



## **INITIAL SELECTION DOCUMENTS FOR PROCUREMENT OF WORKS**

### ***DESIGN AND BUILD***

**EMPLOYER:** KENYA ELECTRICITY GENERATING COMPANY PLC (KENGEN)

**PROJECT:** SEVEN FORKS SOLAR PHOTOVOLTAIC (PV) POWER PROJECT

**COUNTRY:** KENYA

**INVITATION FOR INITIAL SELECTION No.:** KGN-BDD-007-2025

**ISSUED ON 27 MAY, 2025**

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## **PART I – Initial Selection Procedures**

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## A. General

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| <b>1 Scope of Application</b> | 1.1 In connection with the invitation for Initial Selection indicated in Section II, Initial Selection Data Sheet ( <b>ISDS</b> ), the Employer, as defined in the <b>ISDS</b> , issues these Initial Selection Documents ("Initial Selection Documents") to prospective applicants ("Applicants") interested in submitting applications ("Applications") for Initial Selection for the Works (Design, Build and Operate or Design and Build, as <b>specified in the ISDS</b> ) described in Section VII, Scope of Employer's Requirement.  |
| <b>2 Source of Funds</b>      | 2.1 The Employer <b>specified in the ISDS</b> has received or has applied for financing (hereinafter called "funds") from <i>Agence Française de Développement</i> (hereinafter called " <b>AFD</b> ") toward the project named <b>in the ISDS</b> . The Employer intends to apply a portion of the funds to eligible payments under the contract(s) for which these Initial Selection Documents are issued.  |
| <b>3 Prohibited Practices</b> | <p>3.1 AFD requires compliance with its policy regarding corrupt and fraudulent practices as set forth in Section VI - AFD Policy - Prohibited Practices - environmental and social responsibility.</p> <p>3.2 In further pursuance of this policy, Applicants shall permit and shall cause their subcontractors and subconsultants, to permit AFD to inspect all accounts, records and other documents relating to the submission of the Application, Bid submission (in case of Initial Selection), and contract performance (in the case of award), and to have them audited by auditors appointed by AFD.</p> |
| <b>4 Eligible Applicants</b>  | 4.1 An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 4.3 - 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 an authorized 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 Initial Selection process, Bidding (in the event the JV submits Bid) and during contract execution (in the event the JV is awarded the Contract). Unless specified **in the ISDS**, there is no limit on the number of members in a JV.

- 4.2 A firm may apply for initial selection both individually, and as part of a joint venture, or as a subcontractor. If initially selected, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture. However, a firm may participate as a subcontractor in more than one Application, but only in that capacity. Applications submitted in violation of this procedure will be rejected.
- 4.3 AFD's eligibility criteria for initial selection are described in Section V, Eligibility Criteria.
- 4.4 Applicants shall not have a conflict of interest. Any Applicant found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest for the purpose of this initial selection 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 initial selection process; or

- e) Any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the Works that are the subject of the initial selection; or
  - f) Any of its affiliates has been hired (or is proposed to be hired) by the Employer as Employer's Representative for the Contract implementation; or
  - g) Has a close business or family relationship with a professional staff of the Employer (or of the project implementing agency, or of a recipient of a part of the Funds who: (i) are directly or indirectly involved in the preparation of Initial Selection Documents or specifications of the contract, and/or the initial selection evaluation process; or (ii) would be involved in the implementation or supervision of such contract unless the conflict stemming from such relationship has been resolved in a manner acceptable to AFD throughout the procurement process and execution of the contract.
- 4.5 An Applicant shall not be under suspension from submitting an Application by the Employer as the result of the execution of a Bid-Securing Declaration.
- 4.6 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.



