified the PPP opportunity at [insert location].

- i. *It is intended that by [insert name of PE] entering into the PPP with a private party, [insert name of PE] may be able to [insert the purpose for entering into PPP]. It is intended that the project will be implemented by the private party in compliance with any terms and conditions stipulated in the project agreement.*
- ii. *[Insert name of PE] embarked on the project after conducting feasibility studies in order to determine whether [insert name of PE] could proceed with the project and whether the project may be viable.*
- iii. *[The PE must provide relevant details regarding the asset and the possible product or service categories which could be provided through the use of the asset. The PE will be heavily guided by its feasibility studies as to what information is relevant. A PE must provide sufficient information so as to allow interested parties to consider whether they would wish to be involved in the PPP].*
- iv. *[While more detailed information will be provided in the Request for Proposals (RFP), it is important that an accurate and comprehensive set of information is made available to interested parties in the RFQ. For example, information should be provided on :*
 - *Explanation of project: The project will have been defined during the feasibility study. The RFQ must communicate the PE's envisaged and desired outcomes, and what the applicant is expected to do.*

- *Site review/context: Provide a summary on the site information and on issues that were identified during the feasibility phases, such as: legal, environmental, stakeholders, personnel and human resources, infrastructure, equipment, performance standards, transfer of risk, other information identified as being relevant through the inception and feasibility phases.]*

1.3. Project Bidding Structure

[In this sub-section, the PE should state clearly whether the bidding structure of the project is in components or not. It should also provide the details of each component]

1.3.1 Brief Description of Bidding Process

The PE has adopted a two-stage process (collectively referred to as the “Bidding Process”) for selection of the bidder for award of the Project. The first stage (the “Qualification Stage”) of the process involves qualification (the “Qualification”) of interested parties/ consortia that make an Application for Qualification (AFQ) in accordance with the provisions of this RFQ (the “Applicants”). At the end of this stage, the PE shall announce a short-list of suitable pre-qualified Applicants who shall be eligible for participation in the second stage of the Bidding Process (the “Bid Stage”) comprising Request for Proposals (the “Request for Proposals” or “RFP”).

A Qualification Stage

Qualification of applicants shall be in accordance with the provisions of Public Procurement Act 2004 and its Regulations and guidelines issued by the Government of the United Republic of Tanzania in connection to PPPs. The PE shall be entitled to disqualify an Applicant in accordance with the aforesaid documents at any stage of the Bidding Process.

In this stage, Applicants would be required to furnish the information specified in this RFQ.

B Bid Stage

The Bidders will be called upon to submit their financial offers (the “Bids”) in respect of the Project, in accordance with the RFP and other documents to be provided by the PE, pursuant to the RFP (collectively the “Bidding Documents”). The Bidder will be required to deposit, along with its Bid, a refundable bid security which will be specified in the RFP.

Generally, the selected Bidder shall be the highest ranked Bidder. The remaining Bidders shall be kept in reserve and may, in accordance with the process specified in the RFP, be invited for negotiation in case the highest Bidder withdraws or is not selected for any reason.

In the event that none of the other Bidders meet the minimum requirements, the PE may, at its discretion, invite fresh Bids from all Bidders or annul the Bidding Process, as the case may be.

Further and other details of the process to be followed at the Bid Stage and the terms thereof will be spelt out in the Bidding Documents.

1.32 Procurement stages and timelines

The PE shall endeavour to adhere to the following timelines:

S/N	Event Description	Estimated Date
Qualification Stage		
1	Last date for receiving queries	<i>Insert dates</i>
2	Pre-Application Conference	<i>Insert dates</i>
3	PE response to queries latest by	<i>Insert dates</i>
4	Date for Submission of AFQ	<i>Insert dates</i>
5	Announcement of short-list	<i>Insert dates</i>
Bid Stage		
6	Issuing RFP	<i>Insert dates</i>
7	Last date for receiving queries	<i>Insert dates</i>
8	Pre-Bid meeting	<i>Insert dates</i>
9	PE response to queries latest by	<i>Insert dates</i>
10	Submission and Opening of Bids	<i>Insert dates</i>
11	Evaluation of Bids	<i>Insert dates</i>
12	Negotiation	<i>Insert dates</i>
13	Enter pre – development agreement	<i>Insert dates</i>
14	Enter PPP agreement	<i>Insert dates</i>
Project Implementation		

NOTES: *Time estimates for the above activities shall follow recommended guidelines on standard procurement processing time in the THIRD SCHEDULE of the Public Procurement (Selection and Employment of Consultants) Regulation, 2005, Government Notice No. 98)*

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SECTION 2: Purpose of Issuing RFQ

- 2.1. The purpose of issuing the RFQ is to enable *[Insert name of PE]* to qualify interested Applicants who wish to be involved in the PPP, by assessing whether the interested Applicants fulfill *[Insert name of PE]* requirements as set out Section 3 of this RFQ.
- 2.2. It is intended that the RFQ and subsequent processes be conducted in a transparent and open manner in order to ensure that *[Insert name of PE]* objectives for initiating the PPP are achieved, and that *[Insert name of PE]* meets its value for money objectives. The qualification process will identify a shortlist of qualified Applicants, who will be asked to submit detailed functional and price information in a later bid process.
- 2.3. The objectives of the RFQ include ensuring that those interested Applicants who successfully qualify:
 - i. Have the financial prerequisites; and
 - ii. Have an established track record in the development and operation of a similar project so as to enable the interested applicant to successfully manage the PPP.

