



**THE UNITED REPUBLIC OF TANZANIA**  
**MINISTRY OF FINANCE AND PLANNING**  
**PUBLIC PROCUREMENT REGULATORY AUTHORITY**



## **Standard Prequalification Document for**

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Procurement of Goods

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Public Procurement Regulatory Authority  
Kambarage Tower, 9<sup>th</sup> Floor, PSPF Road,  
P. O. Box 2865, 41104 Dodoma  
TANZANIA

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## Preface

Procurement for goods by public bodies is carried out in accordance with policies and procedures laid down in the Public Procurement Act Cap. 410 and the Public Procurement Regulations, 2013.

This Standard Prequalification Document (SPD) has been prepared by the Public Procurement Regulatory Authority (PPRA) in collaboration with the Office of Attorney General (OAG), and other professional bodies, primarily for use by Procuring Entities (PEs) in the procurement of goods through National, International Competitive Tendering (NCT & ICT) and other procedures as appropriate. The purpose of this document is to assist PEs in the preparation of Pre-qualification Documents for Procurement of Goods.

The procedures and practices presented in this document have been developed through broad international experience, and are mandatory for use in public projects that are financed in whole or in part by public funds in accordance with the provisions of the Public Procurement Act Cap. 410 and the Public Procurement Regulations, 2013.

To obtain further information on procurement under public financed projects, contact:

Chief Executive Officer,  
Public Procurement Regulatory Authority,  
P.O. Box 2865,  
Dodoma

**Tel:** +255 26 2963854

**e-mail:** ceo@ppra.go.tz

Link to Website: <http://www.ppra.go.tz>

## List of Abbreviations

Cap	Chapter
ES	Environmental and Social
FY	Financial Year
IFP	Invitation for Pre-qualification
ITA	Instruction to Applicants
JV	Joint Venture
PDS	Pre-qualification Data Sheet
PE	Procuring Entity
PPAA	Public Procurement Appeals Authority
PPRA	Public Procurement Regulatory Authority
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SPD	Standard Prequalification Document
STD	Standard Tender Document
	TANePS      Tanzania National e-Procurement System

## Guidance Notes on the Use of this Standard Pre-qualification Document for Goods

These guidance notes have been prepared by the Public Procurement Regulatory Authority (PPRA) to assist Procuring Entities (PEs) and Applicants to understand the content and the provisions of Standard Prequalification Document (SPD) for Goods under both National and International Competitive methods. The PE should also refer to the Public Procurement Act, Cap. 410 and the Public Procurement Regulations, 2013.

This SPD is based upon internationally acceptable model formats, which have been adapted to suit the particular needs of procurement within Tanzania. The SPD is divided into two parts and has seven (7) Sections, of which Section II- Instructions to Applicants must not be altered or modified under any circumstances.

The way in which a PE addresses its specific needs is through the information provided in the Section III – Pre-qualification Data Sheet and in Section VII- Scope of Supply.

When properly completed, this SPD will provide all the information that an Applicant needs in order to prepare and submit an application. This should provide a sound basis on which a PE can fairly, transparently and accurately carry out an evaluation process on the Applications submitted by the Applicants

Sections of the SPD and how a PE should use them when preparing a particular Pre-qualification Document for Goods are described hereunder;

### PART 1 – PREQUALIFICATION PROCEDURES

#### Section I - Invitation for Prequalification (IFP)

This section provides relevant information that enables potential Applicants to decide whether or not to participate in **pre-qualification** process. The Invitation for Prequalification (IFP) should also include, specific details such as the name of the PE, scope of supplies to be provided and deadline for Applications submission. Likewise, where to obtain the pre-qualification documents and the minimum level of experience required by Applicants to be eligible should be furnished in the IFP. The final document should contain neither blank spaces nor options.

#### Section II - Instructions to Applicants (ITA)

This Section provides information to help the Applicants in preparing and submitting their Applications for Prequalification (“Applications”). Information is also provided on opening and evaluation of Applications. **The Section contains provisions that are to be used without modification.**

#### Section III - Prequalification Data Sheet (PDS)

This Section includes provisions that are specific to each prequalification and supplement Section II (Instructions to Applicants). Amendments, if any, to the **ITA** should be made through the PDS. If duplication of a subject is inevitable in the different sections of the document, care must be exercised to avoid contradiction between clauses dealing with the same matter. All italicized spaces in the PDS

should be filled out by the PE prior to issuance of the Pre-qualification Documents. **No entry should be made in the PDS if it is not cross referenced in the ITA.**

#### **Section IV - Qualification Criteria and Requirements**

This Section specifies the methods, criteria, and requirements to be used to determine how Applicants shall be prequalified and later invited to Tender.

#### **Section V - Application Forms**

This Section includes the Application Submission Letter and other forms required to be submitted with the Application. This section also contains the undertaking to be made by each Applicant on anti-bribery policy/code of conduct and compliance program.

#### **Section VI - Eligible Countries**

This Section contains information regarding eligible countries.

### **PART 2 – PROCURING ENTITY’S REQUIREMENTS**

#### **Section VII - Scope of Supply**

This Section includes a summary description, delivery and completion schedules, Site and other Data of the Supply of Goods subject of this Prequalification.

## Section I - Invitation for Pre-qualification

**[Insert Name of Procuring Entity]**

**[Insert logo]**

### PRE-QUALIFICATION OF SUPPLIERS FOR

*(insert brief description of the Goods)*

1. This invitation for prequalification follows the General Procurement Notice for this project that appeared in the Tanzania National Electronic Procurement System (TANePS) dated *[insert dates of publication of GPN]*.
2. The *[insert name of procuring entity]* *[has set aside funds]/ [has received a loan/credit/Grant from the [insert name of authority who has indicated willingness to finance]]* towards the cost of the *[insert name of project]*, and it intends to apply part of the proceeds of this *[fund/loan/credit/Grant]* for payments under the contract for *[insert name/no. of contract-if prequalification is being invited for more than one contract, describe each contract and indicated whether applications may be made for pre-qualification for one or more of the contract]*.
3. The *[insert name of Procuring Entity]* intends to pre-qualify suppliers and/or firms for *[insert description of Goods to be procured]*. It is expected that invitations to tender will be made in *[insert month and year]*.
4. Pre-qualification will be conducted through the procedures specified in Regulation 119 of the Public Procurement Regulations, – Government Notice 446 of 2013, and is open to all applicants as defined in the Regulations.
5. Interested applicants may obtain further information by accessing a complete set of pre-qualification documents in ***[insert language of the Pre-qualification Document]*** through TANePS.
6. A complete set of prequalification Document(s) in *[may be obtained or downloaded through TANePS]*.
7. All applications shall be submitted through TANePS at or before ***[insert time and date]***. Applications will be opened promptly thereafter on TANePS dashboard and Applicants may participate in the opening by logging into the TANePS.
8. Applications not received through TANePS shall not be accepted for evaluation irrespective of the circumstances.