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| <b>5 Eligible Materials, Equipment and Services</b> | 5.1 The materials, equipment and services to be supplied under the Contract and financed by AFD may have their origin in any country subject to the restrictions specified in Section V, Eligibility Criteria, and all expenditures under the Contract will not contravene such restrictions. |
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### **B. Contents of the Initial Selection Documents**

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| <b>6 Sections of Initial Selection Documents</b> | 6.1 The Initial Selection Documents consist of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8. |
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#### **PART I: Initial Selection Procedures**

- Section I - Instructions to Applicants (ITA)
- Section II – Initial Selection Data Sheet (ISDS)
- Section III – Initial Selection Criteria
- Section IV – Application Forms
- Section V – Eligibility Criteria
- Section VI - AFD Policy – Prohibited Practices – environmental and social responsibility

#### **PART 2: Employer's Requirements**

- Section VII – Scope of Employer's Requirements
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|-----|--|
| 6.2 | Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the Initial Selection Documents, responses to requests for clarification, or Addenda in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail. |
| 6.3 | The Applicant is expected to examine all instructions, forms, and terms in the Initial Selection Documents and to furnish  |

with its Application all information or documentation as is required by the Initial Selection Documents.

**7 Clarification of Initial Selection Documents**

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

**8 Amendment of Initial Selection Documents**

8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Initial Selection Documents by issuing an Addendum.

8.2 Any Addendum issued shall be part of the Initial Selection Documents and shall be communicated in writing to all Applicants who have obtained the Initial Selection Documents from the Employer. The Employer shall promptly publish the Addendum at the Employer's web page identified **in the ISDS**.

8.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

### C. Preparation of Applications

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| <b>9 Cost of Application</b>                   | 9.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the Initial Selection process.  |
| <b>10 Language of Application</b>              | 10.1 The Application as well as all correspondence and documents relating to the Initial Selection exchanged by the Applicant and the Employer, shall be written in the language specified <b>in the ISDS</b> . Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified <b>in the ISDS</b> , in which case, for purposes of interpretation of the Application, the translation shall govern.  |
| <b>11 Documents Comprising the Application</b> | <p>11.1 The Application shall comprise the following:</p> <ul style="list-style-type: none"><li>a) <b>Application Submission Form</b>, in accordance with ITA 12;</li><li>b) <b>Eligibility</b>: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 13;</li><li>c) <b>Qualifications</b>: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 14; and</li><li>d) any other document required as specified <b>in the ISDS</b>.</li></ul> <p>11.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.</p> |
| <b>12 Application Submission Form</b>          | 12.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.   |

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| <p><b>13 Documents</b></p> <p><b>Establishing the Eligibility of the Applicant</b></p>    | <p>13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete and sign the Statement of Integrity, Eligibility and Social and Environmental Responsibility as provided in Section IV, Application Forms, without any alteration to its format and furnish supporting documentation as specified in Forms ELI-I.1 and ELI-I.2.</p>  |
| <p><b>14 Documents</b></p> <p><b>Establishing the Qualifications of the Applicant</b></p> | <p>14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Initial Selection Criteria, the Applicant shall provide the information requested in the corresponding Forms included in Section IV, Application Forms.</p> <p>14.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the USD equivalent using the rate of exchange determined as follows:</p> <ul style="list-style-type: none"> <li>a) for 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 are to be converted); and</li> <li>b) value of single contract - exchange rate prevailing on the date of the contract.</li> </ul> <p>Exchange rates shall be taken from the publicly available rate published by the Central Bank of the Employer's country; unless otherwise stated <b>in the ISDS</b>. Any error in determining the exchange rates in the Application may be corrected by the Employer.</p> |
| <p><b>15 Signing of the Application and Number of Copies</b></p>                          | <p>15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an</p>  |

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 signatories. If a JV has not been formalized and a letter of intent to form a JV is presented, then the Letter of Intent shall be signed by every member of the intended JV.

- 15.2 The Applicant shall submit copies of the signed original Application, in the number specified **in the ISDS**, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

#### **D. Submission of Applications**

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

- 16.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- a) Bear the name and address of the Applicant;
  - b) Be addressed to the Employer in accordance with ITA 17.1; and
  - c) bear the specific identification of this Initial Selection process
- 16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

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

- 17.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated **in the ISDS**. When so specified **in the ISDS**, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified **in the ISDS**.
- 17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Initial

Selection Documents in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

**18 Late Applications**

18.1 The Employer reserves the right to accept Applications received after the deadline for Submission of Applications.

**19 Opening of Applications**

19.1 The Employer shall open all Applications at the date, time and place specified **in the ISDS**. Late Applications shall be treated in accordance with ITA 18.1.

