



## PREQUALIFICATION DOCUMENT

FOR

## UPGRADING OF SAMATAR-WAJIR (A13) ROAD

TENDER NO. KeNHA/2890/2025

MAY 2025

**DIRECTOR (DEVELOPMENT)  
KENYA NATIONAL HIGHWAYS  
AUTHORITY  
P.O. BOX 49712  
NAIROBI, 00100**

**DIRECTOR GENERAL  
KENYA NATIONAL HIGHWAYS  
AUTHORITY  
P.O. BOX 49712  
NAIROBI, 00100**

**PREQUALIFICATION DOCUMENT FOR**

**Works**

**Upgrading of Samatar – Wajir (A13) Road**

# Prequalification Procurement Document

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## Invitation to Apply for Prequalification

Name of Contract: **Upgrading of Samatar – Wajir (A13) Road**

Tender No.: **KeNHA/2890/2025**

1. The Government of Kenya has obtained financing from Kuwait Fund for Arab Economic Development (KFAED), OPEC Fund for International Development (OFID), Saudi Fund for Economic Development (SFD) and Arab Bank for Economic Development in Africa (BADEA) and intends to apply part of the proceeds towards payment under a contract for the Construction of Samatar – Wajir (A13) Road (90km).
2. The Samatar – Wajir (A13) Road is located in Wajir County in the North-eastern part of Kenya. The road forms part of the 740km Isiolo – Mandera road linking Kenya to the Somalia border. The road starts at Kanchara shopping centre which is approximately 255km from A2 junction at Isiolo and 65km from Modogashe and terminates at Wajir town at the intersection of B96 (Wajir – Gerille road) and A14 (Wajir – Griftu – Moyale road).
3. The Works consist of upgrading of the 90km existing road to a bituminised, two-lane single carriageway rural road, including bridges and box culverts. The Works comprise of;
  - i. Site clearance..... 567 hectares
  - ii. Earthworks.....2,930,611m<sup>3</sup>
  - iii. Improved subgrade material ..... 900,000m<sup>3</sup>
  - iv. natural material sub-base.....209,000m<sup>3</sup>
  - v. natural gravel base material.....168,000m<sup>3</sup>
  - vi. Asphalt concrete binder course surfacing.....65,000m<sup>3</sup>
  - vii. Reinforced concrete bridge (100m long) ..... 1 no.
  - viii. Reinforced concrete box culverts .....30 no.
  - ix. Concrete pipe culverts.....104no.
  - x. Bus bays, road markings, road signages, guardrails and landscaping
4. The Kenya National Highways Authority, KeNHA, being an authorized agent of the Government of the Republic of Kenya, now invites eligible Construction firms to indicate their interest for the contract for upgrading of the above-named road.
5. Interested firms **must** provide information indicating that they are qualified to perform the Works **in accordance to the prequalification Document**.
6. Eligibility criteria, establishment of the short list and the selection procedure shall be in accordance with the Saudi Fund, OFID, Kuwait Fund and BADEA’s procedures which is available on the Funds’ websites.

7. African, Arab or African-Arab associated Contractors are encouraged to express their interest.
8. A 5% margin of preference shall be applied to the African, Arab or African-Arab associated Contractors.
9. The Tender shall be awarded only to prequalified Contractors under this Expression of Interest. Borrowers are under no obligation to shortlist any firm who expresses interest.
10. EOI must be delivered in written form and clearly marked with the assignment title & Tender No and deposited or addressed to the:

**Deputy Director, (Supply Chain Management)**

Kenya National Highways Authority (KeNHA)  
 1<sup>st</sup> Floor, Block C, Barabara Plaza, Jomo Kenyatta  
 International Airport (JKIA), Nairobi  
 Off Mazao Road (Opposite Aviation House)  
 P. O. Box 49712-00100, Nairobi

so as to be received on or before **Tuesday 2<sup>nd</sup> September 2025 at 1100hrs** local time and thereafter opened in the presence of the bidders' representatives.

11. Interested firms may obtain further information at the address given below during office hours (weekdays from 0800hr to 1700hr local time, excluding public holidays).

<b>Attention:</b>	Director (Development)
<b>Street</b>	Kenya National Highways Authority, Barabara Plaza,
<b>Address:</b>	Jomo Kenyatta International Airport (JKIA), Nairobi, off
<b>Floor/Room</b>	1 <sup>st</sup> Floor North wing, Block A
<b>City:</b>	NAIROBI, KENYA
<b>Telephone:</b>	+254 700423606, +254 20 4954200
<b>Email</b>	<a href="mailto:ddevelopment@kenha.co.ke">ddevelopment@kenha.co.ke</a>
<b>addresses:</b>	<a href="mailto:procurement@kenha.co.ke">procurement@kenha.co.ke</a>

12. Electronic submission is **NOT** permitted. Late Expressions of Interests shall be rejected.
13. Interested Contractors are required to continually check the Kenya National Highways Authority's website [www.kenha.co.ke](http://www.kenha.co.ke) for any additional information or clarifications that may arise before submission date.

**Deputy Director (Supply Chain Management)**

**For: DIRECTOR GENERAL**

## **PART 1 – Prequalification Procedures**



# Section I - Instructions to Applicants

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# Section I - Instructions to Applicants

## A. General

### 1. Scope of Application for Prequalification

1.1 In connection with the Specific Procurement Notice – Request for Expression of Interest (REOI), specified in the **Prequalification Data Sheet (PDS)**, the Employer, as specified **in the PDS**, issues this Prequalification document for the provision of Works as specified in Section VII, Works' Requirements. The name, identification, and number of lots (contracts) of this REOI are specified **in the PDS**.

1.2 Throughout this prequalification document:

- (a) the term “in writing” means communicated in written form (e.g. by mail, e-mail, fax, including, if specified **in the PDS**, distributed or received through electronic-procurement system used by the Employer) with proof of receipt;
- (b) If the context so requires, “**singular**” means “**plural**” and vice versa.
- (c) “**Day**” means calendar day, unless otherwise specified as a “**Business Day**.” A **Business Day** is any day that is a working day of the Borrower. It excludes the Borrower’s official public holidays; and
- (d) “**ESHS**” means environmental, social (including sexual exploitation and abuse (SEA) and gender-based violence (GBV)), health and safety.

### 2. Source of Funds

2.1 The Borrower or Recipient (hereinafter called "Borrower") **specified in the PDS** has received or has applied for financing (hereinafter called "funds") from Funding Agencies (hereinafter called "Funding Agencies") **specified in the PDS**. The Borrower intends to apply a portion of the funds to eligible payments under the contract(s) for which these prequalification Documents are issued.

2.2 Payment by the fund will be made only at the request of the Borrower and upon approval by the Fund, and will be subject, in all respects, to the terms and conditions of the Loan (or other financing) Agreement. The Loan (or other financing) Agreement prohibits a withdrawal from the loan account for the purpose of any payment to persons or entities, or for any import of goods, equipment, plant, or materials, if such payment or import is prohibited by a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations. No party other than the Borrower shall derive any rights from the Loan

(or other financing) Agreement or have any claim to the proceeds of the Loan (or other financing).

### **3. Fraud and Corruption**

- 3.1 The Employer requires that Applicants / Suppliers / Contractors to observe the highest standard of ethics during the procurement and execution of the Contracts. In pursuance of this policy, the Employer and the Funding Agencies require compliance with their policy in regard to corrupt and fraudulent practices as set forth in Section VI.
- 3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Funding Agencies to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, application submission, proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the Funding Agencies.

### **4. Eligible Applicants**

- 4.1 An Applicant may be a firm that is a private entity, a government-owned enterprise or institution subject to ITA 4.6 or any combination of such entities in the form of a joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the Prequalification process and, in the event the JV is awarded the Contract, during contract execution. Unless specified **in the PDS**, there is no limit on the number of members in a JV.
- 4.2 An Applicant shall not have a conflict of interest. Any Applicant found to have a conflict of interest shall be disqualified. A 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) Participates in more than one application in this Prequalification process. Participation by an Applicant in more than one Application will result in the disqualification of all Applications in which such Applicant is involved. However, this does not limit the inclusion of the same subcontractor in more than one application; or
- (f) or 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 application; or
- (g) or any of its affiliates has been hired (or is proposed to be hired) by the Employer or Borrower as Engineer for the Contract implementation; or
- (h) would be providing goods, works, or non-consulting services resulting from or directly related to consulting services for the preparation or implementation of the project specified in the PDS ITA 2.1 that it provided or were provided by any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm; or
- (i) has a close business or family relationship with a professional staff of the Borrower (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 document or specifications of the Contract, and/or the Application evaluation process of such Contract; 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 the Funding Agency throughout the Prequalification process and execution of the Contract.

4.3 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 4.6. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. This criterion also shall apply to the determination of the nationality of proposed subcontractors or sub-consultants for any part of the Contract including related Services.

4.4 An Applicant that has been sanctioned by the Funding Agencies in accordance with the above ITA 3.1, including in accordance

with the Funding Agencies' Guidelines on Preventing and Combating Corruption in Projects Financed by Funding Agencies' Credits and Grants ("Anti-Corruption Guidelines"), shall be ineligible to be prequalified for, application for, or be awarded a Funding Agencies-financed contract or benefit from a Funding Agencies-financed contract, financially or otherwise, during such period of time as the Funding Agencies shall have determined. This criterion also shall apply to the proposed sub-contractors or sub-consultants for any part of the Contract including related Services.

- 4.5 An Applicant shall not be under suspension from Prequalification by the Employer as the result of the operation of an Application-Securing Declaration. This criterion also shall apply to the sub-contractors or sub-consultants for any part of the Contract including related Services.
- 4.6 Firms and individuals may be ineligible if so indicated in Section V and (a) as a matter of law or official regulations, the Borrower's country prohibits commercial relations with that country, provided that the Funding Agencies is satisfied that such exclusion does not preclude effective competition for the supply of goods or the contracting of works or services required; or (b) by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Borrower's country prohibits any import of goods or contracting of works or services from that country, or any payments to any country, person, or entity in that country. When the Works are implemented across jurisdictional boundaries (and more than one country is a Borrower, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 4.2 (a) above by any country may be applied to that procurement across other countries involved, if the Funding Agencies and the Borrowers involved in the procurement agree.
- 4.7 This Prequalification is open only to all Applicants unless **specified in the PDS**. The Applicant shall provide the documentary evidence specified in the PDS, establishing that the company maintains his pre-qualification status. In the event of joint ventures being stipulated, the joint venture shall submit the documentation stipulated in the PDS as part of its Tender submission.
- 4.8 An Applicant shall provide such documentary evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.

