



German Financial Cooperation with the Republic of Uganda

*Rural Development and Food Security in Northern Uganda
(RUDSEC)*

Prequalification Document

for
**Procurement of Contractors for Rehabilitation of District
and Community Access Roads in Northern Uganda**

Employer: *Ministry of Local Government*

Procurement Ref No. MOLG/WRKS/23-24/00022

BMZ-No:201667468 and 20186837

19th April 2024

Kampala, UGANDA, 19th April 2024

Rural Development and Food Security in Northern Uganda (RUDSEC)

**Invitation to Prequalify for:
Rehabilitation Works of Selected District and Community Access Roads in Northern Uganda**

Dear Sir/Madam

1. The Government of the Republic of Uganda, through the German Financial Cooperation – KfW has secured funding from the Germany Government to support the Rural Development and Food Security in Northern Uganda (RUDSEC) project. The Ministry of Local Government (MoLG) serves as the Project Executing Agency (PEA) for the RUDSEC Project. The project will be implemented over five years (2023 - 2028) in nine districts in Northern Uganda. The Joint Venture of GOPA-Infra and OCA is engaged as the Implementation Support Consultant (ISC) to assist the PEA in implementing the project. The role of the ISC is to provide technical support and quality assurance during project implementation.

The Ministry of Local Government (MoLG), acting as the implementing agency of the Recipient and referred to as the “Employer”, intends to apply a portion of the proceeds of this grant to eligible payments under the contract for which this invitation is issued.

2. The Employer now invites sealed Prequalification Applications for Rehabilitation of selected rural roads under the RUDSEC Project. The Works for rehabilitation of selected district and Community Access roads shall be executed in three (3) sub-regions each comprising 3 districts namely; Acholi sub-region (Pader, Agago, Lamwo), Lango sub-region (Lira, Oyam, Dokolo) and Teso sub-region (Soroti, Serere, Kaberamaido). Further, the road rehabilitation works have been grouped into Categories and Lots depending on the estimated scope of works as shown in the tables below. More details on the scope of works are outlined under section VII.

Lots Per Category

Category 1	Category 2	Category 3
Lot 2	Lot 1	Lot 10
Lot 3	Lot 13	Lot 11
Lot 4	Lot 14	Lot 12
Lot 5	Lot 15	Lot 17
Lot 6	Lot 16	
Lot 7	Lo 18	
Lot 8		
Lot 9		

A. Selected Roads & Contract Lots (In-house design)

Sub-Region	District	Road Name	Length (km)	Total Length (km)	Lot No.
Acholi	Agago	Kalongo – Lamoi	30.0	30.0	Lot 1
	Lamwo	Corner Ogwec – Tenten	21.6	21.6	Lot 2
	Pader	Puranga – Ogonyo - Achola Stream	19.4	19.4	Lot 3
Lango	Lira	Agweng T.C - Barlonyo TC	6.7	16.3	Lot 4
		Akano - Lwala PS - Barlonyo T.C	9.6		
	Oyam	Aminomir- Teopoba	12.6	12.6	Lot 5
	Dokolo	Alwimac – Awiri - Asalim	12.7	12.7	Lot 6
Teso	Kaberamaido	Ochero – Bugoi	12.8	12.8	Lot 7
	Soroti	Atirir - Orungo Border	14.0	14.0	Lot 8
	Serere	Serere Upper Shops - Akoboi	8.8	14.9	Lot 9
		Kamod – Otimong – Akoboi	6.1		
Total				154.3	

B. Selected Roads & Contract Lots (Consultant design)

Sub-Region	District	Road Name	Length (km)	Total Length (km)	Lot No.
Acholi	Agago	Nyakayuma - Onudapet Otuke Border (+Bridge)	18.5	39.6	Lot 10
		Acholi Nyek - Kaket –Kuludwong	21.1		
	Lamwo	Lelabul - Olebi	16.7	43.1	Lot 11
		Lacara – Laguri - Oget	26.4		
	Pader	Boloagweng -Aruu Falls (+ bridge)	16.6	41.4	Lot 12
		Lapul – Oweka – Bongtiko - Okinga	24.8		
Lango	Lira	Amach TC - Barr Junction	16.3	30.0	Lot 13
		Barr - Alebere PS	7.6		
		Alebere PS - Corner Pajero	6.1		
	Oyam	Alutkot - Atop - Agengo	10.9	30.1	Lot 14
		Iceme - Akok - Lalogi in Omoro District	19.2		
	Dokolo	Amonoloco – Amunamun	14.0	30.7	Lot 15
Alik – Alengi		16.7			
Teso	Kaberamaido	Ochero - Akampala	16.6	35.6	Lot 16
		Acamidako – Alayaogik	19.0		
	Soroti	Arapai - Katine - Tubur - Acuna	33.3	43.9	Lot 17
		Asuret - Omagoro - Kyere Boarder	10.6		
	Serere	Kyere – Magoro - Asuret	10.2	30.0	Lot 18
		Akudam – Omolok - Ojingai	12.3		
Atiira - Old Mbale		7.5			
Total				324.4	

- Interested Firms may apply for shortlisting for any or all Categories of works. Applicants shall be selected per category.
- Shortlisted Applicants shall be invited to bid under their respective Categories. Successful Bidders shall only be awarded a maximum of 2 (two) Lots.

5. A firm will be selected in accordance with the procedures described in the KfW Guidelines for the Prequalification of Applicants for Works to be executed under Financial Cooperation with Partner Countries, which can be found on the website www.kfw-entwicklungsbank.de.
6. The Prequalification Document includes the following Sections:
- | | |
|-------------|---|
| Section I | Instructions to Applicants (ITA) |
| Section II | Prequalification Data Sheet (PDS) |
| Section III | Qualification and Evaluation |
| Section IV | Application Forms |
| Section V | Eligibility Criteria |
| Section VI | KfW Policy – Corrupt and Fraudulent practices – Social and Environmental Responsibility |
| Section VII | Scope of Works |
7. Details on the Application's submission **date, time** and **address** are provided in ITA 17.1.

Yours sincerely,

Ben Kumumanya
Permanent Secretary
Ministry of Local Government

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PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

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Section I. Instructions to Applicants

A. General

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|--|---|
| 1. Scope of Application | 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer ¹ , as defined in the PDS , issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Works described in Section VII, Scope of Works. In case the Works are to be bid as individual contracts (i.e. the slice and package procedure), these are listed in the PDS . The International Competitive Bidding (“ICB”) number corresponding to this prequalification is also provided in the PDS . |
| 2. Source of Funds | 2.1 The Employer as indicated in the PDS has applied for or received financing (hereinafter called “funds”) from KfW Development Bank (hereinafter called “KfW”) towards the cost of the project named in the PDS . The Employer intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted. |
| 3. Corrupt and Fraudulent Practices | <p>3.1 KfW requires compliance with its policy in regard to corrupt and fraudulent practices as set forth in Section VI.</p> <p>3.2 In further pursuance of this policy, Applicants shall permit and shall cause its agents to provide information and permit KfW or an agent appointed by KfW to inspect on site all accounts, records and other documents relating to the submission of the Application, bid submission (in case prequalified), and contract performance (in the case of award), and to have them audited by auditors or agents appointed by KfW.</p> |
| 4. Eligible Applicants | <p>4.1 An Applicant may be a firm that is a private entity, a government-owned entity — subject to Section V - or a combination of such entities in the form of a joint venture (“JV”) under an existing JV Agreement or with the intent to enter into such an agreement supported by Declarations of Association. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The Applicant shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of the Applicant and any and all its members, if the Applicant is a JV, during the prequalification process, bidding (in the event the Applicant submits a bid) and during contract execution (in the event the Applicant is awarded the Contract). Unless specified in the PDS, there is no limit on the number of members in a JV.</p> <p>4.2 A firm may apply for prequalification both individually, and as part of a JV, or as a subcontractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture. However, a firm may participate as a subcontractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.</p> <p>4.3 KfW’s eligibility criteria for prequalification are described in Section V – Eligibility Criteria.</p> |