SECTION 3: Qualification Requirements

[A PE must set the qualification requirements it deems appropriate for the PPP. These requirements will depend on the market interest, the relative size and complexity of the PPP and the value for money objectives of the PE. The PE has discretion as to the specific detail required]

Below are general qualification requirements for PPP Projects:

3.1 Eligibility

General Conditions of eligibility are clearly specified under clause 2.2 of General Instruction to Applicants (GITA). *[At this stage, the PE may also include any other project specific conditions].*

In the submission, the applicant must clearly explain the structure of the applicant's organization. The shareholders should be clearly identified, and their roles and responsibilities listed. The submission should also list the equity, ownership and directorships held by shareholders.

[Insert name of PE] requires that interested parties create newly formed special purpose vehicles (SPV) for bidding purposes and for the purpose of undertaking the project at the time of execution of the project. Where any parties are not shareholders, but will be integrally involved in the operation of the SPV, such parties should also be listed.

3.2 Financial capacity

Given the fact that the *[insert name of project]* project is of a high value and may entail risk to both the preferred bidder and *[Insert name of PE]*, it is important that interested parties demonstrate financial strength. In this regard:

- (i) The net worth of the interested party must be at least the amount specified in the Particular Instructions to Applicants (PITA). The Applicant must demonstrate financial strength with reference to the net worth of its shareholders in proportion to their shareholding.
- (ii) The interested party must also demonstrate, to *[Insert name of PE]* satisfaction, that its shareholders are solvent. Audited financial statements, along with a letter confirming that the net worth exceeds the stipulated amount must be provided to justify any assertion made by an interested party in this regard.
- (iii) As the project will require a substantial amount of capital investment, interested parties must demonstrate their ability to raise debt and equity and to provide security to *[Insert name of PE]* satisfaction.

- (iv) Interested parties will also be required to provide information on ownership of the entities of which the interested parties are comprised, reflecting the ownership proportions.

3.3 Technical Capacity/Project Experience and Awareness

[PE must appreciate that most of PPP projects require interested parties with substantial experience and expertise in the similar projects or businesses. Depending on the project type, PE must therefore specify to interested parties, the relevant capacity and experiences that they are required to have. Examples of experience include: development of PPP facility, construction of PPP facility, and its operation and maintenance]

SECTION 4: General Instructions to Applicants (GITA)

A: General

- 1 Scope of Application
 - 1.1 The Procuring Entity (PE) named in the PITA wishes to receive Applications for Qualification (AFQ) in order to shortlist experienced and capable Applicants for the Bidding Stage.
 - 1.2 Short-listed Applicants may be subsequently invited to submit the Bids for the Project.
- 2 Eligibility of Applicants
 - 2.1 The term “**Applicant**” used herein would apply to both a single entity and a Consortium.
 - (a) The Applicant for qualification may be a single entity or a group of entities (the “**Consortium**”), coming together to implement the Project. However, no applicant applying individually or as a member of a Consortium, as the case may be, can be a member of another Applicant Consortium.
 - (b) An Applicant may be a natural person, private entity, government-owned entity or any combination of them with a formal intent to enter into an agreement or under an existing agreement in the form of a Consortium. A Consortium shall be eligible for consideration subject to the conditions set out in Clause 2.2 of GITA below.
 - 2.2 **Conflict of Interest:** An Applicant shall not have a conflict of interest that affects the Bidding Process. Any Applicant found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest that affects the Bidding Process, if:
 - (a) Such Applicant (or any constituent thereof) and any other Applicant (or any constituent thereof) have common controlling shareholders or other ownership interest; or
 - (b) a constituent of such Applicant is also a constituent of another Applicant; or
 - (c) such Applicant receives or has received any direct or indirect subsidy from any other Applicant, or has provided any such subsidy to any other Applicant; or
 - (d) such Applicant has the same legal representative for purposes of the AFQ as any other Applicant; or
 - (e) such Applicant has a relationship with another Applicant,

- directly or through common third parties, that puts them in a position to have access to each others' information about, or to influence the Application of either or each of the other Applicant; or
- (f) such Applicant has participated as a consultant to the PE in the preparation of any documents, design or technical specifications of the Project, or
 - (g) Any legal, financial or technical adviser of the PE in relation to the Project is engaged by the Applicant in any manner for matters related to or incidental to the Project.
- 3 Site Visit and verification of information
- 3.1 For the purpose of this RFQ “site” shall mean a piece of real estate or a PPP facility or the geographical location in which the PPP project is to be implemented in accordance with the PPP agreement.
 - 3.2 Applicants are encouraged to submit their respective AFQ after visiting the Project site and ascertaining for themselves the site conditions, traffic, location, surroundings, climate, availability of power, water and other utilities for implementation of the project, weather data, applicable laws and regulations, and any other matter considered relevant by them.
 - 3.3 It shall be deemed that by submitting the AFQ, the Applicant has:
 - (a) made a complete and careful examination of the RFQ;
 - (b) received all relevant information requested from the PE;
 - (c) acknowledged and accepted the risk of inadequacy, error or mistake in the information provided in the RFQ or furnished by or on behalf of the PE relating to any of the matters referred to in Clause 4.2 above; and
 - (d) agreed to be bound by the undertakings provided by it under and in terms hereof.
 - 3.4 The PE shall not be liable for any omission, mistake or error on the part of the Applicant in respect of any of the above or on account of any matter or thing arising out of or concerning or relating to the RFQ or the Bidding Process, including any error or mistake therein or in any information or data given by the PE.