## 5. Eligible Materials,

- 5.1 The materials, equipment and services to be supplied under the Contract and financed by the Funding Agencies may have their origin in any country subject to the restrictions specified in Section

**Equipment, and Services**

V, Eligible Countries, and all expenditures under the Contract will not contravene such restrictions. At the Employer’s request, Applicants may be required to provide evidence of the origin of materials, equipment and services.

- 5.2 For purposes of ITA 5.1 above, “origin” means the place where the materials and equipment are mined, grown, produced, or manufactured, and from which the services are provided. Materials and equipment are produced when, through manufacturing, processing, or substantial or major assembling of components, a commercially recognized product results that differs substantially in its basic characteristics or in purpose or utility from its components.

**B. Contents of Prequalification Document**

**6. Sections of Prequalification Document**

- 6.1 The Prequalification document consists of Parts 1, 2, and 3, which includes all the sections specified below, and which should be read in conjunction with any Addenda issued in accordance with ITA 8.

**PART I Prequalification Procedures**

Section 1 - Instructions to Applicants (ITA)

Section 2 - Prequalification Data sheet(PDS)

Section 3 - Evaluation and Qualification Criteria (EQC)

Section 4 - Prequalification Forms (BDF)

Section 5 - Eligible Countries (ELC)

Section 6 – Fraud and Corruption (FC)

**PART II Requirements**

Section 7 - Works’ Requirements (WRQ)

- 6.2 The Specific Procurement Notice – Request for Expression of Interest (REOI) issued by the Employer is not part of the prequalification document.
- 6.3 Unless obtained directly from the Employer, the Employer is not responsible for the completeness of the prequalification document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification document in accordance with ITA 8. In case of any contradiction, documents obtained directly from the Employer shall prevail.
- 6.4 The Applicant is expected to examine all instructions, forms, terms, and specifications in the Prequalification document and to furnish with its Application all information and documentation as is required by the prequalification document.

- 6.5 The Contents of the prequalification Documents shall be treated by all recipients (whether submitting a Tender or not) as "Private and Confidential".
- 6.6 The Applicant is expected to examine the Prequalification Documents, including all instructions, forms, Failure to furnish all information required by the prequalification Documents, or submission of an Application not substantially responsive to the documents in every respect, will be at the Tenderer's risk and may result in the rejection of its Application.
- 6.7 Each Applicant shall, within seven (7) days from the date of Prequalification Documents collection, supply the Employer with an address (i.e., physical mailing address, Postal address, telephone no., and fax number) for his office where notices may be validly served upon him.

**7. Clarification of Procurement Document, Site Visit, Pre-Application Meeting**

- 7.1 An Applicant requiring any clarification of the Prequalification document shall contact the Employer in writing at the Employer's address specified in the PDS or raise its enquiries during the pre-Application meeting if provided for in accordance with ITA 7.4. 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 Applications. The Employer shall forward copies of its response to all Applicants who have acquired the Prequalification document in accordance with ITB 6.3, including a description of the inquiry but without identifying its source. If so specified in the PDS, the Employer shall also promptly publish its response at the web page identified in the PDS. Should the clarification result in changes to the essential elements of the Prequalification document, the Employer shall amend the Prequalification document following the procedure under ITA 8 and ITA 22.2.

All Applicants are urged to immediately notify the Employer of any discrepancies or omissions in the Tender Documentation so that a proper clarification can be made by the Employer. The Employer will not be thereafter responsible for any wrong interpretations made by any of the respective Applicants.

Oral explanations or instructions given before Tender submission will not be accepted and will not be binding upon the Employer.

- 7.2 The Applicant is requested to submit any questions in writing, to reach the Employer not later than one week before the meeting.

**8. Amendment of Prequalification Document**

- 8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification document by issuing addenda.

8.2 Any addendum issued shall be part of the Prequalification document and shall be communicated in writing to all who have obtained the Prequalification document from the Employer in accordance with ITA 6.3. The Employer shall also promptly publish the addendum on the Employer’s web page in accordance with ITA 7.1.

8.3 To give Applicants reasonable time in which to take an addendum into account in preparing their Applications, the Employer may extend the deadline for the submission of Applications, pursuant to ITA 22.2.

### **C. Preparation of Applications**

#### **9. Cost of Prequalification**

9.1 The Applicant shall bear all costs associated with the preparation and submission of its Application, and the Employer shall not 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 Application 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, such translation shall govern.

#### **11. Documents Comprising the Application**

11.1 The Application shall comprise the following:

- (a) **Letter of Application** prepared in accordance with ITA 12;
- (b) **Authorization:** written confirmation authorizing the signatory of the Application to commit the Applicant, in accordance with ITA 20.3;
- (c) **Qualifications:** documentary evidence in accordance with ITA 17 establishing the Applicant’s qualifications to perform the Contract if its Application is accepted;
- (d) **Conformity:** a technical proposal in accordance with ITA 16;
- (e) Any other document required **in the PDS**.

11.2 In addition to the requirements under ITA 11.1, Applications submitted by a JV shall include a copy of the Joint Venture Agreement entered into by all members. Alternatively, a letter of intent to execute a Joint Venture Agreement in the event of a successful Application shall be signed by all members and submitted with the Application, together with a copy of the proposed Agreement.

- 11.3 The Applicant shall furnish in the Letter of Application information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.
- 12. Letter of Application and Schedules**
- 12.1 The Letter of Application and Schedules, shall be prepared using the relevant forms furnished in Section IV, prequalification Forms. The forms must be completed without any alterations to the text, and no substitutes shall be accepted except as provided under ITA 20.3. All blank spaces shall be filled in with the information requested.
- 13. Documents Comprising the Technical Proposal**
- 13.1 The Applicant shall furnish a technical proposal including a statement of work methods, equipment, personnel, schedule and any other information as stipulated in Section IV, Prequalification Forms, in sufficient detail to demonstrate the adequacy of the Applicant’s proposal to meet the work’s requirements and the completion time.
- 14. Documents Establishing the Eligibility and Qualifications of the Applicant**
- 14.1 To establish its qualifications to perform the Contract in accordance with Section 3 (Evaluation and Qualification Criteria) the Applicant shall provide the information requested in the corresponding information sheets included in Section 4 (Prequalification Forms).
- 14.2 If a margin of preference applies as specified in accordance with ITA 26, domestic Applicants, individually or in joint ventures, applying for eligibility for domestic preference shall supply all information required to satisfy the criteria for eligibility specified in accordance with ITA 26.
- 15. Format and Signing of Application**
- 15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it “Original.” In addition, the Applicant shall submit copies of the 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.
- 15.2 Applicants shall mark as “CONFIDENTIAL” all information in their Applications which is confidential to their business. This may include proprietary information, trade secrets, or commercial or financially sensitive information.
- 15.3 The original and all copies of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. This authorization shall consist of a written confirmation as specified in the PDS and shall be attached to the Application. The name and position held by each person signing the authorization must be typed or printed below the signature. All pages of the Application where entries or

amendments have been made shall be signed or initialed by the person signing the Application.

15.4 In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV, and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized representatives.

15.5 The Application shall contain no alterations, omissions, or additions, except those to comply with instructions issued by the Employer or, as necessary, to correct errors made by the Applicant. Any inter-lineation, erasures, or overwriting shall be valid only if they are counter signed or initialed by the person signing the Application.

#### **D. Submission and Opening of Applications**

##### **16. Sealing and Marking of Applications**

16.1 The Applicant shall deliver the Application in a single, sealed envelope (one-envelope Prequalification process). Within the single envelope the Applicant shall place the following separate, sealed envelopes:

(a) in an envelope marked “ORIGINAL”, all documents comprising the Application, as described in ITA 11; and

(b) in an envelope marked “COPIES”, all required copies of the Application;

16.2 The inner and outer envelopes shall:

(c) bear the name and address of the Applicant;

(d) be addressed to the Employer in accordance with ITA 22.1;

(e) bear the specific identification of this Prequalification process specified in accordance with PDS 1.1; and

(f) Bear a warning not to open before the time and date for Application opening.

16.3 If all envelopes are not sealed and marked as required, the Employer will assume no responsibility for the misplacement or premature opening of the Application.

##### **17. Deadline for Submission of Applications**

17.1 Applications must be received by the Employer at the address and no later than the date and time specified **in the PDS**. When so specified **in the PDS**, Applicants shall have the option of submitting their Applications electronically. Applicants submitting Applications electronically shall follow the electronic Application submission procedures specified **in the PDS**.

17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification document in accordance with ITA 8, in which case all rights and

obligations of the Employer and Applicants previously subject to the deadline shall thereafter be subject to the deadline as extended.

**18. Late Applications**

18.1 The Employer shall not consider any Application that arrives after the deadline for submission of Applications, in accordance with ITA 22. Any Application received by the Employer after the deadline for submission of Applications shall be declared late, rejected, and returned unopened to the Applicant.

**19. Withdrawal, Substitution, and Modification of Applications**

19.1 A Applicant may withdraw, substitute, or modify its Application after it has been submitted by sending a written notice, duly signed by an authorized representative, and shall include a copy of the authorization in accordance with ITA 20.3, (except that withdrawal notices do not require copies). The corresponding substitution or modification of the Application must accompany the respective written notice. All notices must be:

(a) prepared and submitted in accordance with ITA 20 and ITA 21 (except that withdrawals notices do not require copies), and in addition, the respective envelopes shall be clearly marked “WITHDRAWAL,” “SUBSTITUTION,” “MODIFICATION;” and

(b) Received by the Employer prior to the deadline prescribed for submission of Applications, in accordance with ITA 22.

19.2 Applications requested to be withdrawn in accordance with ITA 24.1 shall be returned unopened to the Applicants.

19.3 No Application may be withdrawn, substituted, or modified in the interval between the deadline for submission of Applications and the expiration of the period of Application validity specified by the Applicant on the Letter of Application or any extension thereof.