19.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified **in the ISDS**.

19.3 The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

**E. Procedures for Evaluation of Applications**

**20 Confidentiality**

20.1 Information relating to the Applications, their evaluation and results of the Initial Selection shall not be disclosed to Applicants or any other persons not officially concerned with the Initial Selection process until the notification of Initial Selection results is made to all Applicants in accordance with ITA 28.

20.2 From the deadline for submission of Applications to the time of notification of the results of the Initial Selection in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the Initial Selection process may do so only in writing.

**21 Clarification of Applications**

21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within

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

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

**22 Responsiveness  
of Applications**

22.1 The Employer may reject any Application which is not responsive to the requirements of the Initial Selection Documents. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.

**23 Margin of  
Preference**

23.1 Margin of preference for domestic bidders shall not apply in the bidding process resulting from this initial selection.

**24 Subcontractors**

24.1 Unless otherwise stated **in the ISDS**, the Employer does not intend to execute any specific elements of the Works by subcontractors selected in advance by the Employer (so-called "Nominated Subcontractors").

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

24.3 The Employer may decide to permit subcontracting for certain specialized works as indicated in Section III 4.2 - Experience. When such subcontracting is permitted by the Employer, the specialized subcontractors experience shall be considered for

the evaluation. Section III, Initial Selection Criteria, describes the qualification criteria for subcontractors.

- 24.4 The Applicant shall not propose to subcontract the whole of the contract.

#### **F. Evaluation of Applications and Initial Selection of Applicants**

##### **25 Evaluation of Applications**

- 25.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Initial Selection Criteria to evaluate the qualifications of the Applicants, and no other factors, methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
- 25.2 Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 shall not be considered.

##### **26 Employer's Right to Reject All Applications**

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

##### **27 Initial Selection of Applicants**

- 27.1 The range of Applicants that the Employer may Initially Select (x = maximum number) is specified **in the ISDS**.
- 27.2 Initial Selection of Applicants involves several steps, as follows:
- a) **Step 1 - Table I Evaluation:** The first step of Initial Selection involves evaluation against the methods, criteria and requirements described in Section III, Table I: Qualification Criteria;
  - b) **Step 2 - Rejection:** Applicants that do not meet any of the qualification criteria and requirements in



Table I: Qualification Criteria will not be evaluated further, and will be eliminated from the Initial Selection process;

- c) **Step 3 - Long List:** Applicants that meet any of the qualification criteria and requirements in Table I: Qualification Criteria will be long listed, and evaluated further;

- d) **Step 4:** Depending on the number of Applicants that are long listed, one of the following options will apply:

**Option 1: All are Initially Selected:** Where the number of long listed Applicants is  $\leq x$ , all long listed Applicants are Initially Selected. In this scenario, there is no requirement to evaluate these long listed Applicants against Table 2: Rated Criteria. Therefore, Steps 5 to 7 shall not apply;

**Option 2: Applicants are evaluated using Table 2 Evaluation:** Where the number of long listed Applicants is  $> x$ , the Employer shall evaluate all long listed Applicants against Table 2: Rated Criteria. This evaluation method involves scoring each Application against rated criteria using the scoring methodology described;

- e) **Step 5 - Rank Applicants:** The total scores, from this step of the Initial Selection evaluation, for each long listed Applicant are compared, and the Applicants are ranked from the highest to the lowest total score;
- f) **Step 6 - Initial Selection up to x:** In accordance with the value selected by the Employer for  $x$ , the Employer Initially Selects the Applicants that are ranked from the highest score, to the Application ranked as  $x$ ;

- g) **Step 7 - Reject  $x+1$  Applicants:** Where the number of long listed Applicants is  $> x$ , the Employer rejects all Applicants that are ranked greater than  $x$ , i.e. ranked as  $x+1$ ,  $x+2$ ,  $x+3$ , etc.