***[Insert the title of the Accounting Officer and address of PE]***

## **SECTION II – INSTRUCTIONS TO APPLICANTS**

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<b>SECTION II. INSTRUCTIONS TO APPLICANTS (ITA)</b>		
<b>A. GENERAL</b>		
<b>1.Scope of Supplies</b>	<b>1.1</b>	In connection with the invitation for Prequalification indicated in Section III (Prequalification Data Sheet) (PDS), the Procuring Entity (PE), as defined in the <b>PDS</b> , issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to Tender for the Supply of Goods described in Section VII (Scope of Supply). In case the Goods are to be Tendered as individual contracts (i.e., the slice and package procedure), these are listed in the <b>PDS</b> .
	1.2	If so indicated in the <b>PDS</b> , the goods to be supplied have been divided into a number of similar individual contracts (slices) and tenders will be invited concurrently for the combinations of contracts (packages). Applicants can tender for individual contracts only or for a combination of contracts within their pre-qualified capacity as assessed by the Procuring Entity.
	1.3	It is expected that pre-qualified applicants will be invited to submit tenders during the month and year indicated in the <b>PDS</b>
<b>2. Source of Funds</b>	<b>2.1</b>	<p>The Government of Tanzania has set aside sufficient funds for the operations of the PE named in the <b>PDS</b> during the Financial Year indicated in the <b>PDS</b>. It is intended that part of the proceeds of the funds will be applied to cover eligible payments under the contract for the Supply of goods as described in the <b>PDS</b>.</p> <p><b>or</b></p> <p>The Government of Tanzania through the PE named in the <b>PDS</b> has applied for/received/ intends to apply for a [loan/credit/grant] from the financing institution named in the <b>PDS</b> towards the cost of the Project named in the <b>PDS</b>. The United Republic of Tanzania intends to apply a part of the proceeds of this [loan/credit/grant] to payments under the Contract described in the <b>PDS</b>.</p>
	2.2	Payments will be made directly by the PE (or by financing institution specified in the <b>PDS</b> upon request by the PE to so pay) and will be subject in all respects to the terms and conditions of the resulting contract placed by the PE.
<b>3. Fraud, Corruption, Coercive, Collusive and Obstructive Practices</b>	<b>3.1</b>	The Government of Tanzania requires that PEs (including beneficiaries of Government funded projects) as well as Applicants under Government financed contracts, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, the following shall apply;

		<p>(a) for the purposes of this provision, the terms set forth below are defined as follows:</p> <ul style="list-style-type: none"> <li>(i) “corrupt practice” means the offering, giving receiving or soliciting of anything of value to influence the action of a public officer in the procurement process or contract execution;</li> <li>(ii) “coercive practice” means impairing or harming, or threatening to impair or harm directly or indirectly, any party or the property of the party for the purpose of influencing improperly the action of that party in connection with public procurement or in furtherance of corrupt practice or fraudulent practice;</li> <li>(iii) “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 Government or a public body and includes collusive practices among Applicants, prior to or after submission designed to establish tender prices at artificial non-competitive levels and to deprive the Government of the benefits of free and open competition;</li> <li>(iv) “obstructive practice” means acts intended to materially impede access to required information in exercising a duty under this Act;</li> </ul> <p>(b) PE will not accept award if it determines that the applicant recommended for prequalification has engaged in corrupt, fraudulent, coercive, collusive or obstructive practices in competing for the Contract in question; and</p> <p>c) PPRA will declare a firm ineligible, for a period of ten years, to be awarded a public-financed contract if it at any time determines that the firm has engaged in corrupt, fraudulent, coercive, collusive or obstructive practices in competing for, or in executing, a public-financed contract.</p>
	3.2	<p>The Government of Tanzania reserves the right, where the applicant has been found by a national or international entity to have engaged in corrupt, fraudulent, coercive, collusive or obstructive practices to declare that such applicant is ineligible, for a stated period of ten years to be awarded a public financed contract.</p>
	3.3	<p>The Government 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 Tanzania inspect their accounts and records relating the performance of the contract and to</p>

		have them audited by auditors appointed by the Government of Tanzania.
<b>4. Eligible Applicants</b>	<b>4.1</b>	An Applicant may be a natural person, private Entity, government-owned Entity or institution subject to ITA 4.8 or any combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, Tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Unless specified in the <b>PDS</b> , there is no limit on the number of members in a JV.
	4.2	A firm may apply for prequalification both individually and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to Tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.
	4.3	A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to Tender for the same contract. All Tenders submitted in violation of this procedure will be rejected.
	4.4	National Applicants shall satisfy all relevant licensing and/or registration requirements with the appropriate statutory bodies in Tanzania. Foreign applicants are exempted from this requirement but where selected as having submitted the lowest evaluated tender, the successful Tenderer shall register with the appropriate statutory body and shall be required to submit evidence of registration to operating business in the United Republic of Tanzania.
	4.5	An Applicant shall not have a conflict of interest. Any applicant found to be in conflict of interest shall be disqualified. An applicant may be considered to have a conflict of interest with one or more parties in this tendering process, if they:  (a) are associated or have been associated in the past, directly or indirectly with a firm or any of its affiliates which have been engaged by the PE to provide consulting services for the preparation of the design,

		<p>specifications and other documents to be used for the procurement of the supplies and services to be purchased under this Invitation for Prequalification; or</p> <ul style="list-style-type: none"> <li>(b) have controlling shareholders in common;</li> <li>(c) receive or have received any direct or indirect subsidy from any of them;</li> <li>(d) have the same legal representative for purposes of this prequalification;</li> <li>(e) have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the prequalification of another applicant, or influence the decisions of the PE regarding this prequalification process; or</li> <li>(f) participated as a consultant in the preparation of the design or technical specifications of the supplies and services and related services that are the subject of the prequalification.</li> </ul>
	4.6	<p>Firms and individuals may be ineligible if –</p> <ul style="list-style-type: none"> <li>(a) such person is declared bankrupt or, in the case of company or firm, insolvent;</li> <li>(b) payments in favour of the person, company or firm is suspended in accordance with the judgment of a court of law other than a judgment declaring bankruptcy and resulting, in accordance with the national laws, in the total or partial loss of the right to administer and dispose of its property;</li> <li>(c) legal proceedings are instituted against such person, company or firm involving an order suspending payments and which may result, in accordance with the national laws, in a declaration of bankruptcy or in any other situation entailing the total or partial loss of the right to administer and dispose of the property;</li> <li>(d) the person, company or firm is convicted, by a final judgment, of any offence involving professional conduct;</li> <li>(e) the person or company is debarred and blacklisted in accordance with section 62 of the Act or ineligible in accordance with section 84(7) of the Act, from participating in public procurement for corrupt, coercive, collusive, fraudulent or obstructive practices, failure to abide with a Tender Securing Declaration, breach of a procurement contract, making false representation about his qualifications during tender proceeding or other grounds as may be deemed necessary by the Authority.</li> </ul>
	4.7	<p>Public or Semi-public owned enterprises in the United Republic of Tanzania may participate only if they can</p>