B: Request for Qualification

- 4 RFQ Sections 4.1 This RFQ comprises the sections as listed below, and will additionally include any Addenda issued in accordance with Clause 6.1 of GITA:
- (i) Section 1: Introduction
 - (ii) Section 2: Purpose of Issuing RFQ
 - (iii) Section 3: Qualification Requirements
 - (iv) Section 4: General Instructions to Applicants (GITA)
 - (v) Section 5: Particular Instructions to Applicants (PITA)
 - (vi) Section 6: Annexes
- 5 RFQ Clarification 5.1 Applicants requiring any clarification on the RFQ may notify the PE in writing at the PE’s address specified in the PITA. The PE will respond in writing to any request for clarification received within the period specified in the PITA prior to the dead line for submission of application.
- 5.2 The PE shall respond within the period specified in the PITA on receipt of query. The PE shall forward copies of its response to all those applicants, including a description of the enquiry but without identifying its source.
- 5.3 All clarifications and interpretations issued by the PE in writing shall be deemed to be part of the RFQ.
- 5.4 Should the PE deem it necessary to amend the RFQ as a result of a clarification, it shall do so following the procedure in Clause 6 of the GITA.
- 6 RFQ amendments 6.1 At any time prior to the deadline for submission of AFQ, the PE may, for any reason, whether at its own initiative or in response to clarifications requested by an Applicant, modify the RFQ by the issuance of addenda.
- 6.2 Any Addendum thus issued will be sent in writing to all those who have been issued with the RFQ.
- 6.3 In order to afford the Applicants a reasonable time for taking an Addendum into account, or for any other reason, the PE may, at its own discretion, extend the Application Due Date.

C: Preparation and Submission of AFQ

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| 7 | AFQ preparation costs | 7.1 The Applicants shall be responsible for all of the costs associated with the preparation of their AFQ and their participation in either the qualification stage or the bid stage. The PE will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the bidding process. |
| 8 | Application Language | 8.1 The AFQ, as well as all correspondences and documents relating to the application shall be written in the English language, unless specified otherwise in the PITA. |
| 9 | Format and signing of Application | 9.1 The Applicant shall provide all the information sought under this RFQ. The PE will evaluate only those AFQ that are received in the required formats and complete in all respects. Incomplete and /or conditional AFQ shall be rejected.

9.2 The Applicant shall prepare one original set of the documents comprising the AFQ (together with originals/ copies of documents required to be submitted along therewith pursuant to sub-Clause 10.2 of this RFQ) and clearly marked “ORIGINAL”. In addition, the Applicant shall submit the number of copies of the AFQ specified in the PITA, marked “COPY”. In the event of any discrepancy between the original and the copies, the original shall prevail.

9.3 The original and all copies of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized. The name and position held by each person signing the authorization must be typed or printed below the signature |
| 10 | Sealing and marking of Application | 10.1 The Applicant shall submit the AFQ in the format specified in Section 6 of this RFQ, and seal it in an envelope and mark the envelope as “APPLICATION FOR QUALIFICATION FOR...”

10.2 The envelope shall contain:
<ul style="list-style-type: none">(a) AFQ in the prescribed format in Section 6 of this RFQ along with supporting documents;(b) it is accompanied by the Power(s) of Attorney as specified in(c) copy of the Joint Bidding Agreement, in case of a Consortium; |

- (d) copy of Memorandum and Articles of Association, if the Applicant/ Consortium member is a body corporate, and if a partnership then a copy of its partnership deed; and
 - (e) copies of Applicant's/ each Consortium member's duly audited balance sheet and profit and loss account for the preceding number of years specified in the PITA.
- 10.3 If the envelopes are not sealed and marked as instructed above, the PE assumes no responsibility for the misplacement or premature opening of the contents of the Application submitted.
- 11 Application submission deadline
 - 11.1 AFQ must be received by the PE at the address specified in the PITA and no later than the date indicated in the PITA.
 - 11.2 The AFQ may be hand delivered or posted by registered mail or sent by courier. The PE shall, on request, provide the Applicant with a receipt showing the date and time when its AFQ was received.
 - 11.3 The PE may, at its discretion, extend the deadline for the submission of Applications by amending the RFQ in accordance with Clause 6 of GITA, in which case all rights and obligations of the PE and Applicants previously subject to the deadline shall thereafter be subject to the deadline as extended.
- 12 Late AFQs
 - 12.1 AFQs received by the PE after the specified deadline for submission shall be declared late, shall not be eligible for consideration and shall be returned unopened to the Applicant.
- 13 Modifications/ Substitution/ Withdrawal of AFQs
 - 13.1 The Applicant may modify, substitute or withdraw its AFQ after submission, provided that written notice of the modification, substitution or withdrawal is received by the PE prior to AFQ Due Date. No AFQ shall be modified, substituted or withdrawn by the Applicant on or after the AFQ Due Date.
 - 13.2 The modification, substitution or withdrawal notice shall be prepared, sealed, marked, and delivered in accordance with Clause 11 of GITA, with the envelopes being additionally marked "MODIFICATION", "SUBSTITUTION" or "WITHDRAWAL", as appropriate.

- 13.3 Any alteration/ modification in the AFQ or additional information supplied subsequent to the AFQ Due Date, unless the same has been expressly sought for by the PE, shall be disregarded.