**20. Application Opening**

20.1 Except in the cases specified in ITA 23 and ITA 24.2, the Employer shall publicly open and read out in accordance with this ITA all Applications received by the deadline, at the date, time and place specified **in the PDS**, in the presence of Applicants` designated representatives and anyone who chooses to attend. Any specific electronic Application opening procedures required if electronic Prequalification is permitted in accordance with ITA 22.1, shall be as specified in the PDS.

20.2 First, envelopes marked “WITHDRAWAL” shall be opened and read out and the envelope with the corresponding Application shall not be opened, but returned to the Applicant. No Application withdrawal shall be permitted unless the corresponding withdrawal notice contains a valid authorization to request the withdrawal and is read out at Application opening.

- 20.3 Next, envelopes marked “SUBSTITUTION” shall be opened and read out and exchanged with the corresponding Application being substituted, and the substituted Application shall not be opened, but returned to the Applicant. No Application substitution shall be permitted unless the corresponding substitution notice contains a valid authorization to request the substitution and is read out at Application opening.
- 20.4 Next, envelopes marked “MODIFICATION” shall be opened and read out with the corresponding Application. No Application modification shall be permitted unless the corresponding modification notice contains a valid authorization to request the modification and is read out at Application opening.
- 20.5 Next, all remaining envelopes shall be opened one at a time, reading out: the name of the Applicant and whether there is a modification; the total Application Price, per lot (contract) if applicable, including any discounts and alternative Applications; the presence or absence of an Application Security or Application-Securing Declaration, if required; and any other details as the Employer may consider appropriate.
- 20.6 Only Applications, alternative Applications and discounts that are opened and read out at Application opening shall be considered further for evaluation. The Letter of Application and the Bill of Quantities are to be initialed by representatives of the Employer attending Application opening in the manner specified **in the PDS**.
- 20.7 The Employer shall neither discuss the merits of any Application nor reject any Application (except for late Applications, in accordance with ITA 23.1).
- 20.8 The Employer shall prepare a record of the Application opening that shall include, as a minimum:
- (a) the name of the Applicant and whether there is a withdrawal, substitution, or modification;
  - (b) the Application Price, per lot (contract) if applicable, including any discounts;
  - (c) any alternative Applications;
  - (d) The presence or absence of an Application Security, if one was required.
- 20.9 The Applicants’ representatives who are present shall be requested to sign the record. The omission of an Applicant’s signature on the record shall not invalidate the contents and effect of the record. A copy of the record shall be distributed to all Applicants.

## **E. Evaluation and Comparison of Applications**

### **21. Confidentiality**

21.1 Information relating to the evaluation of Applications and recommendation of Prequalification shortlist shall not be disclosed to Applicants or any other persons not officially concerned with the Prequalification process until the prequalification list is transmitted to all Applicants in accordance with ITA 30.1.

21.2 Any effort by an Applicant to influence the Employer in the evaluation of the Applications or Prequalification shortlist decisions may result in the rejection of its Application.

21.3 Notwithstanding ITA 21.2, from the time of Application opening to the time of prequalification shortlist, if an Applicant wishes to contact the Employer on any matter related to the Prequalification process, it shall do so in writing.

### **22. Clarification of Applications**

22.1 To assist in the examination, evaluation, and comparison of the Applications, and qualification of the Applicants, the Employer may, at its discretion, ask any Applicant for a clarification of its Application, given a reasonable time for a response. Any clarification submitted by an Applicant that is not in response to a request by the Employer shall not be considered. The Employer's request for clarification and the response shall be in writing.

22.2 If an Applicant does not provide clarifications of its Application by the date and time set in the Employer's request for clarification, its Application may be rejected.

### **23. Deviations, Reservations, and Omissions**

23.1 During the evaluation of Applications, the following definitions apply:

(a) "Deviation" is a departure from the requirements specified in the Prequalification document;

(b) "Reservation" is the setting of limiting conditions or withholding from complete acceptance of the requirements specified in the Prequalification document; and

(c) "Omission" is the failure to submit part or all of the information or documentation required in the Prequalification document.

### **24. Determination of Responsiveness**

24.1 The Employer's determination of an Application's responsiveness is to be based on the contents of the Application itself, as defined in ITA 11.

Prior to the detailed evaluation of Applications, the Employer will examine the Applications to determine for each Applicant whether:

(a) it is complete;

- (b) meets the eligibility criteria of the Funding Agency;
- (c) the documents have been properly signed;
- (e) it is accompanied by the required power of attorney;
- (f) the Applicant satisfies the project qualification criteria;
- (g) Certificate of the Site Visit signed by the Engineer is attached;
- (h) It is substantially responsive to the requirements of the Application documents.
- (I) The application is Sequentially serialized and all pages initialized by authorized representative.
- (J) All Statutory requirements are attached.

Non-conformance by the Applicant to any of the items listed in ITA 24.1 above, will be a cause for rejection by the Employer.

The Employer will determine to his satisfaction whether the Applicant meets the qualifying criteria in ITA 24.1 (f) above, in view of the submitted information pursuant to Section III.

The determination will be based upon an examination of the documentary evidence of the Applicant's qualifications submitted by the Applicant in its Application, as well as other information such as the Applicant's work methods, schedule, plant, etc., as the Employer deems necessary and appropriate. An affirmative determination will be a prerequisite for evaluation of the Applicant's responsiveness to the Application Documents. A negative determination will result in rejection of the Applicant's Application.

The capabilities of the Sub-Contractors proposed in the Application to be used by the evaluated Applicant will also be evaluated for acceptability. Their participation should be confirmed with a letter of intent, as needed.

24.2 A substantially responsive Application is one that meets the requirements of the Prequalification document without material deviation, reservation, or omission. A material deviation, reservation, or omission is one that,

(a) if accepted, would:

- (I) affect in any substantial way the scope, quality, or performance of the Works specified in the Contract; or
- (ii) Limit in any substantial way, inconsistent with the Prequalification document, the Employer's rights or the Applicant's obligations under the proposed Contract; or

(b) If rectified, would unfairly affect the competitive position of other Applicants presenting substantially responsive Applications.

24.3 The Employer shall examine the technical aspects of the Application submitted in accordance with ITA 16, in particular, to confirm that all requirements of Section VII, Works' Requirements have been met without any material deviation, reservation or omission.

24.4 If an Application is not substantially responsive to the requirements of the Prequalification document, it shall be rejected by the Employer and may not subsequently be made responsive by correction of the material deviation, reservation, or omission.

**25. Nonmaterial  
Nonconformities**

25.1 Provided that an Application is substantially responsive, Employer may waive any nonconformities in the Application which do not constitute a material deviation, provided that such waiver does not prejudice or affect the relative ranking of any Tenderer or does not interfere with the guidelines of the Funding Agency.

25.2 Provided that an Application is substantially responsive, the Employer may request that the Applicant submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities in the Application related to documentation requirements. Requesting information or documentation on such nonconformities shall not be related to any aspect of the price of the Application. Failure of the Applicant to comply with the request may result in the rejection of its Application.

**26. Margin of  
Preference**

26.1 Unless otherwise specified **in the PDS**, a margin of preference for domestic Applicants<sup>1</sup> shall not apply.

**27. Subcontractors**

27.1 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.

27.2 Applicants may propose subcontracting up to the percentage of total value of contracts or the volume of works as specified **in the**

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<sup>1</sup> An individual firm is considered a domestic Bidder for purposes of the margin of preference if it is registered in the country of the Employer, has more than 50 percent ownership by nationals of the country of the Employer, and if it does not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign contractors. JVs are considered as domestic Bidders and eligible for domestic preference only if the individual member firms are registered in the country of the Employer or have more than 50 percent ownership by nationals of the country of the Employer, and the JV shall be registered in the country of the Borrower. The JV shall not subcontract more than 10 percent of the contract price, excluding provisional sums, to foreign firms. JVs between foreign and national firms will not be eligible for domestic preference.

**PDS.** Subcontractors proposed by the Applicant shall be fully qualified for their parts of the Works.

27.3 The subcontractor’s qualifications shall not be used by the Applicant to qualify for the Works unless their specialized parts of the Works were previously designated by the Employer **in the PDS** as can be met by subcontractors referred to hereafter as ‘Specialized Subcontractors’, in which case, the qualifications of the Specialized Subcontractors proposed by the Applicant may be added to the qualifications of the Applicant.

## **28. Evaluation of Applications**

### **Applicant Capacity to Undertake the Assignment**

28.1 The Employer shall use the criteria and methodologies listed in this ITB and Section III, Evaluation and Qualification Criteria.

## **29. Employer’s Right to Accept Any application, and to Reject Any or All applications**

29.1 The Employer reserves the right to accept or reject any application and to annul the prequalification process and reject all applications at any time prior to communication of the shortlisted Contractors, without thereby incurring any liability to Applicants.

## **30. Notification of Prequalification**

30.1 The Employer shall send to the applicants the list of the prequalified Contractors

## **31. Procurement Related Complaint**

31.1 The procedures for making a Procurement-related Complaint are as specified **in the PDS**.

## Section II - Prequalification Data sheet(PDS)

The following specific data for the Works to be procured shall complement, supplement, or amend the provisions in the Instructions to Applicants (ITA). Whenever there is a conflict, the provisions herein shall prevail over those in ITA.