		establish that they (i) are legally and financially autonomous, and (ii) operate under commercial law. No dependent agency of the PE shall be permitted to tender or submit a proposal for the procurement of goods or works under the project.
	4.8	Applicants shall provide to the PE evidence of their eligibility, proof of compliance with the necessary legal, technical and financial requirements and their capability and, adequacy of resources to carry out the contract effectively.
	4.9	An Applicant shall provide such evidence of their continued eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.
	4.10	Applicants shall submit proposals relating to the nature, conditions and modalities of sub-contracting wherever the sub-contracting of any elements of the contract amounting to the more than ten percent of the tender price is envisaged.
<b>B: CONTENTS OF THE PREQUALIFICATION DOCUMENT</b>		
<b>5. Sections of Prequalification Document</b>	<b>5.1</b>	<p>This Prequalification Document consists 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 7 [Amendment of Pre-qualification Document].</p> <p><b>PART 1 Prequalification Procedures</b></p> <p>Section I – Invitation for Prequalification (IFP)</p> <p>Section II - Instructions to Applicants (ITA)</p> <p>Section III - Prequalification Data Sheet (PDS)</p> <p>Section IV - Qualification Criteria and Requirements</p> <p>Section V - Application Forms</p> <p>Section VI – Eligible Countries</p> <p><b>PART 2 Procuring Entity’s Requirements</b></p> <p>Section VII - Scope of Supply</p>
	5.2	Unless obtained directly from the TANEPS, the PE accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the Pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 7 [Amendment of Pre-qualification Document].
	5.3	The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its application all information or documentation as is required by the Prequalification Document.

<p><b>6. Clarification of Prequalification Document and Pre-Application Meeting</b></p>	<p>6.1</p>	<p>An Applicant requiring any clarification of the Prequalification Document shall contact the PE through TANEPS. The PE will respond through TANEPS to any request for clarification provided that such request is received not later than Seven (7) days prior to the deadline for submission of the applications. The PE's response shall be posted through TANEPS to all prospective Applicants who have obtained the Prequalification Document from TANEPS, including a description of the inquiry but without identifying its source. Should the PE deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 7 [Amendment of Pre-qualification Document] and in accordance with the provisions of ITA 16.2 [Deadline of Submission of Applications].</p>
	<p>6.2</p>	<p>If indicated in the <b>PDS</b>, the Applicant's designated representative is invited, at the Applicant's cost, to attend a pre-Application meeting at the place, date and time mentioned in the <b>PDS</b>. During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Prequalification Document.</p>
	<p>6.3</p>	<p>Minutes of the pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any responses prepared after the meeting will be transmitted promptly through TANEPS to all prospective Applicants who have obtained the Prequalification Document. Any modification to the Prequalification Document that may become necessary as a result of the pre-Application meeting shall be made by the PE exclusively through the use of an Addendum pursuant to ITA 7 [Amendment of Pre-qualification Document]. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant.</p>
<p><b>7. Amendment of Prequalification Document</b></p>	<p>7.1</p>	<p>At any time prior to the deadline for submission of Applications, the PE may amend the Prequalification Document by issuing an Addendum.</p>
	<p>7.2</p>	<p>Any Addendum issued shall be part of the Prequalification Document and shall be promptly communicated through TANEPS to all Applicants.</p>
	<p>7.3</p>	<p>To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the PE may, at its own discretion, extend the deadline for the submission of Applications in accordance with ITA 16.2 [Deadline of Submission of Applications].</p>

<b>C. PREPARATION OF APPLICATIONS</b>		
<b>8. Cost of Applications</b>	8.1	The Applicant shall bear all costs associated with the preparation and submission of its Application. The PE will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.
<b>9. Language of Application</b>	9.1	The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the PE, shall be written in the language specified in the <b>PDS</b> . 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 <b>PDS</b> , in which case, for purposes of interpretation of the Application, the translation shall govern.
<b>10. Documents Comprising the Application</b>	10.1	The Application shall comprise the following: <ul style="list-style-type: none"> <li>(a) <b>Application Submission Letter</b>, in accordance with ITA 11.1;</li> <li>(b) <b>Eligibility</b>: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 12.1;</li> <li>(c) <b>Qualifications</b>: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 13; and</li> <li>(d) any other required document as specified in the <b>PDS</b>.</li> </ul>
	10.2	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.
<b>11. Application Submission Letter</b>	11.1	The Applicant shall complete an Application Submission Letter as provided in Section V- Application Forms. This Letter must be completed without any alteration to its format.
<b>12. Documents Establishing the Eligibility of the Applicant</b>	12.1	To establish its eligibility in accordance with ITA 4 [Eligible Applicants], the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section V- Application Forms.
<b>13. Documents Establishing the Qualifications of the Applicant</b>	13.1	To establish its qualifications to perform the contract(s) in accordance with Section IV - Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section V- Application Forms.
	13.2	Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the TZS equivalent using the rate of exchange determined as follows: <ul style="list-style-type: none"> <li>(a) For construction turnover or financial data required for each year - Exchange rate prevailing on the last</li> </ul>