D: Opening and Evaluation of AFQs

- 14 Opening of AFQs and Checking for Responsiveness
- 14.1 The PE shall open the AFQs immediately after the deadline for submission, at the place specified in the PITA and in the presence of the Applicants who choose to attend.
- 14.2 AFQs for which a notice of withdrawal has been submitted in accordance with Clause 13 of GITA shall not be opened.
- 14.3 Prior to evaluation of AFQs, the PE shall determine whether each Application is responsive to the requirements of the RFQ. An AFQ shall be considered responsive only if:
- (a) it is received by the AFQ submission Date including any extension thereof pursuant to Clause 11.3 of GITA
 - (b) it contains all the information (complete in all respects) as requested pursuant to clause 10.2 of GITA
 - (c) it does not contain any condition or qualification;
- 14.4 The PE reserves the right to reject any Application which is non-responsive and no request for alteration, modification, substitution or withdrawal shall be entertained by the PE in respect of such Application
- 15 Evaluation of AFQs
- 15.1 The evaluation of Applications for Qualification shall be on a YES/No basis.
- 15.2 The Applicant’s qualifications shall be established based on the following criteria:
- (a) Eligibility of the applicant as stipulated in Clause 2 of the GITA
 - (b) Technical Capacity: the following sub-criteria shall be considered;
 - (i) Composition and Structure of Applicant
 - (ii) Skill and experience of Relevant Organizations and

Key experts in relevant fields

- (iii) Strength of covenant by Relevant Organizations/ subcontractors and Key experts to applicants
 - (iv) **O&M Experience:** The Applicant shall acknowledge and agree that it shall, in the event of winning the Bid, engage an experienced O&M contractor or employ experienced and qualified personnel for ensuring operation and maintenance of the project facilities in accordance with the terms of the PPP Agreement.
- (b) Financial Capacity: the following major sub-criteria shall be considered
- (i) Financial and market standing
 - (ii) Ability to raise debt and equity and to provide security

15.3 **Technical Capacity for purposes of evaluation:** Technical Capacity and eligible experience (the "**Eligible Experience**") shall be measured in relation to eligible projects (the "**Eligible Projects**"):

15.4 For purpose of this RFQ the term "**Eligible Project**" shall mean a project that has been implemented on BOT (Build-Operate-Transfer), BOLT (Build-Own-Lease-Transfer), BOO (Build-Own-Operate), BOOT (Build-Own-Operate-Transfer) or other similar PPP basis.

15.5 To demonstrate technical capacity and experience, the Applicant should furnish the details of Eligible Experience for the duration specified in the PITA preceding the AFQ Due date. The information relating to Technical Capacity shall be provided as per format at Annex-II of section 6. The following information should be provided:

- (a) Evidence of payment for, or receipt of payments for implementation of Eligible Projects; and/or
- (b) Evidence of having commissioned and paid for execution of projects that qualify as Eligible Projects; and/ or
- (c) Evidence of collection and appropriation of revenues from PPP projects that qualify as Eligible Projects, such that the sum total is more than amount specified in the PITA

15.6 Only the payments (gross) actually made or received, as the case may be, during the specified number of financial years

shall qualify for purposes of evaluating experience.

- 15.7 **Financial capacity for purposes of evaluation:** The Applicant shall have a minimum Net Worth (the “Financial Capacity”) of amount specified in the PITA.
- 15.8 For the purposes of this RFQ, net worth (**the “Net Worth”**) shall mean the sum of subscribed and paid up equity and reserves from which shall be deducted the sum of revaluation reserves, miscellaneous expenditure not written off and accrued liabilities.
- 15.9 Any information contained in the Application shall not in anyway be construed as binding on the PE, its agents, successors or assigns, but shall be binding against the Applicant if any Project is subsequently awarded to it under the Bidding Process on the basis of such information
- 16 Confidentiality 16.1 Information relating to the examination, clarification, evaluation, and recommendation for the short-listed pre-qualified Applicants shall not be disclosed to any person who is not officially concerned with the process or is not a retained professional advisor advising the PE in relation to or matters arising out of, or concerning the Bidding Process. The PE will treat all information, submitted as part of the AFQ, in confidence and will require all those who have access to such material to treat the same in confidence. The PE may not divulge any such information unless it is directed to do so by any statutory body that has the power under law to require its disclosure or to enforce or assert any right or privilege of the statutory body and/ or the PE.
- 17 Clarification 17.1 To facilitate evaluation of AFQs, the PE may, at its sole discretion, seek clarifications from any Applicant regarding its AFQ. Such clarification(s) shall be provided within the time specified by the PE for this purpose. Any request for clarification(s) and all clarification(s) shall be in writing.
- 17.2 If an Applicant does not provide clarifications sought under Clause 17.1 above within the prescribed time, its AFQ shall be rejected. In case the AFQ is not rejected, the PE may proceed to evaluate the AFQ by construing the particulars requiring clarification to the best of its understanding, and the Applicant shall be barred from subsequently questioning such interpretation of the PE.

E: QUALIFICATION AND BIDDING

- 18 Short-listing and Notification 18.1 After the evaluation of AFQs, the PE would announce a list of shortlisted qualified Applicants (Bidders) who will be eligible for participation in the Bid Stage. At the same time, the PE would notify the other Applicants that they have not been short-listed.
- 19 Submission of Proposals 19.1 Only pre-qualified Applicants shall be issued RFP to prepare and submit their proposals for the project.
- 20 Proprietary data 20.1 All documents and other information supplied by the PE or submitted by an Applicant to the PE shall remain or become the property of the PE. Applicants are to treat all information as strictly confidential and shall not use it for any purpose other than for preparation and submission of their AFQ. The PE will not return any AFQ or any information provided along therewith.
- 21 Fraud and Corruption 21.1 It is the Government of the United Republic of Tanzania’s policy to require that procuring entities and Employers (including beneficiaries of public funds), as well as applicants/suppliers/contractors under PPP or public funded contracts, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuit of this policy, the Government of the United Republic of Tanzania;
- Defines, for the purposes of this provision, the terms set forth below as follows:
- (i) “corrupt practice” means the offering, giving, receiving, or soliciting, of anything of value to influence the action of a public official in the procurement process or in contract execution and includes inter alia, bribery, extortion or coercion, which involves threats of injury to person, property or reputation.
 - (ii) “fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the procuring entity, and includes collusive practices among applicants (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.
- (a) will not accept a procuring entity’s application for

approval if it determines that the applicant recommended for shortlisting has engaged in corrupt or fraudulent practices in competing for the project in question; and

- (b) will declare an Applicant/firm ineligible, for a period of ten years, to be awarded a PPP contract if it at any time determines that the Applicant has engaged in corrupt or fraudulent practices in competing for, or in executing, any PPP or public funded contract.