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

- 4.4 Applicants shall not have a conflict of interest. Any Applicant found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest for the purpose of this prequalification process, if the Applicant:
- (a) Directly or indirectly controls, is controlled by or is under common control with another Applicant; or
 - (b) Receives or has received any direct or indirect subsidy from another Applicant; or
 - (c) Has the same legal representative as another Applicant; or
 - (d) Has a relationship with another Applicant, directly or through common third parties, that puts it in a position to influence the application of another Applicant, or influence the decisions of the Employer regarding this prequalification process; or
 - (e) Any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the prequalification; or
 - (f) Any of its affiliates has been hired (or is proposed to be hired) by the Employer as Engineer for the Contract implementation; or
 - (g) Has a close business or family relationship with a professional staff of the Employer (or of the project implementing agency, or of a recipient of a part of the loan) who: (i) are directly or indirectly involved in the preparation of the prequalification documents or specifications of the contract, and/or the prequalification evaluation process; or (ii) would be involved in the implementation or supervision of such contract unless the conflict stemming from such relationship has been resolved in a manner acceptable to KfW throughout the procurement process and execution of the contract.
- 4.5 An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid–Securing Declaration.
- 4.6 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.
- 5. Eligible Materials, Equipment, and Services**
- 5.1 The materials, equipment and services to be supplied under the Contract and financed by KfW may have their origin in any country subject to the restrictions specified in Section V - Eligibility criteria, and all expenditures under the Contract will not contravene such restrictions.

B. Contents of the Prequalification Documents

- 6. Sections of Prequalification Documents**
- 6.1 These Prequalification Documents consist of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.
- PART 1 Prequalification Procedures
- (a) Section I. Instructions to Applicants (ITA);
 - (b) Section II. Prequalification Data Sheet (PDS);
 - (c) Section III. Qualification and Evaluation.
 - (d) Section IV. Application Forms.
 - (e) Section V. Eligibility Criteria.
 - (f) Section VI. KfW Policy – Corrupt and Fraudulent practices – Social and Environmental Responsibility.

PART 2 - Works Requirements

(g) Section VII. Scope of Works.

- 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the Prequalification Documents, responses to requests for clarification, or Addenda in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.
- 6.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Documents and to furnish with its Application all information or documentation as is required by the Prequalification Documents.
- 7. Clarification of Prequalification Documents**
- 7.1 A prospective Applicant requiring any clarification of the Prequalification Documents shall contact the Employer in writing at the Employer's address indicated in the **PDS**. The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Employer shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Documents directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Employer shall also promptly publish its response at the web page identified in the **PDS**. Should the Employer deem it necessary to amend the Prequalification Documents as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.
- 8. Amendment of Prequalification Documents**
- 8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Documents by issuing an Addendum.
- 8.2 Any Addendum issued shall be part of the Prequalification Documents and shall be communicated in writing to all prospective Applicants who have obtained the Prequalification Documents from the Employer. The Employer shall promptly publish the Addendum at the Employer's web page identified in the **PDS**.
- 8.3 To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

- 9. Cost of Applications**
- 9.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.
- 10. Language of Application**
- 10.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in the language specified in the **PDS**. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified in the **PDS**, in which case, for purposes of interpretation of the Application, the translation shall govern.
- 11. Documents Comprising the Application**
- 11.1 The Application shall comprise the following:
- (a) The Application Submission Sheet, indicating the Applicant's name,

address, telephone, fax and email. If the Applicant is an association, the Application Submission Sheet shall also describe the form of association and list the association members.

- (b) A Power of Attorney authorizing the representative of the Applicant, designated in accordance with ITA 4.1 to submit the Application on behalf of the Applicant. If the Applicant is a JV, the Power of Attorney shall be provided by the Lead Member nominated in the JV Agreement or in the Declarations of Association, submitted in accordance with ITA 4.1. If the representative of the Applicant is the owner, member or director of the Applicant or the Applicant's Lead Member, if so nominated in accordance with ITA 4.1, a Power of Attorney shall not be necessary.
- (c) Presentation of the Applicant (maximum 10 pages, no brochures). If the Applicant is a single entity, the Presentation shall describe the Applicant's type of entity, ownership structure and organization chart, as well as its main business areas as they apply to the project. If the Applicant is a JV, the Presentation shall provide this information about each JV member as well as a description of the intended form of collaboration of the members within the JV. Where the Applicant's qualifications to carry out the assignment have been acquired as a result of a merger or acquisition, the presentation must include a detailed business history of the Applicant.
- (d) Statements and Declarations: False information provided in the following Statements and Declarations by the Applicant or in the case of an JV by any of the JV members shall lead to the exclusion of the Applicant from the tender process:
 - (I) If the Applicant is an existing JV, the Applicant shall submit a proof of the existing Association Agreement, indicating the Lead Member. If the Applicant is a JV, which the members intend to form for the purpose of executing the contract, each member of the association shall submit a Declaration of Association, indicating the Lead Member, in the format provided in Annex Section IV, Application Forms.
 - (II) Declaration of Undertaking in the format provided in Section IV, Application Forms. If the Applicant is a JV, only one Declaration of Undertaking must be submitted, i.e. the representative of the JV can sign on behalf of the JV subject to a power of attorney.
 - (III) Financial Capacity Statement in the format provided in Section IV, Application Forms and supported by the Applicant's Balance Sheets and Profit and Loss Statements. If the Applicant is a JV, separate statements, including the supporting Balance Sheets and Profit and Loss Statements, shall be provided by each member of the JV. All Balance Sheets and Profit and Loss Statements shall be certified by a reputable auditor.
 - (IV) List of project references in the format provided in Section IV, Application Forms. Unless otherwise stated in the **PDS** the references shall be limited to a maximum of 10 projects carried out during the 5 years preceding the publication of this prequalification document. The Employer reserves the right to contact the clients indicated in the references to ascertain the information provided by the Applicant.
 - (V) List of Available Expertise and Human Resource Capacity in the format provided in Section IV, Application Forms.
- (e) All Application forms and required attachments, provided in Section IV, Application Forms. If the Applicant is a single entity, in accordance with ITA 4.1, it should not include form ELI 1.2 in its Application.

- (f) Any other documents required in the **PDS**.
- 11.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.
- 12. Application Submission Form**
- 12.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.
- 13. Documents Establishing the Eligibility of the Applicant**
- 13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete and sign the Declaration of Undertaking as provided in Section IV, Application Forms without any alteration to its format and furnish supporting documentation as specified in Forms ELI 1.1, ELI 1.2(a) and ELI 1.2(b).
- 14. Documents Establishing the Qualifications of the Applicant**
- 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification and Evaluation, the Applicant shall provide the information requested in the corresponding Forms included in Section IV, Application Forms.
- 15. Signing of the Application and Number of Copies**
- 15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV, designated in accordance with ITA 4.1, on behalf of the JV.
- 15.2 The Applicant shall submit copies of the signed original Application, in the number specified in the **PDS**, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

- 16. Sealing and Identification of Applications**
- 16.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- (a) bear the name and address of the Applicant;
 - (b) be addressed to the Employer, in accordance with ITA 17.1; and
 - (c) bear the specific identification of this prequalification process indicated in the **PDS** 1.1.
- 16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.
- 17. Deadline for Submission of Applications**
- 17.1 Applicants may either submit their Applications by mail or by hand. Applications shall be submitted in accordance with the instructions, including the address and deadline, stipulated in the **PDS**.
- 17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Documents in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
- 18. Late Applications**
- 18.1 Late Applications received after the deadline indicated in ITA 17.1 will be rejected.
- 19. Opening of Applications**
- 19.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in

accordance with ITA 18.1.