		<p>day of the respective calendar year (in which the amounts for that year is to be converted).</p> <p>(b) Value of single contract - Exchange rate prevailing on the date of the contract.</p> <p>Exchange rates shall be obtained from the Bank of Tanzania (BoT). Any error in determining the exchange rates in the Application may be corrected by the PE.</p>
<b>14. Format and Signing of the Application</b>	14.1	The Applicant shall prepare documents constituting the Application as described in ITA 10 [Documents Constituting the Application].
	14.2	The Application shall be signed by a person or persons duly authorized to sign on behalf of the Applicant and the authorization documents shall be submitted together with the Application indicating position of each signatory in accordance to the requirements of the TANEPS, as specified in the <b>PDS</b> .
<b>D. SUBMISSION OF APPLICATIONS</b>		
<b>15. Submission of Applications</b>	15.1	All Applications shall be submitted through TANEPS. Applications submitted through TANEPS shall be considered to be true and legal version, duly authorized and duly executed by the Applicant and intended to have binding legal effect. The Applicant shall properly name his soft copies of documents before submission through TANEPS.
	15.2	The Application shall bear e-signature or digital signatures for identity and authentication purposes and the identity of the Applicant may be verified with a follow-up due diligence process.
	15.3	Applications submitted through TANEPS shall be received in full prior to the closing time, and the Applicants shall receive an acknowledgement of receipt of their Applications or amendment through the system.
	15.4	Applicants must ensure the integrity, completeness and authenticity of their submission; and in case of electronic records entered online and files containing the Application being unreadable for any reason, the Application submitted shall not be considered.
	15.4	Applicants must ensure the integrity, completeness and authenticity of their submission; and in case of electronic records entered online and files containing the Application being unreadable for any reason, the Application submitted shall not be considered.
<b>16. Deadline for Submission of Applications</b>	16.1	Applications shall be received by the PE through TANEPS in a manner specified under ITA 15 [Submission of applications] not later than the date and time specified in the TANEPS.
	16.2	The PE may, in exceptional circumstances and at its own discretion and before expiry of the submission deadline, extend the deadline for the submission of Applications by amending the Prequalification Document in accordance with ITA 7 [Amendment of Pre-qualification Document], in which case all rights and obligations of the PE and the Applicants subject



		to the previous deadline shall thereafter be subject to the deadline as extended.
	16.3	An Applicant may modify or substitute or withdraw its application after it has been submitted to the PE through TANEPS, provided that such modification or substitution or withdraw is made prior to the deadline for submission of Application prescribed under ITA16.1. Applicants shall receive an acknowledgement of receipt of Application or any amendment of its submitted Application through the system.
<b>17. Late Applications</b>	17.1	TANEPS does not allow an Applicant to submit its applications after the deadline for submission of applications in accordance with ITA 16 [Deadline for Submission of Applications]
<b>18. Opening of Applications</b>	18.1	The opening shall be done by Tender Opening Committee. The application opening records shall be made available in the appropriate section of the TANEPS. Late Applications shall be treated in accordance with ITA 17.1 [Late Applications].
	18.2	An Applicant or any other person with interest in the tender process can access Application opening records on the appropriate section of TANEPS
<b>E. PROCEDURES FOR EVALUATION OF APPLICATIONS</b>		
19. Confidentiality	19.1	Information relating to the Applications, their evaluation and results of the prequalification 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 27 [Notification of Pre-qualification Results]
	19.2	From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 27. Any Applicant that wishes to contact the PE on any matter related to the prequalification process may do so through TANEPS.
	19.3	Any effort by an Applicant to influence the PE's processing of Applications or Pre-qualification decisions may result in the rejection of its application.
<b>20. Clarification of Applications</b>	20.1	In order to assist in the evaluation of Applications, the PE may, at its own discretion, ask an Applicant for a clarification (including missing documents) of its application, to be submitted within a stated reasonable period of time. Any request for clarification from the PE and all clarifications from the Applicant shall be through TANEPS.
	20.2	If an Applicant does not provide clarifications and/or documents requested by the date and time set in the PE's request for clarification, its Application shall be evaluated

		based on the information and documents available at the time of evaluation of the Application.
<b>21. Responsiveness of Applications</b>	21.1	The PE may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 20.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.
<b>22. Margin of Preference</b>	22.1	Unless otherwise specified in the <b>PDS</b> , a margin of preference for domestic Tenderers shall not apply in the Tendering process resulting from this prequalification.
<b>23. Subcontractors</b>	23.1	Subcontractors' qualification and experience will not be considered for evaluation of the Applicant. The Applicant on its own (without taking into account the qualification and experience of the Subcontractor) should meet the qualification criteria.
<b>F. EVALUATION OF APPLICATIONS AND PREQUALIFICATION OF APPLICANTS</b>		
<b>24. Evaluation of Applications</b>	24.1	The PE shall use the factors, methods, criteria, and requirements defined in Section IV, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The PE reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
	24.2	Subcontractors proposed by the Applicant shall be fully qualified for their parts of the Scope of Supply and Related Services for the Goods
	24.3	In case of multiple contracts, Applicants should indicate in their applications the individual contract or combination of contracts in which they are interested. The PE 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 criteria and requirements are specified in Section IV.
	24.4	Only the qualifications of the Applicant shall be considered. The qualifications of other firms such as the Applicant's subsidiaries, parent entities, affiliates, subcontractors or any other firm(s) different from the Applicant shall not be taken into consideration in determining the qualifications of the Applicant.
<b>25. PE's Right to Accept or Reject</b>	25.1	The PE reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any

<b>Applications</b>		liability to the Applicants.
<b>26. Prequalification of Applicants</b>	26.1	All Applicants whose applications substantially meet or exceed the specified qualification requirements will be prequalified by the PE.
	26.2	An Applicant may be “conditionally prequalified,” that is, qualified subject to the Applicant submitting or correcting certain specified non material documents or deficiencies to the satisfaction of the PE.
	26.3	Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the PE before or at the time of submitting their Tenders.
<b>27. Notification of Prequalification</b>	27.1	The PE shall notify all Applicants through TANEPS of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.
	27.2	Applicants that have not been prequalified may write to the PE through TANEPS to request the grounds on which they were disqualified.
<b>28. Request for Tenders</b>	28.1	Promptly after the notification of the results of the prequalification, the PE shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.
	28.2	Tenderers may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the PE in the form and an amount to be specified in the Tendering document.
	28.3	The successful Tenderer shall be required to provide a Performance Security as specified in the Tendering document.
	28.4	If applicable, the successful Tenderer shall be required to provide a separate Environmental and Social (ES) Performance Security.
	28.5	Tenderers shall be required to provide a Code of Conduct which will apply to their and sub-contractors’ personnel that includes the minimum requirements specified in the Tendering document.
	28.6	Tenderers shall be required to submit management strategies and implementation plans that address key Environmental and Social (ES) risks (including Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)) requirements.
	28.7	If required in the Tendering document, the successful Tenderer shall provide additional information about its beneficial ownership using the Beneficial Ownership Disclosure Form included in the Tendering document.
	28.8	If specified in the <b>PDS</b> , Tenderers shall be required to

		submit a Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH) Declaration, using the Sexual Exploitation and Abuse (SEA), and/or Sexual Harassment (SH) declaration form included in the Tendering documents.
	28.9	Prior to Contract award, the PE will verify that the successful Tenderer (including each member of a JV) is not disqualified by the Authority due to non-compliance with contractual SEA/SH prevention and response obligations. The PE will conduct the same verification for each subcontractor proposed by the successful Tenderer. If any proposed subcontractor does not meet the requirement, the PE will require the Tenderer to propose a replacement subcontractor
<b>29. Changes in Qualifications of Applicants</b>	29.1	Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 26 [Prequalification of Applicants] and invited to Tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the PE prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section IV (Qualification Criteria and Requirements); or (iii) in the opinion of the PE, the change may result in a substantial reduction in competition. Any such change should be submitted to the PE not later than fourteen (14) days after the date of the Request for Tenders.
<b>30. Procuring Entity's Rights</b>	<b>30.6</b>	The PE reserves the right to take the following actions, and shall not be liable for any such actions: <ul style="list-style-type: none"> <li>(a) amend the scope and cost of any contract to be tendered under tender, in which event tenders will be invited only from those applicants who meet the resulting amended prequalification requirements;</li> <li>(b) reject or accept any prequalification application;</li> <li>(c) cancel the prequalification process and reject all applications.</li> </ul>
<b>G: REVIEW OF PROCUREMENT DECISIONS</b>		
<b>31. Right to Review</b>	31.1	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 PE or an approving authority in the course of these procurement proceedings may seek a review in accordance with the procedure set out hereunder.