**28 Notification of Initial Selection**

- 28.1 The Employer shall notify all Initially Selected Applicants in writing that they have been Initially Selected. In providing this notification the Employer shall include the names of all Applicants that have been Initially Selected.
- 28.2 The Employer shall separately notify all other Applicants that they have not been Initially Selected, and that they have been eliminated from the process. Any Applicant that has been eliminated from the process at this stage may request, in writing, the grounds on which they were eliminated.

**29 Invitation for Bids**

- 29.1 Promptly after the notification of the results of the Initial Selection, the Employer shall invite Bids from all the Applicants that have been initially selected.
- 29.2 Bidders may be required to provide a Bid Security or a Bid-Securing Declaration acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.

**30 Changes in Qualifications of Applicants**

- 30.1 Any change in the structure or formation of an Applicant after being initially selected in accordance with ITA 27 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor) shall be subject to the written approval of the Employer prior to the deadline for submission of Bids. Such approval shall be denied if (i) ) as a consequence of the change, the Applicant no longer meets any of the qualification criteria set forth in Section III, Initial Selection Criteria, Table I - Qualification Criteria; or (ii) in the opinion of the Employer, the change may result in a substantial

reduction in competition; or (iii) an initially selected applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; or (iv) no longer continues to be in the list of Initially Selected Applicants as a result of the Employer's re-evaluation of the Application in accordance with ITA 27. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids.

## Section II – Initial Selection Data Sheet (ISDS)

<b>A. Introduction</b>	
<b>ITA 1.1</b>	<p>The identification of the Invitation for Initial Selection is: KGN-BDD-007-2025</p> <p>The Employer is:</p> <p>Kenya Electricity Generating Company PLC, KenGen Pension Plaza II, Kolobot Road, Parklands, P O Box 47936, 00100 Nairobi, Kenya. Tel: +254 711036000.</p> <p>The identification number of the IPC is: KGN-BDD-007-2025</p> <p>The Invitation for Initial Selection aims to select Applicants for:</p> <ul style="list-style-type: none"> <li>• a DB Contract</li> </ul>
<b>ITA 2.1</b>	The name of the Project is: <b>Seven Forks Solar Photovoltaic Power Project</b>
<b>ITA 4.1</b>	Maximum number of members in the JV shall be: <i>not limited</i>
<b>B. Contents of the Initial Selection Documents</b>	
<b>ITA 7.1</b>	<p>For <b><u>clarification purposes</u></b> only, the Employer's address is:</p> <p>Email:</p> <p>To: <a href="mailto:tenders@kengen.co.ke">tenders@kengen.co.ke</a></p> <p>CC: <a href="mailto:imaina@kengen.co.ke">imaina@kengen.co.ke</a> <a href="mailto:jmunyasya@kengen.co.ke">jmunyasya@kengen.co.ke</a></p>
<b>ITA 7.1 &amp; 8.2</b>	Web page: <a href="https://tenders.kengen.co.ke/">https://tenders.kengen.co.ke/</a>