- 19.2 The Employer shall prepare a record of the opening of Applications, which shall include, as a minimum, the name of the Applicant and whether the Application has been received in time.

E. Procedures for Evaluation of Applications

20. Confidentiality

- 20.1 Information relating to the Applications, their evaluation and result shall not be disclosed to Applicants, or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
- 20.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process (except as specified in 20.1 above), may do so only in writing.

21. Clarification of Applications

- 21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.
- 21.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

22. Responsiveness of Applications

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

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

23. Domestic Bidder Price Preference

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

24. Subcontractors

- 24.1 Unless otherwise stated in the **PDS**, the Employer does not intend to execute any specific elements of the Works by subcontractors selected in advance by the Employer (nominated subcontractors).

- 24.2 A “specialized sub-contractor” is a sub-contractor hired for specialized work as defined by the Employer in Section III 4.2 - Experience. If no specialized work is specified by the Employer as such, sub-contractors experience shall not be considered for Applications evaluation.

F. Evaluation of Applications and Prequalification of Applicants

25. Evaluation of Applications

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

26. Employer’s Right to Reject All Applications

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

27. Prequalification of Applicants

- 27.1 The Employer shall assess the responsive Applications in terms of the Eligibility and Qualification Criteria and methods set out in Section III, Qualification and Evaluation.
- 27.2 The Employer shall determine the fulfillment of minimum requirements on a pass/fail basis as per Section III, Qualification and Evaluation.
- 27.3 The Employer shall assign a numeric score to each of the sub-criteria, for which a maximum score is provided in accordance with ITA 27.1. All Sub-criteria Scores shall be summed to determine the Applicant’s Pre-Qualification Score.
- 27.4 For the purposes of scoring individual Qualification Criteria in accordance with 27.3 the Employer shall apply the following qualitative approach:
- (a) 100% of the max. score: Excellent, if the Application substantially exceeds the requirement in accordance with the respective sub-criterion. No errors or omissions are noted.
 - (b) 75% of the max. score: Good, if the Application meets or marginally exceeds the requirement in accordance with the respective sub-criterion. Minor errors or omissions noted;
 - (c) 50% of the max. score: Unsatisfactory if the Application marginally falls short of the requirement in accordance with the respective sub-criterion. Major errors or omissions noted;
 - (d) 25% of the max. score: Poor, if the Application substantially deviates from or indicates misunderstanding of the requirement in accordance with the respective sub-criterion. Major errors or omissions are noted

comprising the fulfilment of the sub-criterion;

- (e) 0 % of the max. score: Insufficient / Fail, if the Application does not meet the requirement at all in accordance with the respective sub-criterion or does not provide any information regarding the requirement.

27.5 An Applicant shall be considered prequalified if:

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

28. Notification of Prequalification

28.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified. In addition, those Applicants who have been disqualified will be informed separately.

28.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.

29. Invitation for Bids

29.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified.

29.2 Bidders may be required to provide a Bid Security acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.

30. Changes in Qualifications of Applicants

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

Section II. Prequalification Data Sheet
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A. General

ITA 1.1

The Employer is: Ministry of Local Government (MoLG)

The Procurement Ref. No. is MOLG/WRKS/23-24/0022

The Works for Rehabilitation of Selected District and Community Access Roads shall be executed in three (3) Sub-regions each comprising 3 districts namely, Acholi Sub-region (Pader, Agago, Lamwo), Lango Sub-region (Lira, Oyam, Dokolo) and Teso Sub-region (Soroti, Serere, Kaberamaido). Further, the works have been grouped into Categories and Lots depending on the estimated scope of works as shown in the tables below:

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Lot 3	Lot 13	Lot 11
Lot 4	Lot 14	Lot 12
Lot 5	Lot 15	Lot 17
Lot 6	Lot 16	
Lot 7	Lo 18	
Lot 8		
Lot 9		

A. Selected Roads & Contract Lots (In-house design)

Sub-Region	District	Road Name	Length (km)	Total Length (km)	Lot No.
Acholi	Agago	Kalongo – Lamoi	30.0	30.0	Lot 1
	Lamwo	Corner Ogwec – Tenten	21.6	21.6	Lot 2
	Pader	Puranga – Ogonyo - Achola Stream	19.4	19.4	Lot 3
Lango	Lira	Agweng T.C - Barlonyo TC	6.7	16.3	Lot 4
		Akano - Lwala PS - Barlonyo T.C	9.6		
	Oyam	Aminomir- Teopoba	12.6	12.6	Lot 5
	Dokolo	Alwimac – Awiri - Asalim	12.7	12.7	Lot 6
Teso	Kaberamaido	Ochero – Bugoi	12.8	12.8	Lot 7
	Soroti	Atirir - Orungo Border	14.0	14.0	Lot 8
	Serere	Serere Upper Shops - Akoboi	8.8	14.9	Lot 9
		Kamod – Otimong – Akoboi	6.1		
Total				154.3	

B. Selected Roads & Contract Lots (Consultant design)

Sub-Region	District	Road Name	Length (km)	Total Length (km)	Lot No.
Acholi	Agago	Nyakayuma - Onudapet Otuke Border (+Bridge)	18.5	39.6	Lot 10
		Acholi Nyek - Kaket –Kuludwong	21.1		
	Lamwo	Lelabul - Olebi	16.7	43.1	Lot 11
		Lacara – Laguri - Oget	26.4		
	Pader	Boloagweng -Aruu Falls (+ bridge)	16.6	41.4	Lot 12
Lapul – Oweka – Bongtiko - Okinga		24.8			
Lango	Lira	Amach TC - Barr Junction	16.3	30.0	Lot 13
		Barr - Alebere PS	7.6		
		Alebere PS - Corner Pajero	6.1		
	Oyam	Alutkot - Atop - Agengo	10.9	30.1	

			Iceme - Akok - Lalogi in Omoro District	19.2		Lot 14	
		Dokolo	Amonoloco – Amunamun	14.0	30.7	Lot 15	
			Alik – Alengi	16.7			
	Teso	Kaberamaido	Ochero - Akampala	16.6	35.6	Lot 16	
				Acamidako – Alayaogik			19.0
			Soroti	Arapai - Katine - Tubur - Acuna	33.3	43.9	Lot 17
				Asuret - Omagoro - Kyere Boarder	10.6		
		Serere	Kyere – Magoro - Asuret	10.2	30.0	Lot 18	
			Akudam – Omolok - Ojingai	12.3			
			Atiira - Old Mbale	7.5			
	Total				324.4		
<p>Interested Firms may apply for shortlisting for any or all Categories of works. Applicants shall be selected per category.</p> <p>Shortlisted Applicants shall be invited to bid under their respective Categories. Successful Bidders shall only be awarded a maximum of 2 (two) Lots.</p>							
ITA 2.1	The name of the Project is: <i>Rehabilitation of District and Community Access Roads in Pader, Lamwo, Agago, Lira, Oyam, Dokolo, Kaberamaido, Soroti and Serere Districts.</i>						
ITA 4.2	Maximum number of members in the JV shall be: <i>Two (2)</i>						
B. Contents of the Prequalification Documents							
ITA 7.1	<p>For clarification purposes, the Employer's address is:</p> <p>Attention: Balinda Edison Head of Procurement and Disposal Unit, Ministry of Local Government, Plot 1 Pilkington Road, Workers House 6th Floor, Southern Wing P. O. Box 7037, Kampala, Uganda, Tel: +256 414 233513</p> <p>Electronic mail address: balinda.edison@molg.go.ug: with copy to, Medard.kakuru@molg.go.ug, robkiwa@gmail.com</p>						
ITA 7.1 & 8.2	The web page for accessing prequalification clarification notices and addenda is https://molg.go.ug/bidding-documents/						
C. Preparation of Applications							
ITA 10.1	The Application as well as all correspondence shall be submitted in English. Language for translation of supporting documents and printed literature is English.						
ITA 11.1 (f)	The Applicant shall submit with its Application, the following additional documents: <i>N/A</i>						
ITA 15.2	In addition to the original, the number and type of copies to be submitted with the Application is: <i>3 copies.</i>						