21.2 The Government of the United Republic of Tanzania reserves the right, where the Applicant has been found by a national or international entity to have engaged in corrupt or fraudulent practices to declare that such Applicant is ineligible, for a stated period of ten years to be awarded a PPP or any public funded contract

21.3 The Government of the United Republic of Tanzania will have the right to require that, in public financed contracts, a provision be included requiring suppliers and contractors to permit the Government of the United Republic of Tanzania inspect their accounts and records relating the performance of the contract and to have them audited by auditors appointed by the Government of the United Republic of Tanzania.

F: REVIEW OF PROCUREMENT DECISIONS

- | | | |
|----|---------------------------------------|---|
| 22 | Right to Review | 22.1 An Applicant who claims to have suffered or that may suffer any loss or injury as a result of breach of a duty imposed on a Procuring Entity or an approving authority in the course of these procurement proceedings may seek a review in accordance with the procedure set out under this section. |
| 23 | Time Limit on Review | 23.1 The Applicant shall submit an application for review within twenty eight (28) days of him becoming or should have become aware of the circumstances giving rise to the complaint or dispute. |
| 24 | Submission of Applications for Review | 24.1 Any application for administrative review shall be submitted in writing to the head of a Procuring Entity and a copy given to the Public Procurement Regulatory Authority at the address shown in the PITA.

24.2 The application for administrative review shall include: <ul style="list-style-type: none">(a) details of the procurement requirements to which the complaint relates;(b) details of the provisions of the Act, Regulation or |

- provision that has been breached or omitted;
 - (c) an explanation of how the provisions of the Act, Regulation or provision has been breached or omitted, including the dates and name of the responsible public officer, where known;
 - (d) documentary or other evidence supporting the complaint where available;
 - (e) Remedies sought; and any other information relevant to the complaint.
- 24.3 The head of a procuring entity shall not entertain a complaint or dispute or continue to do so after the procurement contract has entered into force.
- 25 Decision by the Head of Procuring Entity
- 25.1 The head of a Procuring Entity shall, within thirty (30) days after receipt of the complaint or dispute, deliver a written decision which shall indicate:
- (a) whether the application is upheld in whole, in part or rejected;
 - (b) the reasons for the decision; and
 - (c) any corrective measures to be taken.
- 25.2 Where the head of a Procuring Entity does not issue a decision within the time specified in sub-Clause 25.1, the Applicant submitting the complaint or dispute or the procuring entity shall be entitled immediately thereafter to institute proceedings under sub-Clause 26.1 and upon instituting such proceedings, the competence of the head of a Procuring Entity to entertain the complaint or dispute shall cease.
- 26 Administrative Review by the Public Procurement Regulatory Authority
- 26.1 An Applicant may submit an application for review by the Public Procurement Regulatory Authority at the address shown in the PITA where the head of a procuring entity does not issue a decision within the time specified in sub-Clauses 25.2 or the Applicant is not satisfied with the decision by the head of a Procuring Entity.
- 26.2 The application to the Public Procurement Regulatory Authority for administrative review shall be submitted within fourteen (14) working days from the date of communication of the decision by the head of a Procuring Entity.
- 26.3 The application for administrative review shall be accompanied by a payment of a fee prescribed in the PITA.
- 26.4 The application to the PPRA for administrative review shall be copied to the respective head of a Procuring Entity and

shall include:

- (a) a copy of the application to the head of a Procuring Entity and RAS including the supporting documents;
- (b) a copy of relevant correspondence to and from the head of a Procuring Entity;
- (c) a statement by the Applicant that the head of a Procuring Entity failed to issue a decision and the relevant dates, where applicable; and
- (d) an explanation of why the Applicant is not satisfied with the decision of the head of a Procuring Entity, where applicable.

- | | | | |
|----|---|------|--|
| 27 | Decision by the Public Procurement Regulatory Authority | 27.1 | The PPRA shall within thirty days after receipt of a application for administrative review deliver a written decision which shall indicate:

whether the application is upheld in whole, in part or rejected;

the reasons for its decision; and

the corrective measures to be undertaken |
| | | 27.2 | The decision of the Public Procurement Regulatory Authority shall be copied to the Head of the respective Procuring Entity |
| | | 27.3 | The decision of the Authority shall be final unless the Applicant institutes an appeal with the Public Procurement Appeals Authority. |
| 28 | Review by the Public Procurement Appeals Authority | 28.1 | The Applicant not satisfied with the decision of the Public Procurement Regulatory Authority or whose complaint cannot be entertained by the Head of the Procuring Entity or the Public Procurement Regulatory Authority shall appeal to the Public Procurement Appeals Authority (PPAA). |
| | | 28.2 | PPAA may be contacted at the address shown in the PITA. |