<b>C. Preparation of Applications</b>	
<b>ITA 10.1</b>	The Application as well as all correspondence shall be submitted in English. If any document is provided in a language other than English, such document shall be translated into English, and in the event of any inconsistency between the original and the translated version, the English version shall prevail.
<b>ITA 11.1(d)</b>	The Applicant shall submit with its Application, the following additional documents: <i>[N/A]</i>
<b>ITA 14.2</b>	The source for determining exchange rates is: <i>Central Bank of Kenya</i>
<b>ITA 15.2</b>	In addition to the original, the number of copies to be submitted with the Application is: <b>Three (3) paper copies + one (1) digital copy (Flash disk);</b>  <i>The submission document shall be continuously paginated</i>
<b>D. Submission of Applications</b>	
<b>ITA 17.1</b>	<p><b>The deadline for Application submission is:</b></p> <p>Date: 29 July 2025</p> <p>Time: 1000hrs (EAT)</p> <p>Applicants shall not have the option of submitting their Applications electronically.</p> <p><b>For submission purposes only:</b></p> <p>The Original application document, together with the copies and flash disk, <b>MUST</b> be submitted in a plain sealed envelope and clearly marked <b>“KGN-BDD-007-2025 – SEVEN FORKS SOLAR PHOTOVOLTAIC (PV) POWER PROJECT”</b> and addressed to:</p> <p style="text-align: center;"><b>General Manager, Supply Chain, Kenya Electricity Generating Company PLC, 9<sup>th</sup> Floor, KenGen Pension Plaza II, Kolobot Road, Parklands, P.O. Box 47936, 00100 NAIROBI.</b></p> <p><i>To be dropped at the tender box located on Ground Floor at KenGen, RBS building on or before the tender closing date and time. Applications that cannot fit in the tender box should be dropped at the General Manager’s Office, located on 9<sup>th</sup> Floor KenGen, RBS building.</i></p>

<b>ITA 19.1</b>	<p>The opening of the Applications shall be at:</p> <p>Date: 29 July 2025</p> <p>Time: 1030hrs (EAT)</p> <p>Address:</p> <p>Kenya Electricity Generating Company PLC, KenGen Pension Plaza II, Kolobot Road, Parklands, P O Box 47936 - 00100 Nairobi, Kenya. Tel: +254 711036000.</p>
<b>ITA 19.2</b>	N/A
<b>E. Procedures for Evaluation of Applications</b>	
<b>ITA 24.1</b>	<p>At this time the Employer does not intend to execute certain specific parts of the contract by subcontractors selected in advance by the Employer (nominated subcontractors).</p>
<b>F. Evaluation of Applications and Initial Selection of Applicants</b>	
<b>ITA 27.1</b>	<p><b>Initial Selection – maximum number (x)</b></p> <p>The Employer intends to initially select the following maximum number of Applications: Seven (7). This number is referred to as (x) and is the maximum number to be initially selected.</p>
<b>ITA 27.2 (c)</b>	<p>Replace the word “any” with “all”</p>

## Section III – Initial Selection Criteria

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

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**Table I - Qualification Criteria**

The Employer may directly contact referees provided by the Applicant for purposes of undertaking a due diligence on the information provided.

1						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
<b>I.1 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 ELI-1.2, with attachments
<b>I.2 Conflict of Interest</b>	a. No conflicts of interest in accordance with ITA 4.4 b. Bidder has an internal mechanism for monitoring the adherence to policies addressing anti-corruption issues.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	a. Application Submission Form b. Provide proof (ISO37001, Compliance programs documentation, audit reports, training records, internal monitoring



1						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
						mechanisms, whistleblower policies and/or code of conduct)
<b>I.3 AFD Eligibility</b>	Not being ineligible to AFD financing, as described in ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Statement of Integrity and Environmental and Social Responsibility
<b>I.4 State-Owned Entity</b>	Meet conditions of ITA 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI-1.1 and ELI-1.2, with attachments

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
<b>2.1 History of Non-Performing Contracts</b>	Termination of a contract <sup>1</sup> did not occur as a result of contractor's default in the past five (5) years.	Must meet requirements	Must meet requirements	Must meet requirements <sup>2</sup>	N/A	Form CON-2
<b>2.2 Suspension Based on Execution of Bid Securing Declaration by the Employer</b>	Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.5.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
<b>2.3 Pending Litigation</b>	All pending litigation shall in total not represent more than one hundred percent	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2

<sup>1</sup> Non-performance shall include all terminations of contracts where (a) non-performance was not challenged by the Applicant, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the Applicant. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism.

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

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	(100%) of the Applicant’s net worth and shall be treated as resolved against the Applicant.					