D. Submission of Applications	
ITA 17.1	<p>The Original Application shall be submitted not later than Date: 16th May 2024 Time: 12:00pm</p> <p>at the following address, which shall be the controlling address for the purposes of the timely submission of the Application:</p> <p>Attention: Edison Balinda Head of Procurement and Disposal Unit, Ministry of Local Government, Plot 1 Pilkington Road, Workers House 6th Floor, Southern Wing, Kampala, Uganda.</p>
ITA 19.1	<p>The opening of the Applications shall be at Workers House, Boardroom on the 5th Floor, Southern Wing starting at 12:00pm in the presence of Applicants' Representatives who choose to attend.</p>
E. Procedures for Evaluation of Applications	
ITA 23.1	A margin of preference shall not apply.
ITA 24.1	At this time the Employer <i>does not intend</i> to execute certain specific parts of the Works by subcontractors selected in advance (nominated subcontractors).
F. Evaluation of Applications and Pre-qualification of Applicants	
ITA 27.3	Not Applicable
ITA 27.4	Not Applicable
ITA 27.5 (c)	Not Applicable

Section III. Qualification and Evaluation

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

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

1. Eligibility and Qualification

Item	Criteria		Requirements				Documentation Requirements / Forms
	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
1.1	Nationality	Nationality in accordance with ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 4.4	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
1.3	KfW Eligibility	Not being ineligible for KfW financing, as described in ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Declaration of Undertaking
1.4	Government-Owned Entity	Meet conditions of ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments

2. Historical Contract Non-Performance

Item	Criteria		Requirements				Documentation Requirements / Forms
	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
2.1	History of Non-Performing Contracts	Termination of a contract did not occur because of contractor's default in the past five (5) years	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON-2
2.2	Suspension Based on Execution of Bid Securing Declaration by the Employer	Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.5	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
2.3	Pending Litigation	All pending litigation shall in total not represent more than one hundred percent (100%) of the Applicant's net worth and shall be treated as resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2

3. Financial Situation and Performance

Item	Criteria		Requirements				Documentation Requirements / Forms								
	Subject	Requirement	Single Entity	Joint Venture (existing or intended)											
				All Parties Combined	Each Member	One Member									
3.1	Financial Capabilities: Liquidity	<p>(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as below for the different categories of subject contract(s) net of the Applicants other commitments:</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Amount (Ushs)</th> </tr> </thead> <tbody> <tr> <td>Category 1</td> <td>500 million</td> </tr> <tr> <td>Category 2</td> <td>1.0 billion</td> </tr> <tr> <td>Category 3</td> <td>1.5 billion</td> </tr> </tbody> </table>	Category	Amount (Ushs)	Category 1	500 million	Category 2	1.0 billion	Category 3	1.5 billion	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN-3.1 with attachments and FIN-3.3
Category	Amount (Ushs)														
Category 1	500 million														
Category 2	1.0 billion														
Category 3	1.5 billion														
3.2	Financial Capabilities: Other Sources of Finance	(ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Forms FIN-3.1 and FIN-3.4								
3.3	Financial Capabilities: Financial Position	<p>(iii) The audited financial statements acceptable to the Employer, for the last 3 years shall be submitted and must demonstrate the current soundness of the Applicant's financial position based on the following criteria:</p> <p>a) Liquidity ratio ≥ 1.1</p> $\frac{\text{Current Assets}}{\text{Current Liabilities}} \geq 1.1$ <p>b) Debt ratio $\leq 80\%$</p> $\frac{\text{Total Liabilities} * 100}{\text{Total Assets}} \leq 80\%$	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN-3.1 with attachments								
3.4	Average Annual Construction	Minimum annual construction turnover for the last 3 years calculated as total certified annual	Must meet requirement	Must meet requirement	Must meet [twenty-five]	Must meet [forty] [40] %	Form FIN-3.2								

Item	Criteria		Requirements			Documentation Requirements / Forms									
	Subject	Requirement	Single Entity	Joint Venture (existing or intended)											
				All Parties Combined	Each Member		One Member								
	Turnover	payments received for contracts in progress and/or completed. <table border="1" data-bbox="517 379 958 560"> <thead> <tr> <th>Category</th> <th>Turnover (Ushs)</th> </tr> </thead> <tbody> <tr> <td>Category 1</td> <td>2.0 billion</td> </tr> <tr> <td>Category 2</td> <td>4.0 billion</td> </tr> <tr> <td>Category 3</td> <td>6.0 billion</td> </tr> </tbody> </table>	Category	Turnover (Ushs)	Category 1	2.0 billion	Category 2	4.0 billion	Category 3	6.0 billion			[25] % of the requirement	of the requirement	
Category	Turnover (Ushs)														
Category 1	2.0 billion														
Category 2	4.0 billion														
Category 3	6.0 billion														

4. Construction Experience

Item	Criteria		Requirements				Documentation Requirements / Forms								
	Subject	Requirement	Single Entity	Joint Venture (existing or intended)											
				All Parties Combined	Each Member	One Member									
4.1	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last 5 years , starting 1 st January 2019.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP-4.1								
4.2 (a)	Specific Road Construction & Contract Management Experience	Similar ² contracts, satisfactorily and substantially ³ completed as a prime contractor, joint venture member ⁴ , management contractor or subcontractor ⁴ in the last 8 years, minimum 2 contracts with a minimum contract value of: <table border="1" data-bbox="517 699 954 900"> <thead> <tr> <th>Category</th> <th>Minimum Contract Value (Ushs)</th> </tr> </thead> <tbody> <tr> <td>Category 1</td> <td>1.0 billion</td> </tr> <tr> <td>Category 2</td> <td>2.0 billion</td> </tr> <tr> <td>Category 3</td> <td>3.0 billion</td> </tr> </tbody> </table>	Category	Minimum Contract Value (Ushs)	Category 1	1.0 billion	Category 2	2.0 billion	Category 3	3.0 billion	Must meet requirement	Must meet requirements	N/A	N/A	Form EXP-4.2 (a)
Category	Minimum Contract Value (Ushs)														
Category 1	1.0 billion														
Category 2	2.0 billion														
Category 3	3.0 billion														
4.2 (b)	Road Construction Experience in key activities (for road rehabilitation and gravelling works)	For the above or any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor ⁴ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum construction experience in the following key activities successfully completed ⁵ :	Must meet requirements	Must meet requirements	N/A	Must meet requirements	Form EXP-4.2 (b)								