<b>A. General</b>	
<b>ITA 1.1</b>	<p>The reference number of the Invitation for Prequalification is <b>KeNHA/2890/2025</b>            The Employer is: <b>Kenya National Highway Authority</b>            The application is for: <b>Upgrading of Samatar - Wajir (A13) Road</b>  <b>Tender No.: KeNHA/2890/2025</b></p> <p>The methodology for evaluation and award is given in Section III.</p>
<b>ITA 2.1</b>	<p>The Borrower is: <b>Government of the Republic of Kenya, the Employer is Kenya National Highways Authority, an Implementing Agency of the Borrower</b>            Financier:</p> <ul style="list-style-type: none"> <li>a) Kuwait Fund for Arab Economic Development (KFAED),</li> <li>b) The Saudi Fund for Development (SFD),</li> <li>c) OPEC Fund for international development (OFID),</li> <li>d) Arab Bank for Economic Development in Africa (BADEA) and</li> <li>e) Government of Kenya (GoK).</li> </ul>
<b>ITA 4.1</b>	Maximum number of members in the JV shall be: <b>3 (Three)</b>
<b>B. Contents of Prequalification Document</b>	
<b>ITA 7.1</b>	<p>For <u>Application clarification purposes</u> only, the Employer's address is:</p> <p>Attention: <b>Director (Development)</b>  <b>Kenya National Highways Authority</b></p> <p>Street Address: <b>Barabara Plaza Block A,</b>  <b>Jomo Kenyatta International Airport (JKIA), Nairobi,</b>  <b>Off Mazao Road (opposite KCAA Headquarters),</b></p> <p>Floor/Room number: <b>1<sup>st</sup> Floor</b>            City: <b>Nairobi</b>            ZIP Code: <b>00100</b>            Country: <b>Kenya</b></p> <p>Electronic mail address: <b>ddevelopment@kenha.co.ke</b> and copied to  <b>procurement@kenha.co.ke</b></p>
<b>ITA 7.7</b>	Web page: <a href="http://www.kenha.co.ke">http://www.kenha.co.ke</a>

<b>C. Preparation of Applications</b>	
<b>ITA 10.1</b>	The language of the Application is: <b>English</b> All correspondence exchange shall be in <b>English</b> language. Language for translation of supporting documents and printed literature is <b>English</b> .
<b>ITA 11.1 (e)</b>	The Applicant shall submit the following additional documents in its Application: <b>NA</b>
<b>ITA 15.1</b>	The Applicant shall submit the following: (a) <b>ONE Original and</b> (b) <b>ONE hard copy.</b> (c) <b>TWO scanned/digital copies on compact disk in PDF format, with the disks clearly labelled.</b>  In the event of any discrepancy between the original and the digital copies, the original hard copy shall prevail.
<b>ITA 15.3</b>	The written confirmation of authorization to sign on behalf of the Applicant shall consist of: <b>A duly signed power of attorney indicating the name and position held by the person authorized to sign the application on behalf of the Applicant.</b>
<b>D. Submission and Opening of Applications</b>	
<b>ITA 17.1</b>	For <u>Application submission purposes</u> only, the Employer’s address is: Attention: <b>Deputy Director (Supply Chain Management)</b> <b>Kenya National Highways Authority</b>  Street Address: <b>Barabara Plaza, Block C,</b> <b>Jomo Kenyatta International Airport (JKIA) off Airport South Road, along Mazao Road, Nairobi</b>  Floor: <b>Second Floor, Procurement Office</b> City: <b>Nairobi</b> ZIP Code: <b>49712-00100</b> Country: <b>KENYA</b>  <b>The deadline for application submission:</b> <b>Date: 2<sup>nd</sup> September, 2025</b> <b>Time: 1100Hrs</b>  Applicants <b>shall not</b> have the option of submitting their Applications electronically.

<b>ITA 20.1</b>	<p>The application opening shall take place at:</p> <p>Street Address: <b>Barabara Plaza, Block C, Jomo Kenyatta International Airport (JKIA) off Airport South Road, along Mazao Road, Nairobi</b></p> <p>Floor/Room number: <b>Second Floor Board Room</b></p> <p>City: <b>Nairobi</b> Country: <b>Kenya</b></p> <p><b>Date:</b> <b>2<sup>nd</sup> September, 2025</b></p> <p>Time: <b>1100Hrs</b></p>
<b>E. Evaluation, and Comparison of Applications</b>	
<b>ITA 26.1</b>	<p>A 5% margin of preference to the Arab, African or Arab-African associated Contractors, subjected to the SFD, OFID, KFAED &amp; BADEA's procedures and in coordination with the Government of Kenya shall apply."</p>
<b>ITA 27.2</b>	<p>Contractor's proposed subcontracting: Maximum percentage of subcontracting permitted is <b>30% of the total contract amount</b></p> <p>Applicants planning to subcontract more than 10% of total volume of work shall specify, in the Letter of Application, the activity (ies) or parts of the Works to be subcontracted along with complete details of the subcontractors and their qualification and experience.</p> <p>The qualification and experience of the sub-contractors must meet the minimum criteria for the relevant work to be sub-contracted failing which such sub-contractors will not be permitted to participate.</p> <p>Sub-contractors' qualification and experience will not be considered for evaluation of the Applicant. The Applicant on its own (without taking into account the qualification and experience of the sub-contractor) should meet the qualification criteria.</p>
<b>ITA 31</b>	<p>The procedures for making a Procurement-related Complaint are available from the PPRA website <a href="mailto:info@ppra.go.ke">info@ppra.go.ke</a> or <a href="mailto:complaints@ppra.go.ke">complaints@ppra.go.ke</a>. If a Tenderer wishes to make a Procurement-related Complaint, the Tenderer should submit its complaint following these procedures, in writing (by the quickest means available, that is either by hand delivery or email to:</p> <p><b>For the attention:</b> Eng. Luka Kimeli <b>Title/position:</b> Ag. Director General <b>Employer:</b> Kenya National Highways Authority <b>Email address:</b> <a href="mailto:dg@kenha.co.ke">dg@kenha.co.ke</a></p> <p>In summary, a Procurement-related Complaint may challenge any of the following:</p> <ol style="list-style-type: none"> <li><b>1.</b> the terms of the Prequalification Documents; and</li> <li><b>2.</b> The Employer's decision to award the contract.</li> </ol>

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## **Section III - Evaluation and Prequalification Criteria**

This section contains all the criteria that the Employer shall use to evaluate Applications and qualify Applicants. No other factors, methods or criteria shall be used other than specified in this Prequalification document. The Applicant shall provide all the information requested in the forms included in Section IV, Prequalification Forms.

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

- For construction turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted) was originally established.
- Value of single contract - Exchange rate prevailing on the date of the contract.

Qualification will be based on the Applicants meeting all the minimum pass-fail criteria regarding their general and particular construction experience, financial position, personnel and equipment capabilities, and other relevant information as demonstrated by the Applicant's responses in the Forms attached below and in Section IV. The qualifications, capacity, and resources of proposed subcontractors will not be taken into account in assessing those of individual or joint venture Applicants, unless they are named specialist subcontractors as per ITA 27.1.

Failure of an Applicant to provide comprehensive and accurate information that is essential for the Employer's evaluation of the Applicant's qualifications, or to provide timely clarification or substantiation of the information supplied, may result in disqualification of the Applicant.

### **1. Margin of Preference:**

**A 5% margin of preference to the Arab, African or Arab-African associated Contractors, subjected to the SFD, OFID, KFAED & BADEA's procedures and in coordination with the Government**

Eligibility and prequalification Criteria			Compliance Requirements				Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
<b>1. Eligibility</b>								
1.1	<b>Nationality</b>	Nationality in accordance with ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments	Disqualify
1.2	<b>Conflict of Interest</b>	No conflicts of interest in accordance with ITA 4.2	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Letter of Application	Disqualify
1.3	<b>Funding Agencies Eligibility</b>	Not having been declared ineligible by the Funding Agencies, as described in ITA 4.4.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Letter of Application	Disqualify
1.4	<b>State- owned Enterprise or Institution of the Borrower country</b>	Not Allowed to participate	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments	Disqualify
1.5	<b>United Nations resolution or Borrower’s country law</b>	Not having been excluded as a result of prohibition in the Borrower’s country laws or official regulations against commercial	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments	Disqualify

Eligibility and prequalification Criteria			Compliance Requirements			Documentation		
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
		relations with the Applicant’s country, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 4.6 and Section V.						
<b>1.6</b>	<b>Regulations of the Funding Agencies</b>	Not to be prohibited by the regulations of any of the Funding Agencies in participation or commercial dealing with Contractors from that country	Must meet requirement	Must meet requirement	Must meet requirement	<b>N/A</b>	Forms ELI -1.1 and 1.2, with	Disqualify
<b>2. Historical Contract Non-Performance</b>								

Eligibility and prequalification Criteria			Compliance Requirements				Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
2.1	<b>History of Non-Performing Contracts</b>	Non-performance of a contract <sup>1</sup> did not occur as a result of contractor default since <b>1<sup>st</sup> January 2016. WITHIN THE PAST EIGHT (8) YEARS, PRIOR TO APPLICATION SUBMISSION DEADLINE.</b>	Must meet requirement	Must meet requirements	Must meet requirement <sup>2</sup>	N/A	Form CON-2	Disqualify
2.2	<b>Suspension Based on Execution of Application/Proposal Securing Declaration by the Employer</b>	Not under suspension based on-execution of a Application/Proposal Securing Declaration pursuant to ITA 4.5	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Letter of Application	Disqualify
2.3	<b>Pending Litigation</b>	Application's financial position	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2	Disqualify

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

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

Eligibility and prequalification Criteria			Compliance Requirements			Documentation		
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
		and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant						
2.4	<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Applicant <sup>3</sup> since <b>1<sup>st</sup> January 2016. WITHIN THE PAST EIGHT (8) YEARS, PRIOR TO APPLICATION SUBMISSION DEADLINE.</b>	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2	Disqualify
2.5	<b>Declaration: Environmenta</b>	Declare any civil work contracts that	Must make the	N/A	Each must make the	N/A	Form CON-3 ES Performance	Disqualify

<sup>3</sup> The Bidder shall provide accurate information on the related Bid Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last ten years. A consistent history of awards against the Bidder or any member of a joint venture may result in failure of the Bid.

Eligibility and prequalification Criteria			Compliance Requirements			Documentation		
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
	<b>I and Social (ES) past performance</b>	have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, or social (including sexual exploitation and assault) contractual obligations in the past five years. <sup>4</sup>	declaration. Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make the declaration.		declaration. Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make the declaration.		Declaration	
<b>3. Financial Situation and Performance</b>								
<b>3.1</b>	<b>Financial Capabilities</b>	(I) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.1, 3.3 with attachments	Disqualify

<sup>4</sup>The Employer may use this information to seek further information or clarifications in carrying out its due diligence.