<b>32. Time Limit on Review</b>	32.1	The Applicant shall submit an application for review within seven (7) working days, of the him becoming or should have become aware of the circumstances giving rise to the complaint or dispute.
<b>33. Submission of Applications for Review</b>	33.1	Any application for administrative review shall be submitted through TANEPS to the Accounting Officer of a PE and a copy shall be served to the Public Procurement Regulatory Authority (PPRA) at the address shown in the <b>PDS</b> .
	33.2	For PEs with delegated procurement function, applications for administrative review for tenders floated by the delegated Accounting Officer shall be submitted through TANEPS to the delegated Accounting Officer with a copy served to the PPRA. The delegated Accounting Officer shall promptly forward the same to the Accounting Officer of the PE.
	33.3	The application for administrative review shall include: (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 (f) any other information relevant to the complaint.
	33.4	Upon receipt of a complaint, the Accounting Officer of a PE shall suspend the procurement proceedings
	33.5	The Accounting Officer shall not entertain a complaint or dispute or continue to do so after the procurement contract has entered into force.
34. Decision by the Accounting Officer	34.1	The Accounting Officer shall, within seven (7) working 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.
	34.2	Where the Accounting Officer does not issue a decision within the time specified in ITA 34.1, the Applicant submitting the complaint or dispute or the PE shall be entitled immediately thereafter to institute proceedings under ITA 35.1 and upon instituting such proceedings, the

Section II- Instructions to Applicants

		competence of the Accounting Officer to entertain the complaint or dispute shall cease.
35. Review by the Public Procurement Appeals Authority	35.1	<p>Complaints or disputes which,</p> <ul style="list-style-type: none"> <li>(a) are not settled within the specified period under ITA 34.1 [Decision by the Accounting Officer];</li> <li>(b) the Applicant is not satisfied with the decision of the accounting officer.</li> </ul> <p>shall be referred to the Public Procurement Appeals Authority (PPAA) within seven (7) working days from the date when the Applicant received the decision of the accounting officer or, in case no decision is issued after the expiry of the time stipulated under ITA 34.1.</p> <p>The Appeals Authority shall, within forty-five (45) days issue a written decision concerning the complaint or dispute stating the reasons for the decisions and the remedies granted if any.</p> <p>The decision of the Appeals Authority shall be binding to the parties on complaint or appeal and such decision may be enforced in any court of competent jurisdiction.</p>
	35.2	PPAA may be contacted at the address shown in the <b>PDS</b> .

## SECTION III - PREQUALIFICATION DATA SHEET (PDS)

The following specific data for pre-qualification of Suppliers for Goods shall complement, supplement, or amend the provisions in the Instructions to Applicants (ITA). Whenever there is a conflict, the provisions herein shall prevail over those in ITA. ***The notes in Italics are only intended to guide the PE in filling in the Pre-qualification Data Sheet. They should not appear in the Final PDS to be issued to prospective Applicants.***

PDS. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
<b>A. GENERAL</b>			
1.	Name of the PE	ITA 1.1 & ITA 2.1	The PE is: <i>[insert the name of the PE]</i>
2.	Lots	ITA 1.1 & ITA 1.2	The list of contracts is: <i>[insert number, names and identification numbers. If the Supplies has not been divided into separate contracts, add the name of the supplies]</i>
3.	Expected Date of Invitation to Tender	ITA 1.3	<u>Expected date of Invitation for Tenders</u> <i>[Insert the date; or alternatively, just the month and year if a precise dated has not yet been decided]</i>
4.	Name of the project	ITA 2.1	Name of Project is: <i>[insert name and summary description of the Supplies]</i>
5.	Source of Funds - Financial year	ITA 2.1	Financial Year <i>[insert FY]</i>
6.	Source of Funds - Financing Institution	ITA 2.1 & 2.2	Name of financing institution is: <i>[insert name if any]</i>
7.	Source of Funds - The loan /credit number	ITA 2.1& 2.2	The loan/ credit number is: <i>[insert number if available]</i> and name of the financing Institution <i>[insert name of the financing institution]</i>
8.	JVCA Members	ITA 4.1	Maximum number of members in the JVCA shall be: <i>[insert a number or insert "not limited"]</i>

PDS. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
9.	Pre- Application Meeting	ITA 6.2	Pre-Application Meeting will be held: [Yes/No]  [If Yes, please add the name of the place and address, date and time of the meeting]
10.	Language of Application	ITA 9.1	This Prequalification document has been issued in the [Insert the language] language.
11.	Additional Document	ITA 10.1 (d)	The Applicant shall submit with its Application, the following additional documents: [insert list of additional documents]
12.	Application Authorization documents	ITA 14.2	Authorization document(s) shall be [duly notarized <i>Power of Attorney in the format provided in Section V: Application Forms</i> ]  <i>Note: Power of Attorney by a foreign firm may be presented in any other legally acceptable format</i>  and/or [list other acceptable authorization document(s) if any]
13.	Margin of Preference	ITA 22.1	A margin of domestic preference [insert either "shall" or "shall not"] apply
14.	Address to submit Copy of complaints	ITA 33.1	The address to submit copies of complaints:



PDS. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
			<p>The Chief Executive Officer, Public Procurement Regulatory Authority Kambarage Tower, 9<sup>th</sup> Floor, PSPF Road, P.O. Box 2865,41104 Dodoma, TANZANIA. Tel: +255 26 2963854 E-mail: <a href="mailto:ceo@ppra.go.tz">ceo@ppra.go.tz</a> Web: <a href="http://www.ppra.go.tz">www.ppra.go.tz</a></p>
15.	Address to Submit an Appeal to PPAA	ITA 35.2	<p>The address for Appeal to PPAA: The Executive Secretary, Public Procurement Appeals Authority, Ministry of Finance and Planning, 1 Madaraka Street, P.O. Box 9310, 11468 Dar es Salaam. Telephone +255 22 2120451 Mobile:+255743505505 Fax + 255 022 2120460 Email: <a href="mailto:info@ppaa.go.tz">info@ppaa.go.tz</a> or <a href="mailto:es@ppaa.go.tz">es@ppaa.go.tz</a> Website <a href="http://www.ppaa.go.tz">www.ppaa.go.tz</a></p>

## **SECTION IV- QUALIFICATION CRITERIA AND REQUIREMENTS**

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.