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

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

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

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

Item	Criteria				Requirements			Documentation Requirements / Forms																									
	Subject	Requirement			Single Entity	Joint Venture (existing or intended)																											
						All Parties Combined	Each Member		One Member																								
		<table border="1"> <thead> <tr> <th rowspan="2">Key Activity</th> <th colspan="3">Minimum Quantity</th> </tr> <tr> <th>Category 1</th> <th>Category 2</th> <th>Category 3</th> </tr> </thead> <tbody> <tr> <td>Earthworks construction (m³)</td> <td>20,000</td> <td>30,000</td> <td>40,000</td> </tr> <tr> <td>Grading and shaping (km)</td> <td>20</td> <td>32</td> <td>40</td> </tr> <tr> <td>Gravelling works</td> <td>10</td> <td>20</td> <td>30</td> </tr> <tr> <td>Installation of culverts</td> <td>50</td> <td>100</td> <td>200</td> </tr> <tr> <td>Reinforced concrete works</td> <td>100</td> <td>150</td> <td>250</td> </tr> </tbody> </table>	Key Activity	Minimum Quantity			Category 1	Category 2	Category 3	Earthworks construction (m ³)	20,000	30,000	40,000	Grading and shaping (km)	20	32	40	Gravelling works	10	20	30	Installation of culverts	50	100	200	Reinforced concrete works	100	150	250				
Key Activity	Minimum Quantity																																
	Category 1	Category 2	Category 3																														
Earthworks construction (m ³)	20,000	30,000	40,000																														
Grading and shaping (km)	20	32	40																														
Gravelling works	10	20	30																														
Installation of culverts	50	100	200																														
Reinforced concrete works	100	150	250																														
4.2. c)	Road Construction Experience in special activities (For Category 3 only)	1) <i>Bridges and low-level crossings (at least 1(one) with a span > 10 m)</i> 2) <i>Low-Cost Sealing Works (Surface Dressing, Concrete strips, Otta Seals, Cape Seals, etc. (at least 1 km)</i>			Must meet requirements	N/A	N/A	Must meet requirements	Form EXP-4.2 (b)																								
4.3	Specific Construction Equipment	The Applicant must demonstrate that it has access to the key equipment listed hereafter (either by ownership, lease, hire): Attach documentary evidence of ownership, lease, hire such as registration books, agreements or memoranda or purchase order).			Must meet requirements	N/A	N/A	Must meet requirements	Form EQP-4.3																								

Item	Criteria				Requirements			Documentation Requirements / Forms	
	Subject	Requirement			Single Entity	Joint Venture (existing or intended)			
						All Parties Combined	Each Member		One Member
		<i>Construction Equipment</i>	<i>Minimum Quantity</i>						
			<i>Category 1</i>	<i>Category 2</i>	<i>Category 3</i>				
		<i>Bulldozer (D7 min)</i>	1	1	1				
		<i>Chain Excavator</i>	1	2	3				
		<i>Grader (140HP)</i>	1	2	3				
		<i>Self-Propelled Roller (12-14 ton) –</i>	1	2	3				
		<i>Backhoe</i>	1	1	2				
		<i>Tipper Trucks (Min 7 ton)</i>	4	6	8				
		<i>Bitumen Distributor</i>	-	-	1				

5. Environmental and Social and Health and Safety (ESHS) Experience and Capacity

Item	Criteria		Requirements				Documentation Requirements / Forms
	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
5.1	Certificates	Availability of a valid ISO 9001 certification. In absence of a formal certification of the Applicant's Environmental and occupational Health and Safety Management System, the Applicant shall describe the In-House policies and procedures, practices and management resources to demonstrate that the Applicant has a management system in place that resembles the key elements of the mentioned certification.	Must meet requirement	N/A	Must meet requirement	Must meet requirement	Form CER-5.1 (N/A)
5.2	Experience in Projects with moderate ESHS Impact	For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or subcontractor ⁶ on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum specific experience relating to the following ESHS requirements ⁶ : <i>Civil works contract undertaken with special ESHS conditions.</i>	Must meet requirement	N/A	Must meet requirement, if part in JV is substantial (more than 40 (forty) % of the works)	Must have executed at least two (2) contract(s) demonstrating experience with the key ESHS requirement.	Form EXP-5.2
5.3	Environmental Capacity	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective environmental management system:	Must meet requirements	N/A	Must meet requirements	N/A	Form ENV-5.3
5.4	Occupational Health and Safety Capacity	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective health and safety management system.	Must meet requirements	N/A	Must meet requirements	N/A	Form OHSAS-5.4
5.5	Socially Responsible Work Implementation	The Applicant must demonstrate a comprehensive understanding of the requirements regarding work site implementation and operation.	Must meet requirements	N/A	Must meet requirements	N/A	Form LOC-5.5

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

Item	Criteria		Requirements				Documentation Requirements / Forms
	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
5.6 a)	ILO Core Labor Standards	Undertaking to fully respect the ILO Core Labor Standards in the Applicant's business practice.	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form (f) and form COC-5.6
5.6 b)	Ethical business principles	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards ethical Business principles.	Must meet requirements	N/A	Must meet requirements	N/A	Form COC-5.6
5.7	ESHS and Construction Personnel	The Applicant must demonstrate that it has access to adequate candidates for ESHS and Construction Personnel, listed in Section VII, Scope of Works. The candidates must fulfill the minimum specific profile requirements and the general requirements (if any) for each category. Combining several candidates to fulfill one candidate profile is not allowed.	Must meet requirements	N/A	N/A	Must meet requirements	PER-5.7

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Application Submission Sheet

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

Reference No.:

To: *[insert full name of Employer]*

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

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

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

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

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

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

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

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

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

Attachments:

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

Declaration of Undertaking

Reference name of the Application/Offer/Contract: ("Contract")⁷

To: ("Project Executing Agency")

1. We recognise and accept that KfW only finances projects of the Project Executing Agency ("PEA")⁸ subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:
 - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation.
 - 2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
 - 2.4) having been subject, within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
 - 2.5) not having fulfilled the applicable fiscal obligations with regard to the payment of taxes at the respective tax residence and in the country of origin of the PEA (*contractors based in Annex 1 countries (<https://www.consilium.europa.eu/de/policies/eu-list-of-non-cooperative-jurisdictions/>) must submit a fully completed and legally countersigned declaration of tax conformity (Appendix 1 to the Declaration of Undertaking) in addition to the Declaration of Undertaking at the time of award of the contract/contract review. This shall become an integral part of the contract. Failure to submit may result in exclusion from the awarding procedure. For contractors based in countries not listed as Annex 1 countries, only the Declaration of Undertaking must be submitted, and not the declaration of tax conformity*);
 - 2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank (*in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*); or
 - 2.7) being guilty of misrepresentation in supplying the information required as condition to participation in this Tender Procedure.
3. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:

⁷ Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW's "Guidelines for the Procurement of Consulting Services, Works, Goods, Plant and Non-Consulting Services in Financial Cooperation with Partner Countries".

⁸ The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services.

- 3.1) being an affiliate controlled by the PEA or a shareholder controlling the PEA, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;
- 3.2) having a business or family relationship with a PEA's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;
- 3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the PEA;
- 3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the PEA;
- 3.5) in the case of procurement of Works, Plant or Goods:
- i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;
 - ii. having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract;
4. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
5. We undertake to bring to the attention of the PEA, which will inform KfW, any change in situation with regard to points 2 to 4 here above.
6. In the context of the Tender Process and performance of the corresponding Contract:
- 6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;
- 6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and
- 6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation⁹ (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender based violence.
7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA and KfW or an auditor appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on the spot checks and to ensure access to sites and the respective project.
8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with applicable law, but in any case for at least six years from the date of fulfillment or termination of the

⁹ In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with applicable law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the applicable law by the PEA and KfW.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of¹⁰: _____

Signature:

Dated:

¹⁰ In the case of a JV, insert the name of the JV. The person who will sign the application, bid or proposal on behalf of the Applicant/Bidder shall attach a power of attorney from the Applicant/Bidder.