Eligibility and prequalification Criteria			Compliance Requirements				Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
		not required by the laws of the Applicant’s country, other financial statements acceptable to the Employer, for the last <b>5 (five)</b> years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability.						
<b>3.2</b>	<b>Average Annual Construction Turnover</b>	Minimum average annual construction turnover of <b>US\$ 50.00 (Fifty) million</b> calculated as total certified payments received for contracts in progress and/or completed within the last <b>five</b> years, divided by <b>five</b> years	Must meet requirement	Must meet requirement	Must meet 100 %, <b>(Hundred)</b> of the requirement	Must meet 100 %, <b>(Hundred)</b> of the requirement	Form FIN – 3.2	Disqualify

Eligibility and prequalification Criteria			Compliance Requirements				Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
<b>4. Experience</b>								
<b>4.1 (a)</b>	<b>General Construction Experience</b>	Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last eight years, starting <b>1<sup>st</sup> January 2016<sup>5</sup>. EIGHT (8) YEARS. PRIOR TO APPLICATION SUBMISSION DEADLINE.</b>	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1	Disqualify

<sup>5</sup> The experience must include construction experience in Sub-Saharan Africa.

<p><b>4.2 (a)</b></p>	<p><b>Specific Construction &amp; Contract Management Experience</b></p>	<p>(I) A minimum number of similar contracts specified below that have been satisfactorily and substantially<sup>6</sup> completed as a prime contractor, joint venture member<sup>7</sup>, management contractor or sub-contractor between <b>1st January 2016</b> and application submission deadline:  <b>2 (two) contracts</b>, each of minimum value <b>US\$ 60.00 million</b>;                  Note: The Applicant shall have prior experience working in infrastructure projects in sub-Saharan African countries.                  The similarity of the contracts shall be based on the physical size, complexity, methods / technology or other</p>	<p>Must meet requirement</p>	<p>Must meet requirement<sup>8</sup></p>	<p>N/A</p>	<p>N/A</p>	<p>Form EXP 4.2(a)</p>	<p>Disqualify</p>
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		characteristics as described in Section VI, Scope of Works.						
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Eligibility and prequalification Criteria			Compliance Requirements			Documentation		
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
4.2 (b)		For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between <b>1st January 2016</b> and Application submission deadline, a minimum construction experience in the following key activities successfully completed in any one year <sup>9</sup> : <ul style="list-style-type: none"> <li>▪ Earthworks (Cut/Fills) – <b>900,000 m<sup>3</sup> in a year</b></li> </ul>	Must meet requirements	Must meet requirements	N/A	N/A	Form EXP – 4.2 (b)	Disqualify

<sup>9</sup> 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.

Eligibility and prequalification Criteria			Compliance Requirements			Documentation		
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
		<ul style="list-style-type: none"> <li>▪ Sub Base and Base Course – <b>12,000 m<sup>3</sup> in a year</b></li> <li>▪ Cement and Lime Treatment Bases –<b>70,000 m<sup>3</sup> in a year</b></li> <li>▪ Asphalt Mixes (AC &amp; PC Chippings) – <b>12,000 m<sup>3</sup> in a year</b></li> </ul>						
4.2 (c)	<b>Specific Experience in managing ES aspects</b>	For the contracts in 4.2 (a) above and/or any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or Subcontractor between <b>1st January 2019</b> and application submission	Must meet requirements	N/A	• N/A	Must meet the requirements:	Form EXP – 4.2 (c)	Disqualify

Eligibility and prequalification Criteria			Compliance Requirements			Documentation		
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
		deadline, experience in managing ES risks and impacts in the following aspects: <ul style="list-style-type: none"> <li>• Preparation and implementation of project specific environmental management plan, including monitoring and reporting</li> <li>• Developing and implementing ES management strategies and plans</li> <li>• Developing and managing code of conduct for Contractor’s personnel.</li> </ul>						
<b>5</b>	<b>Proposed personnel</b>	The Applicant shall provide details of the proposed personnel and their experience records	Must meet requirements	N/A	N/A	Must meet requirements	Forms PER-1 and PER-2	Disqualify

Eligibility and prequalification Criteria			Compliance Requirements				Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
		using Forms PER-1 and PER-2 included in Section IV, Prequalification Forms.						
6	<b>Proposed Contractor's Equipment</b>	The contractor shall provide sufficient, suitable and adequate plant in good working order for the successful completion of the works as specified under the contract. The Applicant shall provide further details of proposed items of equipment using the Form EQU in Section IV.	Must meet requirements	N/A	N/A	Must meet requirements	Form EQU	Disqualify
9.1	<b>Letter of Application on letterhead</b>		Must Meet Requirements	N/A	N/A	Must meet requirements	Sections IV Prequalification Forms	Evaluation Team to decide
9.5	<b>Correct format and signing of application</b>		Must Meet Requirements	N/A	N/A	Must meet requirements	ITB 20	Disqualify

Eligibility and prequalification Criteria			Compliance Requirements				Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements	Non-compliance penalty
				All Members Combined	Each Member	One Member		
9.6	Application document submission (1 original & 2 copies submitted)		Must Meet Requirements	N/A	N/A	Must meet requirements	ITB 20.1	Disqualify
9.7	Provision of Power of Attorney		Must Meet Requirements	N/A	N/A	Must meet requirements	ITB 20.2	Disqualify
9.8	In the case of an application submitted by a JVCA, JVCA agreement, or letter of intent to enter into a JVCA including a draft agreement		Must Meet Requirements	N/A	N/A	Must meet requirements	ITB 11(I)	Disqualify
9.9	In the case of an application submitted by a JVCA, signed undertaking for parties to be jointly and severally liable		Must Meet Requirements	N/A	N/A	Must meet requirements	ITB 20.2	Disqualify

***Note: Only Applicants who meet the requirements for responsiveness criteria will be subjected to Technical evaluation.***

### 5. Contractor's Representative and Key Personnel

The Applicant must demonstrate that it will have a suitably qualified Contractor's Representative and suitably qualified (and in adequate numbers) Key Personnel, as described in the table below.

The Applicant shall provide details of the Contractor's Representative and Key Personnel and such other Key Personnel that the Applicant considers appropriate to perform the Contract, together with their academic qualifications and work experience. The Applicant shall complete the relevant Forms in Section IV, Prequalification Forms.

The Contractor shall require the Employer's consent to substitute or replace the Contractor's Representative (reference General Conditions of Contract Sub Clause 4.3) and any of the Key Personnel (reference the Particular Conditions of Contract Sub Clause 1.1.2.7).

#### Contractor's Representative and Key Personnel,

No.	Position	Relevant academic qualifications	Total Work Experience (years)	Experience In Similar Works (years)	Nationality
1	BRANCH MANAGER/COUNTRY MANAGER	Bachelor's degree in civil/highway engineering, business, management or related field.	15	7	Foreign/ Local
2	FINANCIAL MANAGER/ CHIEF ACCOUNTANT.	Bachelor's degree in finance, business or commerce	15	7	Foreign/ Local
3	PROJECT MANAGER (Contractor Representative)	Bachelor's degree in civil or highway engineering; Registered Engineer	15	10	Foreign/ Local
4	DEPUTY PROJECT MANAGER (Deputy Contractor Representative)	Bachelor's degree in civil or highway engineering; Registered Engineer	15	10	Local
5	EARTHWORKS/ROADS ENGINEER	Bachelor's degree in civil or highway engineering	15	10	Foreign/ Local

No.	Position	Relevant academic qualifications	Total Work Experience (years)	Experience In Similar Works (years)	Nationality
		Registered Engineer			
6	DRAINAGE ENGINEER	Bachelor's degree in civil or drainage engineering Registered Engineer	15	10	Foreign/ Local
7	PAVEMENT ENGINEER	Bachelor's degree in civil or pavement engineering Registered Engineer	15	10	Foreign/ Local
8	MATERIALS ENGINEER (WITH EARTHWORKS, STRUCTURAL CONCRETE, AC AND AC EXPERIENCE)	Bachelor's degree in civil or materials engineering Registered Engineer	20	15	Foreign/ Local
9	SENIOR SURVEYOR.	Bachelor's degree in land surveying	10	7	Local
10	BRIDGE ENGINEER	Bachelor's degree in civil or structural engineering Registered Engineer	15	10	Foreign/ Local
11	PLANT/EQUIPMENT MANAGER.	Diploma in mechanical or plant engineering	10	7	Foreign/ Local
12	ASPHALT PLANT MANAGER	Certificate in asphalt plant operations	10	7	Foreign/ Local
13	SUPERINTENDENT EARTHWORKS.	Diploma in civil engineering	10	7	Local
14	SUPERINTENDENT DRAINAGE WORKS.	Diploma in civil engineering	10	7	Foreign/ Local
15	SUPERINTENDENT BITUMINOUS WORKS	Diploma in civil engineering	10	7	Foreign/ Local
16	SUPERINTENDENT BRIDGE WORKS	Diploma in civil or structural engineering	10	7	Foreign/ Local

No.	Position	Relevant academic qualifications	Total Work Experience (years)	Experience In Similar Works (years)	Nationality
17	ENVIRONMENTAL SAFEGUARDS SPECIALIST	Bachelor's degree in environmental science	7	4	Local
18	SOCIAL SAFEGUARDS SPECIALIST	Bachelor's degree in sociology	7	4	Local
19	HEALTH AND SAFETY SAFEGUARDS SPECIALIST	Bachelor's degree plus diploma in health and safety	7	4	Local

*\*Branch Manager/Country Manager and Financial Manager/Chief Accountant (or equivalent) will be expected to be resident in the country of the Employer and will be directly involved in administration and coordination of the Contractor's works resources in the execution of the contract.*

All the above-named Personnel **must** be fluent in written and spoken English. Fluency in written and spoken English is subject to Employer's consent and **shall be assessed by the Employer prior to deployment** of the above personnel by the Contractor.

The Applicant shall provide details of the proposed personnel and their experience records using Forms PER-1 and PER-2 included in Section IV, Prequalification Forms.