SECTION 5: Particular Instruction to Applicants (PITA)	
GITA Clause	Amendments of, and Supplements to, Clauses in the General Instruction to Applicants (GITA).
1.1	The PE is [<i>state name and address of PE</i>]
5.1	PE 's address is: Attention: _____ Address: _____ _____ Telephone: _____ Facsimile number: _____ Electronic mail address: _____
5.2	The PE shall respond within [<i>Insert duration in days</i>] days of receipt of any query.
8.1	The Application shall be written in the [<i>state language</i>] language.
9.2	The Applicant shall submit [<i>Insert number</i>] copies of the AFQ.
10.2 d	The Applicant/ each Consortium member should provide copies of duly Audited Balance Sheets and Profit and Loss Accounts for a period of five years preceding the Application Due Date <u>Time period if less than five years:</u> [<i>The time period may be reduced to three years minimum (in agreement with the Public Procurement Regulatory Authority) under special project circumstances, such as to provide opportunities for the newly started firms with a limited period of existence, but with suitable experience, etc. Firms owned by individuals and partnerships may not be required to maintain audited balance sheets by the laws of their countries of origin, in such cases, the procuring entity may relax the audit requirement, but should request other acceptable financial statements</i>]
11.1	The AFQ submission address is: [<i>insert the address</i>] The date and time for submission of AFQs must be no later than:[<i>Insert date and time</i>]

14.1	Venue for opening AFQ: [<i>Insert address of the venue specifying such details as floor and room number</i>]
15.5 (c)	Collected/appropriated revenues from a PPP project should be a total sum of [<i>insert amount</i>] for that project to qualify as Eligible Project.
15.7	The Applicant shall have a minimum Net Worth (the “ Financial Capacity”) of amount: [<i>Insert amount and currency</i>]
24.1	<p>The address for administrative review by PPRA is:</p> <p>Chief Executive Officer, Public Procurement Regulatory Authority (PPRA) PPF Tower 8th Floor, P. O. Box 49, DAR ES SALAAM. Tel: 2133466, 2121236/7 Fax: 2121238 email: ceo@ppra.go.tz Website: www.ppra.go.tz</p>
26.3	Fee for administrative review shall be <i>ten thousand Tanzanian shillings</i> .
28.2	<p>PPAA may be contacted at the address shown in the PITA.</p> <p>The address for appeal to PPAA:</p> <p>The Secretary, Public Procurement Appeals PE, Sukari House 1st Floor, P.O. Box 9310, DAR ES SALAAM. Tel: 2120451</p>

SECTION 6: ANNEXES

- Annex – I Details of Applicant
- Annex – II Technical Capacity of Applicant
- Annex – III Financial Capacity of Applicant
- Annex – IV Details of Eligible Projects
- Annex – V Statement of Legal Capacity
- Annex – VI Undertakings of applicants on anti-bribery, anti-money laundering

ANNEX-I

Details of Applicant

- 1 Presentation
 - (a) Name:
 - (b) Country of incorporation:
 - (c) Address of the corporate headquarters and its branch office(s), if any, in Tanzania:
 - (d) Date of incorporation and/ or commencement of business:
- 2 Brief description of the Company including details of its main lines of business and proposed role and responsibilities in this Project:
- 3 Details of individual(s) who will serve as the point of contact/ communication for the PE:
 - (a) Name:
 - (b) Designation:
 - (c) Company:
 - (d) Address:
 - (e) Telephone Number:
 - (f) E-Mail Address:
 - (g) Fax Number:
- 4 Particulars of the Authorized Signatory of the Applicant:
 - (a) Name:
 - (b) Designation:
 - (c) Address:
 - (d) Phone Number:
 - (e) Fax Number:
- 5 In case of a Consortium:
 - (a) The information above (1-4) should be provided for all the members of the Consortium.
 - (b) A copy of the Joint Bidding Agreement, as envisaged in Clause 10.2(c) should be attached to the Application for Qualification (AFQ).

- (c) Information regarding role of each member should be provided as per table below:

Table 1: Roles of Members under Joint Bidding Arrangements

S/No.	Name of Member	Role*	Percentage of equity in the Consortium
1			
2			
3			
4			

* The role of each member, as may be determined by the Applicant, should be indicated in accordance with instruction 4 at Annex-IV.

- (d) The following information shall also be provided for each member of the Consortium or single Applicant:

Table 2: Information about Integrity of Consortium members or single Applicant

Name of member of Consortium/Applicant:			
No.	Criteria	Yes	No
1	Has the Applicant/ constituent of the Consortium been barred by the Central/ State Government, or any entity controlled by them, from participating in any project (BOT or otherwise).		
2	If the answer to 1 is yes, does the bar subsist as on the date Of Application?		
3	Has the Applicant/ constituent of the Consortium paid liquidated damages of more than 5% of the contract value in a contract due to delay or has been penalised due to any other reason in relation to execution of a contract, in the last three years?		

- 6 A statement by the Applicant and each of the members of its consortium (where applicable) disclosing material non-performance or contractual noncompliance in past projects, contractual disputes and litigation/arbitration in the past recent are given below (Attach extra sheets, if necessary):

ANNEX-II

Table 3: Technical Capacity of the Applicant @

Applicant type #	Member Code*	Project Code**	Experience (Equivalent in T.Shs ^{\$\$})		
			Payment received for implementation of Eligible Projects	Payment made for implementation of PPP Projects	Revenues appropriated from PPP Projects
Single entity Applicant		a			
		b			
		c			
		d			
Consortium Member 1		1a			
		1b			
		1c			
		1d			
Consortium Member 2		2a			
		2b			
		2c			
		2d			
Consortium Member 3		3a			
		3b			
		3c			
		3d			
Consortium Member 'n'		na			
		nb			
		nc			
		nd			

@ Provide details of only those projects that have been undertaken by the Applicant under its own name and/or by an Associate

An Applicant consisting of a single entity should fill in details as per the row titled Single entity Applicant and ignore the rows titled Consortium Member. In case of a Consortium, the row titled Single entity Applicant may be ignored.

* Member Code shall indicate NA for Not Applicable in case of a single entity Applicant. For other Members, the following abbreviations are suggested viz; LM means Lead member, TM means Technical Member, FM means Financial Member, OMM means Operation & Maintenance Member; and OM means Other Member.