Appendix 1

Declaration of tax conformity – binding confirmation for legal persons

Name of company

I hereby confirm with my signature that:

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

.....
(Place)

.....
(Date)

.....
(Name of the consultant)

.....
(Signature(s))

Appendix 1

Declaration of tax conformity – binding confirmation for natural persons

I hereby confirm with my signature that:

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

.....
(Place)

.....
(Date)

.....
(Name of the person)

.....
(Signature)

Form ELI-1.1: Applicant Information Form

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

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's legal address <i>[Physical, Postal, and Email]:</i>
Applicant's legal structure and ownership structure Legal structure: <i>[provide certified Company Certificate of Incorporation]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert address]</i> Telephone numbers: <i>[insert telephone numbers]</i> E-mail address: <i>[indicate e-mail address]</i>
1. General Presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.) 2. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1. <input type="checkbox"/> In case of JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b). <input type="checkbox"/> In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing: - Legal and financial autonomy - Operation under commercial law - Establishing that the Applicant is not a dependent agency of the Employer. 3. Included are the organizational chart, a list of Board of Directors (Company Form 20), and the beneficial ownership (Company Form 1).

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

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

Date: _____

Ref. No. and title: _____

Page _____ of _____ pages

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

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's legal structure and ownership structure: <i>[provide certified Company Certificate of Incorporation]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert Address]</i> Telephone: <i>[insert telephone]</i> E-mail address: <i>[indicate e-mail address]</i>
<p>1. General Presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)</p> <p>2. Attached are copies of original documents of</p> <p><input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1.</p> <p><input type="checkbox"/> In case of JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b).</p> <p><input type="checkbox"/> In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing:</p> <ul style="list-style-type: none"> - Legal and financial autonomy - Operation under commercial law - Establishing that the Applicant is not a dependent agency of the Employer. <p>3. Included are the organizational chart, a list of Board of Directors (Company Form 20), and the beneficial ownership (Company Form 1).</p>

Form ELI-1.2 (b): Declaration of Association

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

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

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

[Insert the names of the other JV Members here]

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

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

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

[Signature of the authorised representative of the Member]

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

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

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

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

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

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

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

Non-Performed Contracts in accordance with Section III, Qualification and Evaluation			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January <i>[insert current year number less 5]</i> specified in Section III, Qualification and Evaluation, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January <i>[insert current year number less 5]</i> specified in Section III, Qualification and Evaluation, requirement 2.1			
Year	Non- performed portion of contract	Contract Identification	Total Contract Amount (UGX)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert address]</i> Reason(s) for non-performance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Qualification and Evaluation			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification and Evaluation, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification and Evaluation, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (UGX)
<i>[insert year]</i>	<i>[insert amount]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer" or "Contractor"]</i> Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	<i>[insert amount]</i>

Form FIN-3.1: Financial Situation and Performance

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

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

Ref. No. and title: [insert Ref. number and title]

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

1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>three (3) years</i> (amount in currency, currency, exchange rate, UGX equivalent)			
	Year	Year 2020/2021	Year 2021/2022	Year 2022/2023
Statement of Financial Position (Information from Balance Sheet)				
Total Assets (TA)				
Total Liabilities (TL)				
Total Equity/Net Worth (NW)				
Current Assets (CA)				
Current Liabilities (CL)				
Working Capital (WC)				
Information from Income Statement				
Total Revenue (TR)				
Profits Before Taxes (PBT)				
Cash Flow Information				
Cash Flow from Operating Activities				

2. Financial documents

The Applicant and its parties shall provide copies of financial statements for three (3) years pursuant Section III, Qualification and Evaluation, Sub-factor 3.1. The financial statements shall:

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

Attached are copies of financial statements¹¹ for the three (3) years required above; and complying with the requirements.

¹¹ If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified.

Form FIN-3.2: Average Annual Construction Turnover

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

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

Ref. No. and title: [insert Ref. number and title]

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

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

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

Form FIN-3.3: Sources of Finance

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

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

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

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

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

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

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

Form EXP-4.1: General Construction Experience

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

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

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

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

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

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

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

The applicant MUST attach the Contract Agreement signature page and completion certificate for each project.

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

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

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

Applicant's Name: [insert full name]

Date: [insert day, month, year]

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

Ref. No. and title: [insert Ref. number and title]

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

The applicant MUST attach the Contract Agreement signature page and completion certificates for each project.

Similar Contract No. [insert number] of [insert number of similar contracts required]	Information			
Contract Identification	[insert contract name and number, if applicable]			
Award date	[insert day, month, year, i.e., 15 June 2015]			
Completion date	[insert day, month, year, i.e., 03 October 2017]			
Role in Contract [check the appropriate box]	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	[insert total contract amount in local currency]			
If member in a JV or subcontractor, specify participation in total Contract amount	[insert a percentage amount]	[insert total contract amount in UGX]		
Employer's Name:	[insert full name]			
Address:	[Insert address]			
Telephone number.	[insert telephone numbers]			
E-mail:	[insert e-mail address, if available]			
Description of the similarity (physical size, complexity, methods, technology, etc.) in accordance with Sub-Criterion 4.2 of Section III:				

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

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

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

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

Subcontractor's Name¹² (as per ITA 24.2): *[insert full name]*

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

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

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

Description	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in contract currency(ies)]</i>		UGX <i>[insert exchange rate and total contract amount in UGX equivalent]</i>	
Quantity (Volume, number as applicable) performed under the contract per year or part of the year. <i>[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]</i>	Total quantity in the contract (i)	Percentage participation (ii)	Actual Quantity Performed (i) x (ii)	
Year 1				
Year 2				
Year 3				
Employer's Name:	<i>[insert full name]</i>			
Address:	<i>[Insert address]</i>			
Telephone:	<i>[insert telephone]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:				

2. Key Activity No. Two: *[insert brief description of the Activity, emphasizing its specificity]*
3. Key Activity No. Three: *[insert brief description of the Activity, emphasizing its specificity]*
4. Key Activity No. Four: *[insert brief description of the Activity, emphasizing its specificity]*
5. Key Activity No. Five: *[insert brief description of the Activity, emphasizing its specificity]*
6. Key Activity No. Six: *[insert brief description of the Activity, emphasizing its specificity]*
7. Key Activity No. Seven: *[insert brief description of the Activity, emphasizing its specificity]*
8. Key Activity No. Eight: *[insert brief description of the Activity, emphasizing its specificity]*

¹² If applicable

Form EQP-4.3: Specific Construction Equipment

The Applicant must demonstrate that it has access to the key equipment listed hereafter (either by ownership, lease, hire): Attach documentary evidence of ownership, lease, hire such as registration books, agreements or memoranda or purchase order).

SN	Equipment Type and Characteristics	Minimum Number required			Year of Manufacture	Condition (new, good, poor)	Owned, leased, or to be hired	From whom?
		Category 1	Category 2	Category 3				
1.	Bulldozer (D7 minimum)	1	1	1				
2.	Chain Excavator	1	2	3				
3.	Grader (140HP)	1	2	3				
4.	Self-Propelled Roller (12-14 ton)	1	2	3				
5.	Backhoe	1	1	2				
6.	Tipper Trucks (Min 7 ton)	4	6	8				
7.	Bitumen Distributor	-	-	1				

The Applicant shall provide further details of proposed items of equipment using the relevant Forms above.