No	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Members Combined	Each Member	One Member	
<b>1. Eligibility</b>							
1.1	<b>Nationality</b>	Nationality in accordance with ITA 4.1	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 with attachments
1.2	<b>Conflict of Interest</b>	No conflicts of interest in accordance with ITA 4.5	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	<b>Not declared ineligible</b>	Not having been declared ineligible as described in ITA 4.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.4	<b>Government Owned Entity</b>	Applicant required to meet conditions of ITA 4.7	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2, with attachments
1.5	Anti-Bribery Policy	Submission of anti-bribery policy/code of conduct and Compliance Programme	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form-INTEG
<b>2. Historical Contract Non-Performance</b>							
2.1	<b>History of Non-Performing</b>	Non-performance of a contract <sup>1</sup> did not occur as a result of Supplier’s default	Must meet requirement	Must meet requirements	Must meet requirement <sup>2</sup>	N/A	Form PER-1

<sup>1</sup>Non performance, as decided by the Purchaser, shall include all contracts where (a) non performance was not challenged by the Supplier, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the Supplier. Non performance shall not include contracts where Purchaser’s decision was overruled by the dispute resolution mechanism. Non performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Applicant have been exhausted.

<sup>2</sup> This requirement also applies to contracts executed by the Applicant as JV member.

No	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Members Combined	Each Member	One Member	
	<b>Contracts</b>	since 1 <sup>st</sup> January <i>[insert year]</i> .					
2.2	<b>Debarment based on Execution of Tender Securing Declaration by the Authority</b>	Not under suspension based on execution of a Tender/Proposal Securing Declaration pursuant to ITA 4.6.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
2.3	<b>Pending Litigation</b>	Applicant’s financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form PER-1
2.4	<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Applicant since 1 <sup>st</sup> January <i>[insert year]</i> <sup>3</sup>	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form PER-1
2.5	<b>Compliance with Statutory Requirements</b>	No consistent history of failure to pay taxes and social security Contributions,, and no	Must meet requirement	N/A	Must meet requirement	N/A	Form PER -1

<sup>3</sup>The Applicant shall provide accurate information on the Application Submission Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of court/arbitral awards against the Applicant or any member of a joint venture may result in disqualifying the Applicant.

No	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Members Combined	Each Member	One Member	
		failure to comply with environmental and health and safety requirements					
<b>3. Financial Situation and Performance</b>							
3.1	<b>Financial Capabilities</b>	The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Purchaser, for the last <i>[insert number]</i> years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability.	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN 3.1
3.2	<b>Average Annual Turnover</b>	Average annual turnover (Average Annual Sales Revenue) from supply of Health Sector Goods of TZS <i>[insert amount in TZS equivalent in words and figures]</i> , calculated as total certified payments received for contracts in progress and/or completed during the last three years. <i>[Insert a figure which is at</i>	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.2

No	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
				All Members Combined	Each Member	One Member	
		<i>least five times the estimated contract amount]</i>					
3.3	<b>Current Commitments</b>	The Applicant shall also demonstrate, to the satisfaction of the Purchaser, that it has adequate sources of finance to meet the cash flow requirements on contracts currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN 3.3
<b>4. Experience</b>							
4.1	<b>General Experience</b>	Experience in supply of Goods at least the last three years	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP –1
4.2 (a)	<b>Specific Experience (if applicable)</b>	(i) Documentary evidence of the Applicant’s qualifications to perform the Contract in accordance with 4.2 (b)(i) below  (ii) Technical and Production Capability in accordance with 4.2(b)(ii) as below.	Must meet requirement  Must meet requirement	Must meet requirement  Must meet requirement	N/A  N/A	Must meet requirement  Must meet requirement	
4.2 (b)	See below for details						

### Specific Experience Requirements

The Specific Experience Requirements under 4.2 (b) are as follows:

#### 4.2 (b)(i) Documentary evidence

The following documents must be included with the Application:

**Documentary evidence** of the Applicant's qualifications to perform the Contract if its Tender is accepted:

- (i) that, in the case of an Applicant offering to supply Goods under the Contract that the – Applicant manufactures or otherwise produces, that the Applicant ensures the availability in the United Republic of Tanzania spare parts and after sales services for equipment/ supplies to offered in the tender
- (ii) that, in the case of an Applicant offering to supply Goods under the Contract that the Applicant does not manufacture or otherwise produce, that the Applicant has been duly authorized by a manufacturer of the Goods to supply the Goods in the United Republic of Tanzania using the Manufacturer Authorization Form; and

#### 4.2(b)(ii) Technical and Production Capability

The Applicant shall provide evidence that it has the technical, and production capability necessary to perform the Contract:

- (i) that it has successfully completed or substantially completed at least [*insert number*] similar contracts for supply of the goods and within the last five years. [*The number of similar contracts required should be not less than three and not more than five (normally four), depending on the size and complexity of the subject contract.*] Similar contracts are those of approximately the same size and that includes comparable products, e.g., capsules, tablets, vaccines.

The goods may have been supplied by the Applicant as a manufacturer or by its agent, with references being submitted to confirm satisfactory performance,

## SECTION V - APPLICATION FORMS

Below is a checklist of forms/documents required to be submitted by the Applicant. Each Applicant must ensure that all forms/documents are properly prepared and submitted with his application. Failure to fill in and submit, or improper filling of the Forms/documents may result in the rejection of the application.

Form	Description	Check if Included with the Application	
		Yes	NO
	Application Submission Letter		
	Special Power of Attorney		
Form INTEG	Undertaking by Applicant on Anti – Bribery Policy / Code of Conduct and Compliance Programme		
Form ELI -1.1	Applicant Information Form		
Form ELI -1.2	Applicant's JV Information Form		
Form FIN – 3.1	Financial Situation and Performance		
Form FIN - 3.2	Average Annual Turnover (Annual Sales Value)		
Form FIN-3.3	Current Contract Commitments / Contracts in Progress		
Form- EXP-1	General Experience		
Form- PER 1	Historical Contract Non-Performance, Pending Litigation and Litigation History and Conformance to Statutory Requirements		
	Manufacturer's Authorization		



## Application Submission Letter

Date: *[insert day, month, and year]*  
Pre- Qualification No. and title: *[insert RFB  
number and title]*

To: *[insert full name of Purchaser]*

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

We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with Instructions to Applicants (ITA) 8: *[insert the number and issuing date of each addendum]*.