## 6 Equipment

The Applicant must demonstrate that it has the key equipment listed hereafter:

No.	Equipment Type and Characteristics	Minimum Number required	Owned Equipment	Equipment To be acquired	Total to be made available for the project
1.	Bulldozer CAT D8 Or Equivalent	6			
2.	Grader CAT 140H Or Equivalent	10			
3.	Pulvimixer/Soil Stabiliser CAT RM250 Or Equivalent	6			
4.	Stationery Stabilized soil mixing plant 300T/HR Or Equivalent	1			

No.	Equipment Type and Characteristics	Minimum Number required	Owned Equipment	Equipment To be acquired	Total to be made available for the project
5.	Asphalt Plant 140T/HR	1			
6.	Asphalt Paver/Finisher capable of laying pavement layers to full width of construction	3			
7.	Roller Self Propelled,				
a	Roller Self Propelled: 20T Pneumatic	4			
b	Roller Self Propelled: 15T Smooth Single Drum Vibratory	8			
c	Roller Self Propelled: 20T Sheep Foot roller	8			
d	Roller Self Propelled: Tandem vibrating drum asphalt roller	3			
8.	Hydraulic Excavator CAT 322 or Equivalent with Rock Hammer	6			
9.	Wheel Loader 4WD Articulated CAT 950 or Equivalent	8			
10.	Backhoe Loader CAT 426 or Equivalent	2			
11.	Low Loader 30T Capacity	2			
12.	Tipper Truck 16-25T Gross Capacity	60			
13.	Water Tanker 20,000L Capacity	20			
14.	Pressure Bitumen Distributor min 5,000L	2			
15.	Chip Spreader Self Propelled	2			
16.	Crusher and associated Power Screens 250T/HR	1			
17.	Quarry Drilling Machine	2			
18.	Quarry Dump Truck 20T Capacity	3			

No.	Equipment Type and Characteristics	Minimum Number required	Owned Equipment	Equipment To be acquired	Total to be made available for the project
19.	Concrete Mixer 3m <sup>3</sup> Capacity	6			
20.	Concrete Truck mixer min 7m <sup>3</sup>	4			
21.	Crane 20T Capacity	1			
22.	Crane 60T Capacity	1			
23.	Concrete batching Plant (Min output 30m <sup>3</sup> /hr)	1			
24.	Pugmill 250T Capacity: 3No.Bins & Full Logic Control	1			

*Important Note: Successful applicants to provide proof that at least 50% of the equipment are owned by the Applicant shall be expected in the **second stage** of procurement process (Qualification stage) including attachment of certified copies logbooks or equivalent.*

# Section IV - Prequalification Forms

## Table of Forms

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## Letter of Application

***INSTRUCTIONS TO APPLICANTS: DELETE THIS BOX ONCE YOU HAVE COMPLETED THE DOCUMENT***

*The Applicant must prepare this Letter of Application on stationery with its letterhead clearly showing the Applicant's complete name and business address.*

*Note: All italicized text is to help Applicants in preparing this form.*

**Date of this Application submission:** *[insert date (as day, month and year) of Application submission]*

**Request for EOI No.:** *[insert identification]*

**Alternative No.:** *[insert identification No if this is an Application for an alternative]*

**To:** *[insert complete name of Employer]*

We, the undersigned, declare that:

- (a) **No reservations:** We have examined and have no reservations to the Prequalification document, including Addenda issued in accordance with ITB 8;
- (b) **Eligibility:** We meet the eligibility requirements and have no conflict of interest in accordance with ITB 4;
- (c) **Conformity:** We offer to execute in conformity with the Prequalification document and in accordance with the implementation and completion specified in the construction schedule, the following Works: *[insert a brief description of the Works]*;

\_\_\_\_\_;

(ii) The exact method of calculations to determine the net price after application of discounts is shown below: *[Specify in detail the method that shall be used to apply the discounts]*;

- (d) **One Application Per Applicant:** We are not submitting any other Application(s) as an individual Applicant, and we are not participating in any other Application(s) as a Joint Venture member or as a subcontractor, in this specific Lot and meet the requirements of ITA 4.3, other than alternative Applications submitted in accordance with ITA 13;
- (e) **Suspension:** We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the World Bank Group or a debarment imposed by the World Bank Group in accordance with the Agreement for Mutual Enforcement of Debarment Decisions between the World Bank and other development Funds. Further, we are not ineligible under the Employer's Country laws or official regulations or pursuant to a decision of the United Nations Security Council;

- (f) **State-owned enterprise or institution:** *[select the appropriate option and delete the other] [We are not a state-owned enterprise or institution] / [We are a state-owned enterprise or institution but meet the requirements of ITB 4.6];*
- (g) **Commissions, gratuities, fees:** We have paid, or will pay the following commissions, gratuities, or fees with respect to the Prequalification process or execution of the Contract: *[insert complete name of each Recipient, its full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission or gratuity]*

Name of Recipient	Address	Reason	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*(If none has been paid or is to be paid, indicate “none.”)*

- (h) **Not Bound to Accept:** We understand that you are not bound to our application or any other application that you may receive;
- (i) **Fraud and Corruption:** We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.

**Name of the Applicant:** *\*[insert complete name of person signing the Application]*

**Name of the person duly authorized to sign the Application on behalf of the Applicant:** *\*\* [insert complete name of person duly authorized to sign the Application]*

**Title of the person signing the Application:** *[insert complete title of the person signing the Application]*

**Signature of the person named above:** *[insert signature of person whose name and capacity are shown above]*

**Date signed** *[insert date of signing]* **day of** *[insert month], [insert year]*

Date signed \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**\***: In the case of the Application submitted by joint venture specify the name of the Joint Venture as Applicant

**\*\***: Person signing the Application shall have the power of attorney given by the Applicant to be attached with the Application

## **Appreciation of the Assignment**

In this section, the applicant should provide statement on their appreciation of the assignment including but not limited to comments on Site Organization, Method Statement, Mobilization Schedule, Construction Schedule, ESHS Management Strategies and Implementation Plans (local content, MSIP&ES risk, Labour Influx and Quality Assurance Systems), Code of Conduct (ESHS)

### Form PER -1

## Contractor’s Representative and Key Personnel Schedule

Applicants should provide the names and details of the suitably qualified Contractor’s Representative and Key Personnel to perform the Contract. The data on their experience should be supplied using the Form PER-2 below for each candidate.

#### Contractor’ Representative and Key Personnel

1.	<b>Title of position:</b> Contractor’s Representative	
	<b>Name of candidate:</b>	
	<b>Duration of appointment:</b>	<i>[insert the whole period (start and end dates) for which this position will be engaged]</i>
	<b>Time commitment for this position:</b>	<i>[insert the number of days/week/months/ that has been scheduled for this position]</i>
	<b>Expected time schedule for this position:</b>	<i>[insert the expected time schedule for this position (e.g. attach high level Gantt chart)]</i>
2.	<b>Title of position:</b> <i>[Environmental Specialist]</i>	
	<b>Name of candidate:</b>	
	<b>Duration of appointment:</b>	<i>[insert the whole period (start and end dates) for which this position will be engaged]</i>
	<b>Time commitment for this position:</b>	<i>[insert the number of days/week/months/ that has been scheduled for this position]</i>
	<b>Expected time schedule for this position:</b>	<i>[insert the expected time schedule for this position (e.g. attach high level Gantt chart)]</i>
3.	<b>Title of position:</b> <i>[Health and Safety Specialist]</i>	
	<b>Name of candidate:</b>	
	<b>Duration of appointment:</b>	<i>[insert the whole period (start and end dates) for which this position will be engaged]</i>
	<b>Time commitment for this position:</b>	<i>[insert the number of days/week/months/ that has been scheduled for this position]</i>
	<b>Expected time schedule for this position:</b>	<i>[insert the expected time schedule for this position (e.g. attach high level Gantt chart)]</i>
4.	<b>Title of position:</b> <i>[Social Specialist]</i>	
	<b>Name of candidate:</b>	
	<b>Duration of appointment:</b>	<i>[insert the whole period (start and end dates) for which this position will be engaged]</i>
	<b>Time commitment for this position:</b>	<i>[insert the number of days/week/months/ that has been scheduled for this position]</i>

	<b>Expected time schedule for this position:</b>	<i>[insert the expected time schedule for this position (e.g. attach high level Gantt chart)]</i>
<b>5.</b>	<b>Title of position: Sexual Exploitation, Abuse and Harassment Expert</b>	
	<i>[Where a Project SEA risks are assessed to be substantial or high, Key Personnel shall include an expert with relevant experience in addressing sexual exploitation, sexual abuse and sexual harassment cases]</i>	
	<b>Name of candidate</b>	
	<b>Duration of appointment:</b>	<i>[insert the whole period (start and end dates) for which this position will be engaged]</i>
	<b>Time commitment for this position:</b>	<i>[insert the number of days/week/months/ that has been scheduled for this position]</i>
	<b>Expected time schedule for this position:</b>	<i>[insert the expected time schedule for this position (e.g. attach high level Gantt chart)]</i>
<b>6.</b>	<b>Title of position:</b> <i>[insert title]</i>	
	<b>Name of candidate</b>	
	<b>Duration of appointment:</b>	<i>[insert the whole period (start and end dates) for which this position will be engaged]</i>
	<b>Time commitment for this position:</b>	<i>[insert the number of days/week/months/ that has been scheduled for this position]</i>
	<b>Expected time schedule for this position:</b>	<i>[insert the expected time schedule for this position (e.g. attach high level Gantt chart)]</i>

**Form PER-2:  
Resume and Declaration  
Contractor’s Representative and Key Personnel**

<b>Name of Applicant</b>
--------------------------

<b>Position [#1]:</b> <i>[title of position from Form PER-1]</i>											
<b>Personnel information</b>	<table border="1"> <tr> <td><b>Name:</b></td> <td><b>Date of birth:</b></td> </tr> <tr> <td><b>Address:</b></td> <td><b>E-mail:</b></td> </tr> <tr> <td colspan="2"><b>Professional qualifications:</b></td> </tr> <tr> <td colspan="2"><b>Academic qualifications:</b></td> </tr> <tr> <td colspan="2"><b>Language proficiency:</b><i>[language and levels of speaking, reading and writing skills]</i></td> </tr> </table>	<b>Name:</b>	<b>Date of birth:</b>	<b>Address:</b>	<b>E-mail:</b>	<b>Professional qualifications:</b>		<b>Academic qualifications:</b>		<b>Language proficiency:</b> <i>[language and levels of speaking, reading and writing skills]</i>	
<b>Name:</b>	<b>Date of birth:</b>										
<b>Address:</b>	<b>E-mail:</b>										
<b>Professional qualifications:</b>											
<b>Academic qualifications:</b>											
<b>Language proficiency:</b> <i>[language and levels of speaking, reading and writing skills]</i>											
<b>Details</b>	<table border="1"> <tr> <td colspan="2"><b>Address of employer:</b></td> </tr> <tr> <td><b>Telephone:</b></td> <td><b>Contact (manager / personnel officer):</b></td> </tr> <tr> <td><b>Fax:</b></td> <td></td> </tr> <tr> <td><b>Job title:</b></td> <td><b>Years with present employer:</b></td> </tr> </table>	<b>Address of employer:</b>		<b>Telephone:</b>	<b>Contact (manager / personnel officer):</b>	<b>Fax:</b>		<b>Job title:</b>	<b>Years with present employer:</b>		
<b>Address of employer:</b>											
<b>Telephone:</b>	<b>Contact (manager / personnel officer):</b>										
<b>Fax:</b>											
<b>Job title:</b>	<b>Years with present employer:</b>										

Summarize professional experience in reverse chronological order. Indicate particular technical and managerial experience relevant to the project.