Form CER-5.1: Certification

Not Applicable

Form ESHS EXP-5.2: Experience in Projects with moderate ESHS Impact

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

ESHS Contract No. <i>[insert number of civil works contract with ESHS special conditions required as per Section III, 5.]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June 2018]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October 2020]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in UGX]</i>			
If member in a JV or subcontractor, specify participation in total Contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in UGX]</i>		
Employer's Name:	<i>[insert full name]</i>			
Address:	<i>[Insert address]</i>			
Telephone:	<i>[insert telephone number]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			
1. ESHS Challenges	<i>[describe the ESHS challenges faced in project implementation, including indication of scales/size by reference, if applicable project E&S categorization as per development bank categorization]</i>			
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>				
2. ESHS measures implemented	<i>[description of measures implemented, incl. supporting documentation, if available]</i>			
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>				
3. ESHS knowhow transfer to local staff, local partners and subcontractors	<i>[description of know how transfer and capacity building measures implemented, incl. supporting documentation, if available]</i>			
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>				

Form ENV-5.3: Environmental Management Capacity

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

Applicant's Legal Name: *[insert full name]*
 Date: *[insert day, month, year]*
 Ref. No.: *[insert Ref. number]*

	The Applicant shall demonstrate:	Information and Documentation
1	- the existence of an Environmental Policy and its application and enforcement in project implementation by a) own workforce and b) subcontractors.]	___ <i>[Provide relevant details of the Corporate Values or similar policy documents and declarations – should be signed by management]</i> ___
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
2	- that procedures exist to respond to and mitigate environmental emergencies and other adverse impacts on work sites.	___ <i>[Provide supporting evidence like emergency manuals, procedures, etc. – provide only the first page, the table of contents and objectives of the manuals, procedures, etc.]</i> ___
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		

Form OHSAS–5.4: Occupational Health and Safety Capacity

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

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

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

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

The Applicant shall demonstrate:	Information
<p>1 - the existence of an Occupational Health & Safety Policy</p>	<p>___ <i>[Provide a policy document and the index of the Occupational Health & Safety manual or other relevant documents and declarations – should be signed by management]</i> ___</p> <p><i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i></p>
<p>2 - that procedures exist to respond to community and occupational health and safety risks, and impacts on work sites</p>	<p>___ <i>[Provide supporting evidence like OHS manuals, and related procedures, etc. (index only - the first page, the table of contents and objectives of the manuals/procedures)]</i> ___</p> <p><i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i></p>

Form LOC–5.5: Socially Responsible Works Implementation

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

Applicant's Legal Name: [insert full name]

Date: [insert day, month, year]

Ref. No.: [insert Ref. number]

	The Applicant shall demonstrate:	Documentation
1	The following plans shall be provided: <ul style="list-style-type: none"> - Human resource Manual - Grievance Management Mechanism, etc. 	__ [Provide information and relevant documents, if any – index only - the first page, the table of contents and objectives of the plan)] __
[insert brief description or, if applicable, short abstract of the documentation annexed]		
2	a plan for ensuring public health and safety, including programs and procedures to combat the spread of communicable diseases (incl. HIV/AIDS).	__ [Please provide supporting evidence – Index only - the first page, the table of contents and objectives of the plan)]
[insert brief description or, if applicable, short abstract of the documentation annexed]		
3	- a plan for staff accommodation, e.g. worksite camps, house rental, security, etc.	__ [Please provide supporting evidence – Index only - the first page, the table of contents and objectives of the plan)]
[insert brief description or, if applicable, short abstract of the documentation annexed]		
4	- a training strategy for transfer of ESHS knowhow to temporary workforce and subcontractors	__ [Please provide supporting evidence – Index only - the first page, the table of contents and objectives of the plan)]
[insert brief description or, if applicable, short abstract of the documentation annexed]		
5	- a communication and engagement plan for interaction with stakeholders and local communities incl. grievance mechanism, incl. avoidance of damage to property and people	__ [Please provide supporting evidence – Index only - the first page, the table of contents and objectives of the plan)]
[insert brief description or, if applicable, short abstract of the documentation annexed]		

Form COC–5.6: Ethical Business Principles

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

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

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

Ref. No.: *[insert Ref. number]*

The Applicant shall demonstrate:		Documentation
1	- that ILO core labor standards ¹³ are fully respected in business operations by explicitly ticking the boxes.	Our business operations respect the core labor standards on: <input type="checkbox"/> Freedom of Association <input type="checkbox"/> Elimination of Forced Labour <input type="checkbox"/> Non-Discrimination <input type="checkbox"/> Abolishment of Child Labour
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
2	- the existence of a declaration on ethical business principles or similar declaration.	__ <i>[Provide written information and evidence on business principles (code of conduct, conflict of interest, bribery, corruption, bid-rigging, unfair competition, insider rules, confidentiality, money-laundering, etc.)]</i> __
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
3	- the existence of an adequate organizational set-up to define, enforce and monitor the ethical business principles.	__ <i>[Provide details of the organizational set-up and staffing of the relevant department, for qualification details of relevant key staff see Form PER-5.7]</i> __
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		
4	- that a confidential and anonymous mechanism for employees and third parties to report violations of the ethical business principles exists.	__ <i>[Describe the mechanism and the offered reporting channels (ombudsmen, whistleblower scheme, website, etc.)]</i> __
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>		

¹³ See relevant ILO conventions C087, C098, C029, C105, C100, C111, C138, C182. In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant / Bidder / Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions.

Form PER–5.7 List of Available Construction and ESHS Personnel

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

Designation, in accordance with Section VII, Scope of Works	Min. No. Required			Name	Indicate the personnel is "Permanent staff" or "Freelance"	Minimum Qualifications	Similar Works Experience (years)
	Category 1	Category 2	Category 3				
Contract Manager (Contractor's Representative)	1	1	1			Bachelor's degree in civil engineering from a recognized University with at least 10 years post qualification experience. Must be a registered Engineer.	Five (5) years in similar position
Site Engineers	1	1	2			Bachelor's Degree in Civil Engineering from a recognized institution with at least 5 years post qualification experience.	3 years of experience in similar position on road works
Site Foremen	1	2	3			Ordinary Diploma in Civil and Building Engineering from a recognized institution and at least 5 years relevant post qualification experience	4 years in gravel road works
Mechanics foreman	1	1	2			Certificate in Motor vehicle mechanics with at least 5 years of experience	3 years in handling construction plant and equipment
Environmentalist	1	1	1			At least a bachelor's degree in environmental management/Natural Resources Management from a recognized University with at least 5 years' experience in Implementation of Environmental Projects	Three (3) years' Experience in Managing Environmental safeguards on Construction Projects
Sociologist	1	1	1			At least a bachelor's degree in social sciences/Sociology/Social Work/ Community Psychology/ Development Studies from a recognized University with at least 5 years' experience in Implementation of Social/ Community Projects	Three (3) years' Experience in Managing Social safeguards on Construction Projects
Health & Safety officer	1	2	2			At least an Ordinary Diploma in Occupational Health and Safety, Environmental Health Sciences, Law, Organisational/Industrial Psychology, Social Work & Social Administration, or other relevant Course from a recognized institution with 3 years' experience. Should possess a certificate in Health and safety training.	2 years' relevant experience in Workplace Health & Safety in a reputable Organisation.

Section V. Eligibility Criteria

Eligibility in KfW-Financed Procurement

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

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

1) Sanctionable Practice

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

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

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

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

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

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

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

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

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

2) **Social and Environmental Responsibility**

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

- (a) comply with and ensure that all their Subcontractors and major suppliers, i.e. for major supply items comply with international environmental and labour standards, consistent with applicable law and regulations in the country of implementation of the respective Contract and the fundamental conventions of the International Labour Organisation¹⁴ (ILO) and international environmental treaties.
- (b) implement any environmental and social risks mitigation measures, as identified in the environmental and social impact assessment (ESIA) and further detailed in the environmental and social management plan (ESMP) as far as these measures are relevant to the Contract and implement measures for the prevention of sexual exploitation and abuse and gender-based violence.