We have no conflict of interest in accordance with ITA 4.6; and We (and our subcontractors) meet the eligibility requirements as stated ITA 4.1, we have not been suspended by the Public Procurement Regulatory Authority based on execution of a Tender/Proposal Securing Declaration in accordance with ITA 4.7;

We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Public Procurement Regulatory Authority.

*[select the appropriate option and delete the other]* *[We are not a state-owned enterprise or institution]* / *[We are a state-owned enterprise or institution but meet the requirements of ITA 4.8]*;

We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the Prequalification process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and TZS equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*[If no payments are made or promised, add the following statement: "No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application]*

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 tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.

All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

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

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

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

Duly authorized to sign the Application for and on behalf of: *[insert full name of the Applicant or the name of the JV]*

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

Dated: *[insert date the document is signed i.e. day number] day of [insert month], [insert year]*

*[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]*

## Special Power of Attorney<sup>1</sup>

**KNOW ALL MEN BY THESE PRESENTS THAT I** the undersigned [*insert name of the Donor*] being [*insert designation*] of [*insert name of the company*] of [*insert company address*] having its registered office at [*insert physical address of company*];

**WHEREAS** in course of business it is necessary to bid for tenders and enter into contracts;

**NOW THEREFORE KNOW ALL MEN THAT I** [*insert name of the Donor*] by virtue of authority conferred to me by the Board Resolution No [*insert Board Resolution Number*] of [*insert day*] day of [*insert Board Resolution month and year*], do hereby ordain, nominate, authorize, empower and appoint [*insert name of Donee*] of [*insert address of the Donee*] to be our true lawful Attorney and Agent with full power and authority for us and in our names and for our accounts and benefits, to do any, or all of the following acts, in the execution of tender No. [*insert tender number*] that is to say;

To act on my behalf or for the company and do any other thing or things incidental for [*insert tender Number*] of [*insert description of procurement*] for the [*insert name of the procuring entity*];

**AND** provided always that this Power of Attorney shall not revoke or in any manner affect any future Power of Attorney given to any other person or persons for such other power or powers shall remain and be of the same force and affect as if this deed has not been executed.

**AND** we hereby undertake to ratify everything, which our Attorney or any substitute or substitutes or agent or agents duly appointed by him under this power on his behalf herein before contained shall do or purport to do in virtue of this Power of Attorney.

**SEALED** with the common seal of the said [*insert name of the company*] and delivered in the presence of us this [*insert date*] day of [*insert month*] [*insert year*].

**IN WITNESS** whereof we have signed this deed on this [*insert date*] day of [*insert month*] [*insert year*] at [*insert place*] for and on behalf of [*insert name of the company or Donor*] .....

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<sup>1</sup> **Note:** Power of Attorney of a Foreign Firm may be presented in any other legally acceptable format

**SIGNED AND DELIVERED** by the said  
[*insert name of Donor*] Identified to me  
by [*insert name*]  
The latter being known to me personally  
this [*insert date, month and year*]

.....  
**DONOR**

**BEFORE ME:**

Name:.....

Address:.....

Qualification:.....

Signature:.....  
**COMMISSIONER FOR OATHS**

**Acknowledgement**

I [*insert name of Donee*] doth hereby acknowledge and accept to be Attorney of the said [*insert name of the company/donor*] under the Terms and Conditions contained in this Power of Attorney and I promise to perform and discharge my duties as the lawfully appointed Attorney faithfully and honestly.

**SIGNED AND DELIVERED** by the said  
[*insert name of Donee*] Identified to me  
by [*insert name*]  
The latter being known to me personally  
this [*insert date, month and year*],

.....  
**DONEE**

**BEFORE ME**

Name:.....

Address:.....

Qualification:.....

Signature:.....  
**COMMISSIONER FOR OATHS.**

**Form INTEG- UNDERTAKING BY APPLICANT ON ANTI – BRIBERY POLICY /  
CODE OF CONDUCT AND COMPLIANCE PROGRAMME**

Each Applicant must submit a statement, as part of **the Application Document**, in either of the two given formats which must be signed personally by the Chief Executive Officer or other appropriate senior corporate officer of **the Applicant** and, where relevant, of its subsidiary in the United Republic of Tanzania. If a tender 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.

**MEMORANDUM (Format 1)**  
**(Regulation 78(2) of the Public Procurement Regulations, 2013 - Government  
Notice No. 446 of 2013 as amended in 2016.)**

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 tender, 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.** <sup>2</sup>

Authorized Signature: \_\_\_\_\_

Name and Title of Signatory: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

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<sup>2</sup>Signing of this memorandum is not sufficient if it is not accompanied by the Anti-bribery Policy/Code of Conduct and Compliance programme of the Applicant. For Applications submitted by the JVCA each member must submit its Anti-bribery Policy/Code of Conduct and Compliance programme.

**MEMORANDUM (Format 2)**

**(Regulation 78(2) of the Public Procurement Regulations, 2013 - Government Notice No. 446 of 2013 as amended in 2016.)**

This company \_\_\_\_\_ [*name of company*] has issued, for the purposes of this tender, a Compliance Program<sup>3</sup> copy attached -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, subcontractors and suppliers.

Authorized Signature: \_\_\_\_\_

Name and Title of Signatory: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

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<sup>3</sup>Signing of this memorandum is not sufficient if it is not accompanied by the Anti-bribery Policy/Code of Conduct and Compliance programme of the Applicant. For Applications submitted by the JVCA each member must submit its Anti-bribery Policy/Code of Conduct and Compliance programme.

## Form ELI -1.1 Applicant Information Form

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

Pre-Qualification No. and title: *[insert number and title]*

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

Applicant's name: <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation: <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 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. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, Income Tax Clearance and Business Licence in accordance with ITA 4.5. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.2. <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 4.8 documents establishing: <ul style="list-style-type: none"><li>• Legal and financial autonomy</li><li>• Operation under commercial law</li><li>• Establishing that the Applicant is not under supervision of the PE</li></ul>
2. Included are the organizational chart, a list of Board of Directors.

## Form ELI -1.2 Applicant's JV Information Form

*[The following form is additional to Form ELI – 1.1., and shall be completed to provide information relating to each JV member (in case the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification]*

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

Pre-Qualification No. and title: *[insert number and title]*

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

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of 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 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. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, Income Tax Clearance and Business Licence in accordance with ITA 4.5. <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the PE, in accordance with ITA 4.8. 2. Included are the organizational chart, a list of Board of Directors.