**Refer Annex-IV of this section. Add more rows if necessary.

\$\$ For conversion of other currencies to Tanzanian Shillings, the rate of conversion shall be based on the exchange rate at Bank of Tanzania as on the date 60 days prior to the Application Due Date.

In case of any other currency, the same shall be converted to US\$ as on the date 60 days prior to the Application Due Date, and the amount so derived in US\$ shall be converted into Tanzanian Shillings at the aforesaid rate.

ANNEX-III

Table 4: Financial Capacity of the Applicant

Applicant type [£]	Member Code*	Net Cash Accruals (Tshs)					Net Worth** (Tshs)
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 1
Single entity Applicant							
Consortium Member 1							
Consortium Member 2							
Consortium Member 3							
Consortium Member 'n'							
TOTAL							
Name & address of Applicant's Bankers							

[£] An Applicant consisting of a single entity should fill in details as per the row titled Single entity Applicant and ignore the rows titled Consortium Members. In case of a Consortium, row titled Single entity Applicant may be ignored.

* For Member Code, see instruction 4 at Annex-IV of this Appendix-I.

** The Applicant should provide details of its own Financial Capability or of an Associate

[§] For conversion of other currencies to T. Shillings, the rate of conversion be based on the exchange rate at Bank of Tanzania as on the date 60 days prior to the Application Due Date.

In case of any other currency, the same shall be converted to US\$ as on the date 60 days prior to the Application Due Date, and the amount so derived in US\$ shall be converted into Tanzanian Shillings at the aforesaid rate.

Instructions:

- 1 The Applicant/ its constituent consortium members shall attach copies of the balance sheets, financial statements and Annual Reports for the number of years specified in the PITA, preceding the AFQ Due Date. The financial statements shall:
 - a) reflect the financial situation of the Applicant and its Associates where the Applicant is relying on its Associate's finances;
 - b) be audited by a statutory auditor;
 - c) be complete, including all notes to the financial statements; and
 - d) correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).
- 2 Net Cash Accruals shall mean Profit after Tax plus Depreciation.
- 3 Net Worth shall mean (Subscribed and Paid-up Equity plus Reserves) less (Revaluation reserves plus miscellaneous expenditure not written off plus accrued liabilities).
- 4 Year 1 will be the latest completed financial year, preceding the bidding. Year2 shall be the year immediately preceding Year 1 and so on.
- 5 In the case of a Consortium, a copy of the Joint. Bidding Agreement shall be submitted in accordance with Clause 10.2 (c) of the RFQ document.
- 6 The applicant shall also provide the name and address of the Bankers to the Applicant.
- 7 The Applicant shall provide an Auditor's Certificate specifying the net worth of the Applicant and also specifying the methodology adopted for calculating such net worth in accordance Clause 15.7 of the GITA.

ANNEX-IV

Table 5: Details of Eligible Projects

Project Code:		Member Code:
Title & nature of the project:		
Item	Refer Instruction	Particulars of the Project
Year-wise payments received/ made or revenues appropriated	5	
Entity for which the project was implemented/ developed	6	
Location		
Project cost/ revenues/ payments		
Date of commencement of project/ contract		
Date of completion/ commissioning		
Equity shareholding (with period during which equity was held)	10	

Instructions:

- 1 Applicants are expected to provide information in respect of Eligible Projects in this Annex. The projects cited must comply with the definition specified in Clause 15.4 of the RFQ, as the case may be. Information provided in this section is intended to serve as a back up for information provided in the Application. Applicants should also refer to the Instructions below.
- 2 For a single entity Applicant, the Project Codes would be a, b, c, d etc. In case the Applicant is a Consortium then for Member 1, the Project Codes would be 1a, 1b, 1c, 1d etc., for Member 2 the Project Codes shall be 2a, 2b, 2c, 2d etc., and so on.
- 3 A separate sheet should be filled for each of the Eligible Project.
- 4 Member Code shall indicate NA for Not Applicable in case of a single entity Applicant. For other Members, the following abbreviations are suggested viz. LM means Lead member, TM means Technical Member, FM means Financial Member, OMM means Operation & Maintenance Member; and OM means Other Member.
- 5 The total payments received/ made or revenues appropriated for each Eligible Project are stated in Annex-II of this section. The figures to be provided here should indicate the break-up for the past number of financial years specified in the PITA. Year 1 refers to the financial year immediately preceding the Application Due Date; Year 2 refers to the year before Year 1, Year 3 refers to the year before Year 2, and so on.
- 6 Particulars such as name, address and contact details of owner/ Authority/ Agency may be provided.
- 7 The equity shareholding of the Applicant, in the company owning the Eligible Project, held continuously during the period for which Eligible Experience is claimed, needs to be given
- 8 Experience for any activity relating to an Eligible Project shall not be claimed by two or more members of the Consortium. In other words, no double counting by a consortium in respect of the same experience shall be permitted in any manner whatsoever.
- 9 Certificate from the Client or the Applicant's statutory auditor³ must be furnished as per format below.
- 10 It may be noted that in the absence of any detail in the certificate below, the information would be considered inadequate and could lead to exclusion of the relevant project in evaluating the Applicant's AFQ.

³ In case duly certified audited annual financial statements containing the requisite details are provided, a separate certification by statutory auditors would not be necessary.

Certificate from the Statutory Auditor regarding PPP projects

This is to certify that _____ (*name of the Applicant*) is/ was an equity shareholder in _____ (*title of the project company*) and holds/ held T.Shs. _____ of equity (which constitutes ____%⁴ of the total paid up and subscribed equity capital) of the project company from _____ (*date*) to _____ (*date*)[£]. The project was completed and commissioned on _____ (*date of commissioning of the project*).