¹⁴In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

PART 2 – Works Requirements

Section VII. Scope of Works

1. Background

The Government of Uganda (GOU) is implementing the “Rural Development and Food Security in Northern Uganda” (RUDSEC) project financed by the Germany Government under the framework of German Financial Cooperation (FC), implemented by KfW. The Ministry of Local Government (MoLG) serves as the Project Executing Agency (PEA) and Employer for the RUDSEC Project. GOPA-Infra is engaged as the Implementation Support Consult (ISC) to assist the PEA and their partners in implementing the project.

The project objective is to unlock agricultural production potential and increase the income of smallholder farmers in Northern Uganda through rehabilitation and upgrading of district and community access roads in nine districts of Agago, Lamwo, Pader, Oyam, Lira, Dokolo, Kaberamaido, Soroti and Serere as shown in the map below.

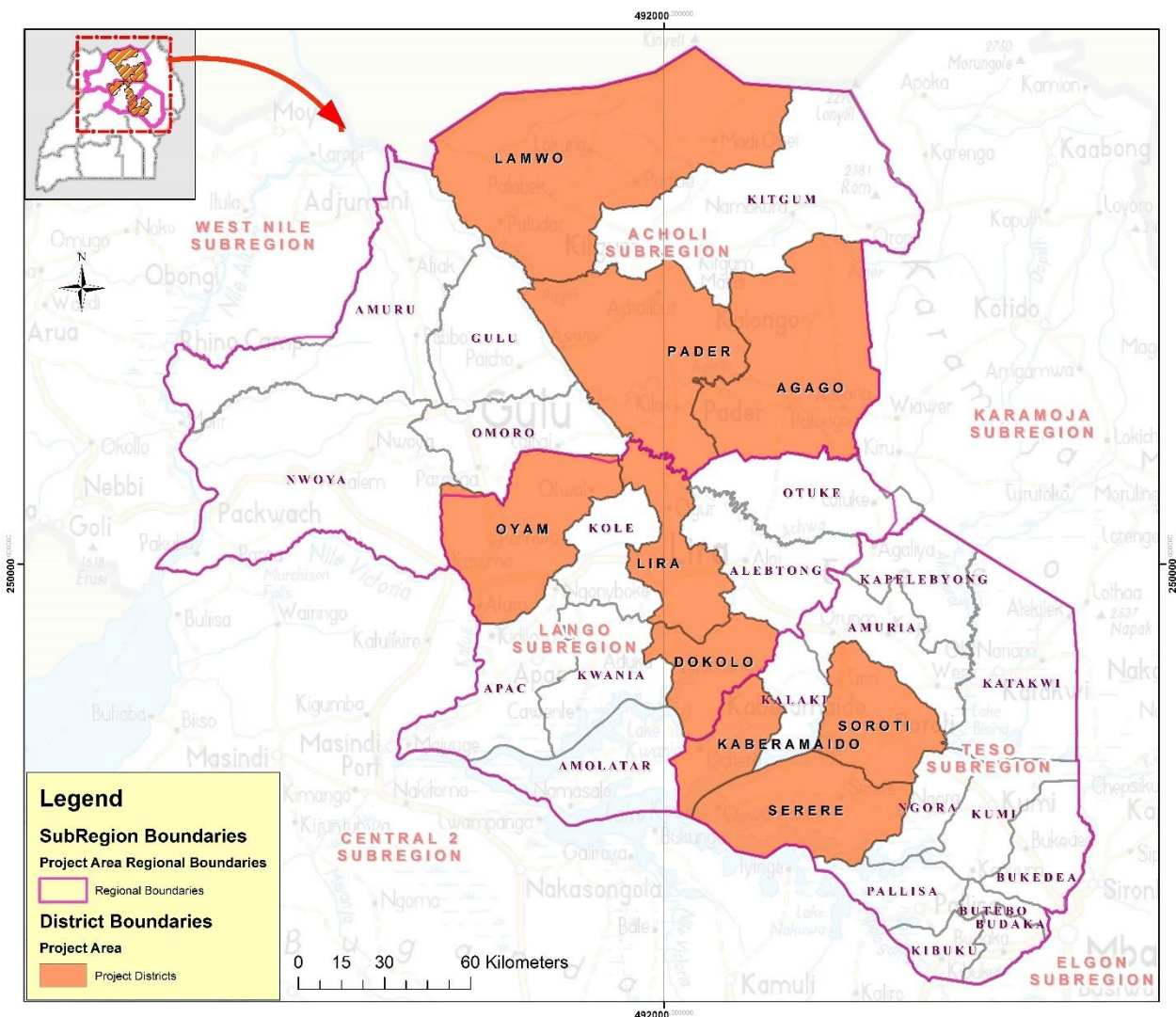


Figure 1: The nine project districts in Northern Uganda

2. Description of the Works

The scope of works under this project generally entails undertaking of rehabilitation works on selected district and community access roads in nine districts of Agago, Lamwo, Pader, Oyam, Lira, Dokolo, Kaberamaido, Soroti and Serere under the Rural Development and Food Security (RUDSEC) Project in Northern Uganda.

The project shall be implemented in batches starting with an initial 153 km, followed by another 324 km. The total length of roads to be rehabilitated by the end of the program may go up to 700 km or even more depending on actual unit roads rehabilitation rates and available budget balances on the grant.

The general Scope of Works for each of the Contract Lots shall entail but may not be limited to the following:

- 1) Preliminary work items and Contractor's general obligations
- 2) General site clearance and removal of topsoil
- 3) Opening up some new road sections and realignment works
- 4) Earthworks involving common, swamp and rock excavation including widening.
- 5) Cross fills construction and cart to spoil excess excavated materials.
- 6) Road formation and shaping by heavy grading.
- 7) Excavation for mitre/offshoots and catch-water drains.
- 8) Excavation of side drains in both soft and hard material.
- 9) Replacement and installation of new culverts including end structures.
- 10) Raising low sections by construction of fills
- 11) Swamp raising on some sections of roads.
- 12) Construction of culverts/bridges where applicable
- 13) Full gravelling of all roads

3. Construction Period(s)

The RUDSEC Project will be implemented over five years (2023 - 2028) in nine districts in the three sub-regions of Acholi, Lango and Teso in Northern Uganda.

The expected construction period for each Contract shall range from 8 to 12 months depending on the detailed scope and complexity of the sites. The defects liability period shall be 6 months.

4. Site and other Data

The project area comprises the 9 districts of Lamwo, Pader, Agago, Lira, Dokolo, Oyam, Soroti, Serere, and Kaberamaido in Northern Uganda as shown in the above map.

5. Environmental and Social Management plan (ESMP)

A Site Specific ESMP based on the Project the ESMF - to be provided by PEA during the Tender Phase - will be prepared to comply with KfW/the World Bank Environmental and Social Framework, and the Uganda National Environmental and Social Safeguards Legal Framework. It shall ensure that environmental and social concerns are integrated into all the road construction works. The ESMP should also suggest ways of preventing, minimizing, mitigating and/or compensating possible adverse environmental and social impacts which may arise due to the road rehabilitation works. Monitoring actions, consultative and institutional measures as well as human resource requirements to prevent, minimize, mitigate, or compensate for adverse environmental and social impacts and/or to enhance project related beneficial impacts shall be clearly defined to ensure effective implementation of the mitigation measures of the identified risks.