<b>Project</b>	<b>Role</b>	<b>Duration of involvement</b>	<b>Relevant experience</b>
<i>[main project details]</i>	<i>[role and responsibilities on the project]</i>	<i>[time in role]</i>	<i>[describe the experience relevant to this position]</i>

**Important Note:** Successful applicants to provide declaration by the proposed staff of their availability and commitment to the project shall be expected in the second stage of procurement process (Qualification stage) including attachment of certificates and testimonials.

### Form EQU Applicant Equipment Holding

No.	Equipment Type and Characteristics	Minimum Number required	Owned Equipment	Equipment To be acquired	Total to be made available for the project
1.	Bulldozer CAT D8 Or Equivalent	6			
2.	Grader CAT 140H Or Equivalent	10			
3.	Pulvimixer/Soil Stabiliser CAT RM250 Or Equivalent	6			
4.	Stationery Stabilized soil mixing plant 300T/HR Or Equivalent	1			
5.	Asphalt Plant 140T/HR	1			
6.	Asphalt Paver/Finisher capable of laying pavement layers to full width of construction	3			
7.	Roller Self Propelled,				
a	Roller Self Propelled: 20T Pneumatic	4			
b	Roller Self Propelled: 15T Smooth Single Drum Vibratory	8			
c	Roller Self Propelled: 20T Sheep Foot roller	8			
d	Roller Self Propelled: Tandem vibrating drum asphalt roller	3			
8.	Hydraulic Excavator CAT 322 or Equivalent with Rock Hammer	6			
9.	Wheel Loader 4WD Articulated CAT 950 or Equivalent	8			
10.	Backhoe Loader CAT 426 or Equivalent	2			
11.	Low Loader 30T Capacity	2			
12.	Tipper Truck 16-25T Gross Capacity	60			
13.	Water Tanker 20,000L Capacity	20			
14.	Pressure Bitumen Distributor min 5,000L	2			

No.	Equipment Type and Characteristics	Minimum Number required	Owned Equipment	Equipment To be acquired	Total to be made available for the project
15.	Chip Spreader Self Propelled	2			
16.	Crusher and associated Power Screens 250T/HR	1			
17.	Quarry Drilling Machine	2			
18.	Quarry Dump Truck 20T Capacity	3			
19.	Concrete Mixer 3m <sup>3</sup> Capacity	6			
20.	Concrete Truck mixer min 7m <sup>3</sup>	4			
21.	Crane 20T Capacity	1			
22.	Crane 60T Capacity	1			
23.	Concrete batching Plant (Min output 30m <sup>3</sup> /hr)	1			
24.	Pugmill 250T Capacity: 3No.Bins & Full Logic Control	1			

## **Applicants Qualification**

To establish its qualifications to perform the contract in accordance with Section III, Evaluation and Qualification Criteria the Applicant shall provide the information requested in the corresponding Information Sheets included hereunder.

## Form ELI -1.1

# Applicant Information Form

Date: \_\_\_\_\_  
 REOI No. and title: \_\_\_\_\_  
 Page \_\_\_\_\_ of \_\_\_\_\_ pages

Applicant's name
In case of Joint Venture (JV), name of each member:
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation:
Applicant's legal address [in country of registration]:
Applicant's authorized representative information Name: _____ Address: _____ Telephone/Fax numbers: _____ E-mail address: _____
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.4 <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1 <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 4.6, documents establishing: <ul style="list-style-type: none"> <li>• Legal and financial autonomy</li> <li>• Operation under commercial law</li> <li>• Establishing that the Applicant is not under the supervision of the Employer</li> </ul> 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

**Form ELI -1.2**

## Applicant's JV Information Form

(to be completed for each member of Applicant's JV)

Date: \_\_\_\_\_  
 REOI No. and title: \_\_\_\_\_  
 Page \_\_\_\_\_ of \_\_\_\_\_ pages

Applicant's JV name:
JV member's name:
JV member's country of registration:
JV member's year of constitution:
JV member's legal address in country of constitution:
JV member's authorized representative information Name: _____ Address: _____ Telephone/Fax numbers: _____ E-mail address: _____
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 4.4. <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and that they are not under the supervision of the Employer, in accordance with ITA 4.6. 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

**Form CON – 2**

**Historical Contract Non-Performance, Pending Litigation and Litigation History**

Applicant’s Name: \_\_\_\_\_

Date: \_\_\_\_\_

JV Member’s Name \_\_\_\_\_

REOI No. and title: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ pages

**Non-Performed Contracts in accordance with Section III, Evaluation and Qualification Criteria**

- Contract non-performance did not occur since 1<sup>st</sup> January **2016** specified in Section III, Evaluation and Qualification Criteria, Sub-Factor 2.1.
- Contract(s) not performed since 1<sup>st</sup> January **2016** specified in Section III, Evaluation and Qualification Criteria, requirement 2.1

<b>Year</b>	<b>Non-performed portion of contract</b>	<b>Contract Identification</b>	<b>Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)</b>
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for nonperformance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

**Pending Litigation, in accordance with Section III, Evaluation and Qualification Criteria**

- No pending litigation in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.3.
- Pending litigation in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.3 as indicated below.

Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
		Contract Identification: _____ Name of Employer: _____ Address of Employer: _____ Matter in dispute: _____ Party who initiated the dispute: _____  Status of dispute: _____	
		Contract Identification: Name of Employer: Address of Employer: Matter in dispute: Party who initiated the dispute: Status of dispute:	

Litigation History in accordance with Section III, Evaluation and Qualification Criteria

- No Litigation History in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.
- Litigation History in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4 as indicated below.

Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer" or "Contractor"]</i> Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

## Form CON – 3

### Environmental and Social Performance Declaration

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

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

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

Joint Venture Member’s or Specialized Subcontractor’s Name: *[insert full name]*

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

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

Environmental and Social Performance Declaration in accordance with Section III, Qualification Criteria, and Requirements			
<input type="checkbox"/> <b>No suspension or termination of contract:</b> An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental or Social (ES) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5.			
<input type="checkbox"/> <b>Declaration of suspension or termination of contract:</b> The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental or Social (ES) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below:			
Year	Suspended or terminated portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for suspension or termination: <i>[indicate main reason(s) e.g. gender-based violence; sexual exploitation or assault breaches]</i>	<i>[insert amount]</i>
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for suspension or termination: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
...	...	<i>[list all applicable contracts]</i>	...
<b>Performance Security called by an employer(s) for reasons related to ES performance</b>			

Year	Contract Identification	Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)
<i>[insert year]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for calling of performance security: <i>[indicate main reason(s) e.g. for gender-based violence; sexual exploitation or assault breaches]</i>	<i>[insert amount]</i>

## Form FIN – 3.1: Financial Situation and Performance

Applicant’s Name: \_\_\_\_\_

Date: \_\_\_\_\_

JV Member’s Name \_\_\_\_\_

REOI No. and title: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ pages

### 1. Financial data

Type of Financial information in (currency)	Historic information for previous _____ years, _____				
	(amount in currency, currency, exchange rate*, USD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year n
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

\*Refer to ITA 15 for the exchange rate

## 2. Sources of Finance

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (US\$ equivalent)
1		
2		
3		

## 2. Financial documents

The Applicant and its parties shall provide copies of financial statements for *last 5 years* pursuant Section III, Evaluation and Qualifications Criteria, Sub-factor 3.1. The financial statements shall:

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

Attached are copies of financial statements<sup>1</sup> for the \_\_\_\_\_ required above; and complying with the requirements

Provide list of ongoing contracts with percentage of completion. The Applicant will also submit the Employer's certification counter-certified by project supervisor (Engineer) that the Applicant is not having any financial or performance difficulties in executing the project.

<sup>1</sup> If the most recent set of financial statements is for a period earlier than 12 months from the date of Bid, the reason for this should be justified.

**Form FIN – 3.2:**

**Average Annual Construction Turnover**

Applicant’s Name: \_\_\_\_\_

Date: \_\_\_\_\_

JV Member’s Name \_\_\_\_\_

REOI No. and title: \_\_\_\_\_

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		<b>Annual turnover data (construction only)</b>	
<b>Year</b>	<b>Amount Currency</b>	<b>Exchange rate</b>	<b>USD equivalent</b>
<i>[indicate year]</i>	<i>[insert amount and indicate currency]</i>		
Average Annual Construction Turnover *			

\* See Section III, Evaluation and Qualification Criteria, Sub-Factor 3.2.

**Form FIN – 3.3:****Financial Resources**

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, Evaluation and Qualification Criteria

<b>Financial Resources</b>		
<b>No.</b>	<b>Source of financing</b>	<b>Amount (US\$ equivalent)</b>
1		
2		
3		

**Form FIN – 3.4:****Current Contract Commitments / Works in Progress**

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.