We further certify that the total estimated cost of the project as on the date of commissioning was T.Shs. _____ of which T.Shs. _____ of capital expenditure was incurred during the past number of financial years specified in the PITA as per year-wise details noted below:

Year 1: _____

Year 2: _____

Year 'n': _____

We also certify that the annual revenues collected and appropriated by the Applicant during the past number of financial years specified in the PITA were T.Shs. _____ as per year-wise details noted below:

Year 1: _____

Year 2: _____

Year 'n': _____

It is further certified that the payments indicated above are restricted to the share of the Applicant who undertook these works as a partner or a member of joint venture / consortium⁵

Authorized Signatory:

Name:

Designation:

Signature of the Authorized Signatory and date:

[£] In case the project is owned by the Applicant company, this language may be suitably modified to read: "It is certified that _____ (*name of Applicant*) implemented and/ or owned the _____ (*name of project*) from _____ (*date*) to _____ (*date*)."

⁴ Refer instruction no. 7 in this Annex-IV.

⁵ This certification should be provided in case of jobs/ contracts, which are executed as part of a partnership/ joint venture/ consortium. The payments indicated in the certificate should be restricted to the share of Applicant in such partnership/ joint venture/ consortium. This portion may be omitted if the contract did not involve a partnership/ joint venture/ consortium.

ANNEX-V

Statement of Legal Capacity

(To be forwarded on the letterhead of the Applicant/ Lead Member of Consortium)

Ref. Date:

To,

_____ *[Insert PE's Address]*

Dear Sir,

We hereby confirm that we/ our members in the Consortium (constitution of which has been described in the application) satisfy the terms and conditions laid out in the RFQ document.

We have agreed that _____ *[insert member's name]* will act as the Lead Member of our consortium.*

We have agreed that _____ *[insert individual's name]* will act as our representative/ will act as the representative of the consortium on its behalf* and has been duly authorized to submit the RFQ. Further, the authorised signatory is vested with requisite powers to furnish such letter and authenticate the same.

Thanking you,

Yours faithfully,

Authorised Signatory

For and on behalf of:

**Please strike out whichever is not applicable.*

ANNEX-VI

UNDERTAKING BY APPLICANT ON ANTI – BRIBERY, ANTI – MONEY LAUNDERING POLICY / CODE OF CONDUCT AND COMPLIANCE PROGRAMME

1. Each Applicant must submit a statement, as part of the Application for Qualification (AFQ), which must be signed personally by the Chief Executive Officer or other appropriate senior corporate officer of the Applicant firm and, where relevant, of its subsidiary in the United Republic of Tanzania. If an application is submitted by a subsidiary, a statement to this effect will also be required of the parent company, signed by its Chief Executive Officer or other appropriate senior corporate officer.
2. Applicants will also be required to submit similar No-bribery commitments from their subcontractors and/or consortium partners; the Applicant may cover the subcontractors and/or consortium partners in its own statement, provided the Applicant assumes full responsibility.
3. AFQs which do not conform to these requirements shall not be considered.
4. If the successful Applicant fails to comply with its No-bribery commitment in the consequent stages of the bidding process, significant sanctions will apply. The sanctions may include all or any of the following:
 - a) Cancellation of the contract;
 - b) Liability for damages to the PE and/or the unsuccessful competitors in the Bidding possibly in the form of a lump sum representing a pre-set percentage of the contract value (liquidated).
6. Applicants shall make available, as part of their application, copies of their anti-Bribery Policy/Code of Conduct, if any, and of their-general or project - specific - Compliance Program.
7. The Government of the United Republic of Tanzania has made special arrangements for adequate oversight of the procurement process and the execution of the contract, and has invited civil society and other competent Government Departments to participate in the oversight. Those charged with the oversight responsibility will have full access to all documentation submitted by Applicants for this contract, and to which in turn all Applicants and other parties involved or affected by the project shall have full access (provided, however, that no proprietary information concerning an Applicant may be disclosed to another Applicant or to the public).

ANTI-BRIBERY MEMORANDUM

(Regulation 100(2) of the Public Procurement (Goods, Works, Non-Consultant Services and Disposal of Public Assets by Tender) Regulations, 2005 - Government Notice No. 97 of 15th April, 2005)

This company _____ (*name of company*) places importance on competitive tendering taking place on a basis that is free, fair, competitive and not open to abuse. It is pleased to confirm that it will not offer or facilitate, directly or indirectly, any improper inducement or reward to any public officer their relations or business associates, in connection with its bid, or in the subsequent performance of the contract if it is successful.

This company has an Anti-Bribery Policy/Code of Conduct and a Compliance Program which includes all reasonable steps necessary to assure that the No-bribery commitment given in this statement will be complied with by its managers and employees, as well as by all third parties working with this company on the public sector projects, or contract including agents, consultants, consortium partners, sub-contractors and suppliers. Copies of our Anti-Bribery Policy/Code of Conduct and Compliance Program are attached:

Authorized Signature: _____

Name and Title of Signatory: _____

Name of Applicant: _____

Address: _____

ANTI-BRIBERY, MONEY LAUNDERING MEMORANDUM

This company _____ (*name of company*) has issued, for the purposes of this bid, a Compliance Program copy attached -which includes all reasonable steps necessary to assure that the No-Money Laundering commitment given in this statement will be complied with by its managers and employees, as well as by all third parties working with this company on the public sector projects or contract including agents, consultants, consortium partners, subcontractors and suppliers)"

Authorized Signature: _____

Name and Title of Signatory: _____

Name of Applicant: _____

Address: _____