## Form FIN – 3.1

**Financial Situation and Performance**

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

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

Pre-Qualification No. and title: [insert 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 <u>[insert number]</u> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, TZS equivalent)				
	Year 1	Year 2	Year 3		
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					

\* Refer ITA 13 for the exchange rate

### 3. Financial documents

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

- (a) reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).
  - (b) be independently audited or certified in accordance with local legislation.
  - (c) be complete, including all notes to the financial statements.
  - (d) correspond to accounting periods already completed and audited.
- Attached are copies of financial statements<sup>4</sup> for the *[number]* years required above; and complying with the requirements.

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<sup>4</sup>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 Turnover (Annual Sales Value)

*[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]*

Pre-Qualification No. and title: *[insert number and title]*

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

Annual turnover data			
Year	Amount Currency	Exchange rate*	TZS equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Turnover **	

\* Refer ITA 13 for date and source of exchange rate.

\*\* Total TZS equivalent for all years divided by the total number of years. See Section IV, Qualification Criteria and Requirements, ITA 3.2.

**Form FIN-3.3**

**Current Contract Commitments / Contracts in Progress**

1. Name of Contract(s)
2. Purchaser Contact Information [insert address, telephone, fax, e-mail address]
3. Value of outstanding contracts [current TZS equivalent]
4. Estimated delivery date
5. Average monthly invoices over the last six months (TZS/mon.)

## Form- EXP-1

### General Experience

44. Contracts over <i>[insert amount]</i> during the last three years:				
Purchaser	Value	Year	Goods/Services Supplied	Country of Destination

### Form- PER 1

## Historical Contract Non-Performance, Pending Litigation and Litigation History and Conformance to Statutory Requirements

[ 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]  
 Pre-Qualification No. and title: [insert number and title]  
 Page [insert page number] of [insert total number] pages

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January [insert year] specified in Section IV, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January [insert year] specified in Section IV, Qualification Criteria and Requirements, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and TZS equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Purchaser: [insert full name] Address of Purchaser: [insert street/city/country] Reason(s) for nonperformance: [indicate main reason(s)]	[insert amount]
Pending Litigation, in accordance with Section IV, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section IV, Qualification Criteria and Requirements, Sub-Factor 2.3			
<input type="checkbox"/> Pending litigation in accordance with Section IV, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), TZS Equivalent (exchange rate)

<i>[insert year]</i>	<i>[insert amount]</i>	<p>Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i></p> <p>Name of Purchaser: <i>[insert full name]</i>          Address of Purchaser: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate "Purchaser" or "Supplier"]</i></p> <p>Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i></p>	<i>[insert amount]</i>
<p><input type="checkbox"/> No consistent history of court/arbitral award decisions in accordance with Section IV, Qualification Criteria and Requirements, Sub-Factor 2.4.</p> <p><input type="checkbox"/> Consistent history of court/arbitral award decisions in accordance with Section IV, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.</p>			
<b>Year of award</b>	<b>Outcome as percentage of Net Worth</b>	<b>Contract Identification</b>	<b>Total Contract Amount (currency), TZS Equivalent (exchange rate)</b>
<i>[insert year]</i>	<i>[insert percentage]</i>	<p>Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i></p> <p>Name of Purchaser: <i>[insert full name]</i>          Address of Purchaser: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate "Purchaser" or "Supplier"]</i></p> <p>Court/ arbitral award decision: <i>[Indicate if the award decision was against the Applicant or any member of a joint venture.]y]</i></p>	<i>[insert amount]</i>

<input type="checkbox"/> Proof of Payment of Taxes since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section IV, Qualification and Evaluation Criteria, Sub-Factor 2.5 <input type="checkbox"/> Proof of Payment of Social Security Contributions since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section IV, Qualification and Evaluation Criteria, Sub-Factor 2.5. <input type="checkbox"/> No Consistent History of abuse of Employment Laws since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section IV, Qualification and Evaluation Criteria, Sub-Factor 2.5.	
Payment of Taxes	<i>[Provide certified evidence of Tax Clearance for the previous Tax Period] Note: Should not be more than 15 months old.</i>
Social Security Contributions	<i>[Provide a certified copy of Social Security Contributions for the specified Period]</i>
History of Employment Related Cases	<ol style="list-style-type: none"> <li>1. <i>Provide a list and outcome of Labour Cases decided in the last two years by the Commission of Mediation and Arbitration</i></li> <li>2. <i>[Provide a list of pending Labour Cases with the Labour Commission of Mediation and Arbitration]</i></li> </ol>



## Manufacturer's Authorization

*[The Applicant shall require the Manufacturer to fill in this Form in accordance with the instructions indicated. This letter of authorization should be on the letterhead of the Manufacturer and should be signed by a person with the proper authority to sign documents that are binding on the Manufacturer.]*

Date: *[insert date (as day, month and year) of Application Submission]*  
Pre-Qualification No. and title: *[insert number and title]*

To: *[insert complete name of Purchaser]*

### WHEREAS

We *[insert complete name of Manufacturer]*, who are official manufacturers of *[insert type of goods manufactured]*, having factories at *[insert full address of Manufacturer's factories]*, do hereby authorize *[insert complete name of Applicant]* to **submit a Prequalification Application and submit a Tender** the purpose of which is to provide the following Goods, manufactured by us *[insert name and or brief description of the Goods]*, and to subsequently negotiate and sign the Contract.

We hereby extend our full guarantee and warranty in accordance with the **General Conditions of Contract**, with respect to the Goods offered by the above firm.

Signed: *[insert signature(s) of authorized representative(s) of the Manufacturer]*

Name: *[insert complete name(s) of authorized representative(s) of the Manufacturer]*

Title: *[insert title]*

Dated on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ *[insert date of signing]*

## **SECTION VI: ELIGIBLE COUNTRIES**

### **Tender No. and Title:**

All countries are eligible except countries subject to the following provisions.

A country shall not be eligible if:

- (a) as a matter of law or official regulation, the Government of Tanzania prohibits commercial relations with that country, provided that the Government of Tanzania is satisfied that such exclusion does not preclude effective competition for the provision of goods or related services required; or
  - (b) by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Government of Tanzania prohibits any import of goods from that country or any payments to persons or entities in that country.
-

## **PART 2: PROCURING ENTITY'S REQUIREMENTS**

**SECTION VII - SCOPE OF SUPPLY**  
*[Insert name of goods]*

## **1. Scope of Supply**

*The PE should in this section give a precise description what is the scope of the goods and related services, together with, important milestones like partial deliveries where applicable.*

## **2. Delivery Schedule**

*The PE should in this section give the expected delivery schedule for the goods and related services.*