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

**Form EXP - 4.1**

**General Construction Experience**

Applicant's Name: \_\_\_\_\_

Date: \_\_\_\_\_

JV Member's Name \_\_\_\_\_

REOI No. and title: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ pages

Starting Year	Ending Year	Contract Identification	Role of Applicant
		Contract name: _____ Brief Description of the Works performed by the Applicant: _____ Amount of contract: _____ Name of Employer: _____ Address: _____	
		Contract name: _____ Brief Description of the Works performed by the Applicant: _____ Amount of contract: _____ Name of Employer: _____ Address: _____	
		Contract name: _____ Brief Description of the Works performed by the Applicant: _____ Amount of contract: _____ Name of Employer: _____ Address: _____	

**Form EXP - 4.2(a)**

**Specific Construction and Contract Management Experience**

Applicant's Name: \_\_\_\_\_

Date: \_\_\_\_\_

JV Member's Name \_\_\_\_\_

REOI No. and title: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ pages

Similar Contract No.	Information			
Contract Identification				
Award date				
Completion date				
Role in Contract	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount				US\$
If member in a JV or sub-contractor, specify participation in total Contract amount				
Employer's Name:				
Address: Telephone/fax number E-mail:				

**Form EXP - 4.2(a) (cont.)****Specific Construction and Contract Management Experience (cont.)**

<b>Similar Contract No.</b>	<b>Information</b>
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	
2. Physical size of required works items	
3. Complexity	
4. Methods/Technology	
5. Construction rate for key activities	
6. Other Characteristics	

**Form EXP - 4.2(b)**

**Construction Experience in Key Activities**

Applicant's Name: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's JV Member Name: \_\_\_\_\_

Sub-contractor's Name<sup>2</sup> (as per ITB 34): \_\_\_\_\_

REOI No. and title: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ pages

All Sub-contractors for key activities must complete the information in this form as per ITB 34 and Section III, Evaluation and Qualification Criteria, Sub-Factor 4.2.

1. Key Activity No One: \_\_\_\_\_

<b>Information</b>				
Contract Identification				
Award date				
Completion date				
Role in Contract	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount			US\$	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year	Total quantity in the contract (I)	Percentage participation (ii)		Actual Quantity Performed (I) x (ii)
Year 1				
Year 2				
Year 3				
Year 4				
Employer's Name:				

<sup>2</sup> If applicable

	<b>Information</b>
Address: Telephone/fax number E-mail:	

	<b>Information</b>
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	

.....  
2. Activity No. Two 3.

**Form EXP - 4.2(c)**

**Specific Experience in Managing ES aspects**

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

Applicant's Name: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Applicant's JV Member Name: \_\_\_\_\_  
 REOI No. and title: \_\_\_\_\_  
 Page \_\_\_\_\_ of \_\_\_\_\_ pages

1. Key Requirement no 1 in accordance with 4.2 (c): \_\_\_\_\_

Contract Identification				
Award date				
Completion date				
Role in Contract	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Subcontractor <input type="checkbox"/>
Total Contract Amount			US\$	
Details of relevant experience				

2. Key Requirement no 2 in accordance with 4.2 (c): \_\_\_\_\_

3. Key Requirement no 3 in accordance with 4.2 (c): \_\_\_\_\_

...



## Section V - Eligible Countries

This section should be read in conjunction with ITB 4 of Instructions to Applicants.

- 4.1 An Applicant may be a natural person, private Entity, subject to ITB sub-Clause 4.5 or any combination of them with a formal intent to enter into an agreement or under an existing agreement in the form of a joint venture, consortium, or association. In the case of a joint venture, consortium, or association, unless otherwise specified in the Application Data Sheet, all parties shall be jointly and severally liable.
- 4.2 The invitation for Applications is open to all Eligible Applicants as defined in the Public Procurement & Disposal Act, 2005 Regulations, except as provided hereinafter.
- 4.3 National Applicants shall satisfy all relevant licensing and/or registration requirements with the appropriate statutory bodies in Kenya. Foreign Applicants are exempted from this requirement but where selected as having submitted the lowest evaluated application the successful Applicant shall register with the appropriate statutory body and shall be required to submit evidence of registration as an approved contractor in Kenya before signing the contract.
- 4.5 Local Contractors have to show evidence that they are registered as Class NCA1\*\* in Kenya. Foreign Contractors have to show evidence that they are registered to a Class equivalent to NCA 1<sup>1</sup> in their own country.
- 4.4 An Application shall not have a conflict of interest. All Applicants found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest with one or more parties in this Prequalification process, if they:
  - a) Are associated or have been associated in the past, directly or indirectly with a firm or any of its affiliates which have been engaged by the Procuring Entity to provide consulting services for the preparation of the design, specifications and other documents to be used for the procurement of the works to be purchased under this Invitation for Applications.
  - b) have controlling shareholders in common; or
  - c) receive or have received any direct or indirect subsidy from any of them; or
  - d) have the same legal representative for purposes of this Application; or
  - e) have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the Application of another Applicant, or influence the decisions of the Procuring Entity regarding this Prequalification process; or
  - f) submit more than one Application in this Prequalification process, However, this does not limit the participation of subcontractors in more than one Application, or as Applicants and subcontractors simultaneously: or
  - g) Participated as a consultant in the preparation of the design or technical specifications of the goods and related services that are the subject of the Application.
- 4.5 Applicants shall not be under a declaration of ineligibility for corrupt and fraudulent practices issued by the Government of the Republic of Kenya.

<sup>1</sup>Class NCA1- Unlimited Contract Value [Contractors-Building], Unlimited Contract Value [Specialist Contractors], Unlimited Contract Value [Roads and other Civil Works] as per the National Construction Authority (NCA) of Kenya.

- 4.6 Government owned enterprises in the Republic of Kenya or outside shall not be permitted to Application or submit a proposal for the procurement of goods or works under the project.
- 4.7 Applicants shall provide such evidence of their continued eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.



# Section VI - Fraud and Corruption

## *1. Purpose*

The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (no. 33 of 2015) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Contracts that are governed by the laws of Kenya.

## *2. Requirements*

2.1 The Government of Kenya requires that all parties including Procuring Entities, Tenderers, (applicants/proposers), Consultants, Contractors and Suppliers; any Sub-contractors, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and contract execution of all contracts, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.

2.2 Kenya's public procurement and asset disposal act (no. 33 of 2015) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behaviour:

- 1) A person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or asset disposal proceeding;
- 2) A person referred to under subsection (1) who contravenes the provisions of that sub-section commits an offence;
- 3) Without limiting the generality of the subsection (1) and (2), the person shall be—
  - a) Disqualified from entering into a contract for a procurement or asset disposal proceeding; or
  - b) If a contract has already been entered into with the person, the contract shall be voidable;
- 4) The voiding of a contract by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;
- 5) An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement—
  - a) Shall not take part in the procurement proceedings;
  - b) Shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract; and
  - c) Shall not be a subcontractor for the Applicant to whom was awarded contract, or a member of the group of Applicants to whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.

6) An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;

7) If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5) (a) and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or indirect pecuniary interest, the contract shall be terminated and all costs incurred by the public entity shall be made good by the awarding officer. Etc.

2.3 In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:

a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:

i) “corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;

ii) “fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;

iii) “Collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;

iv) “Coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;

v) “Obstructive practice” is:

- deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or

- acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3 e. below.

b) Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:

"fraudulent practice" includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.

c) Rejects a proposal for award of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers

and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;

d) Pursuant to the Kenya's above stated Acts and Regulations, may sanction or recommend to appropriate authority(ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;

e) Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority appointed by Government of Kenya; and

f) Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a “Self-Declaration Form” as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.



## **PART 2 –Works' Requirements**



## Scope of Works

### LOCATION AND EXTENT OF SITE

#### Project Road Description

The project road is wholly situated in Wajir County and it is 90km long. The start of the project road is about 66 km from Modogashe town along the A13 road. The end point is at Wajir town at the intersection between Wajir – Moyale (A14) and Samatar - Wajir roads (A13) within Wajir town. The Samatar – Wajir road is classified as class ‘A13’ road.

Start Point			End Point		
Latitude	Longitude	Elevation	Latitude	Longitude	Elevation
N 122142.41	E 567396.45	229 m	N 193642.53	E 617651.22	259m

The road corridor is within the security volatile area. However care has been taken within the Contract provisions for adequate security for the works and staff within the project.

### 102 EXTENT OF CONTRACT

The works to be executed under the Contract shall comprise the construction to bitumen standard of single carriageway road 7.0m wide with 2.0m wide shoulders on both sides. The main works shall comprise of but not limited to the following:

- 1) Site clearance and topsoil removal
- 2) Earthworks
- 3) Drainage works including Construction of pipe culverts and Box culverts of varying sizes.
- 4) Service roads 6.5m wide with 1.5 m footpath on either side in urban areas.
- 5) Construction of a Bridge at Laghabogal.
- 6) Construction of 175mm thick sub base with cement/lime improved gravel extending to shoulders.
- 7) Construct 150mm thick cement/lime stabilized gravel base extending to shoulder.
- 8) Single surface dressing using 10/14 mm chippings.
- 9) Laying of 75mm (0/20mm) thick binder course Asphalt concrete (SUPERPAVE) on the carriageway and 50mm on shoulders.
- 10) Construction of Engineers accommodation, Offices, Laboratory and security command post.
- 11) Road signs, Road furniture, Road marking and street lighting as per drawings and specifications.
- 12) The Environmental and Social Management Monitoring Plan and mitigation.

- 13) Maintaining the free passage of traffic for the duration of the works.
- 14) Other works ancillary works as directed by the Engineer.

The Works detailed above are only indicative of the scope of works associated with this contract and the Engineer may, where necessary, substitute some of the works with others within the project areas without substantially altering the overall scope of the works. Work shall be measured and paid using the relevant rates and prices in the Bill of Quantities.

The works will also include for any operations necessary for the safe and convenient passage of traffic at all times.

Compliance with Specification: All material, plant, labour and workmanship in and connected with the execution of the works shall be the best of their respective kinds without regard to any trade terms and the Contractor shall comply with these and all other respects with the relevant Clauses in the Specification and shall carry out the Contract in a proper and workmanship like manner and in strict accordance with Specifications, Working Drawings and Instructions of the Engineer.

## **Sustainable Procurement**

The Contractor will give an undertaking and a proposal on ensure the following are adhered to during the project implementation: -

- Not less than 33% of the unskilled labor workforce, as measured in the monthly labor return shall be women.
- Contractor shall make available internships for durations approved by the Employer for graduates in the fields of civil engineering, mechanical engineering, surveying, project management or other field approved by the Employer. The cost of interns shall be covered by the employer while the Contractor is required to plan and provide the necessary on job training to the interns.
- The Employer will process a maximum of 15 No. Work Permits of foreign personnel under this Contract. All other staff engaged by the Contractor shall be of local citizenship