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
<b>3.1 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 financial means (independent of any contractual advance payment) sufficient to meet the cash flow requirements estimated as thirteen million US\$ (13.000.000,00) for the subject contract(s) net of the Applicants other commitments;	Must meet requirement	Must meet requirement	N/A	N/A	Forms FIN-3.1, with attachments and FIN-3.3

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	(ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on contracts currently in progress and for future contract commitments;	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms FIN-3.1 and FIN-3.4
	(iii) The audited balance sheets for the last three (3) years shall be submitted and demonstrate the current soundness of the Applicant's financial position. The Applicant's financial position	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form FIN-3.1, with attachments

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<p>will be deemed sound if at least two (2) of the following four (4) criteria are met:</p> <p><b>a) Average earnings before interest, taxes, depreciation, and amortization (EBITDA) for the last three (3) years &gt; 0;</b></p> <p><b>b) Total equity (net worth) for the last three (3) years &gt; 0;</b></p> <p><b>c) Average liquidity ratio for the last three (3) years &gt; 1</b></p>					

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	((Current assets) / (Current liabilities) > 1); <b>d) Average indebtedness ratio for the last three (3) years &lt; 6</b> ((Total financial liabilities) / (EBITDA) < 6).					
<b>3.2 Minimum Average Annual Turnover</b>	Minimum average annual turnover of a hundred million US\$ (100.000.000) for the last three (3) years.	Must meet requirement	Must meet requirement	Must meet <i>twenty five</i> per cent [25]% of the requirement	Must meet <i>fifty</i> per cent [50]% of the requirement	Form FIN-3.2

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
<b>4.1 General Experience in turnkey EPC market</b>	Project Experience in Sub Saharan Africa in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last five (5) years, starting 1 <sup>st</sup> January 2020.	Must meet requirement	Must Meet Requirement	N/A	N/A	Form EXP-4.1
<b>4.2 (a) Specific Experience</b>	A minimum number of similar <sup>3</sup> contracts specified below that have been	Must meet requirement	Must meet requirement <sup>8</sup>	N/A	Must meet the following requirements for the	Form EXP-4.2

<sup>3</sup> The similarity shall be based on the physical size, complexity and technicity of the works. Adding up small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.

<sup>8</sup> In the case of a JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. For instance, if the criterion mentions "two (2) contracts with a minimum value of 50M\$ each", a JV composed of 3 members and having carried out four (4) contracts of 30M\$ each shall not be qualified. On the other hand, if 2 of the 3 members of the JV each carried out one (1) contract of 50M\$, the criterion is met, even if the third member does not have any contract of this value. The references of the PV modules, BESS and inverters' suppliers shall not be taken into account, even if they are members of the JV.



Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<p>satisfactorily<sup>4</sup> completed as a prime contractor, joint venture member<sup>5</sup>, management contractor or subcontractor between 1<sup>st</sup> January 2015 and application submission deadline:</p> <p><u>Contracts for Works: Design and Build</u></p> <p>Minimum of N [2] contracts satisfactorily completed, each of minimum value V[ twenty-</p>				<p>key activities<sup>9</sup> listed below</p> <ul style="list-style-type: none"> <li>- Electromechanical activities related to the main PV Plant, and Grid inter connection facilities.</li> </ul>	

<sup>4</sup> For satisfactorily completed projects, the Applicant shall attach a signed contract page and completion certificate as proof. The Applicant shall also submit the specific client references as part of the contracts completed by the applicant as per forms attached in Section IV.

<sup>5</sup> For contracts under which the Applicant participated as a joint venture member or subcontractor, only the Applicant's share, by value, shall be considered to meet this requirement.

<sup>9</sup> For example, experience of works while in operation may be required under this criterion. Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period. The rate of production shall be the annual production rate for the key construction activity (or activities).

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<p>two million US\$ (22,000,000.00)]</p> <p>Each of the contracts required above shall meet the following minimum key requirements:</p> <ul style="list-style-type: none"> <li>- <i>Grid connected ground-mounted PV solar plant; Minimum capacity of 15MWac each , one of which must be a Minimum of 30MWac</i></li> <li>- <i>Tracking System (The Employer permits specialized Subcontractors) as per ITA 24.2 and 24.3</i></li> </ul>					

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<ul style="list-style-type: none"> <li>- PV modules (The Employer permits specialized Subcontractors) as per ITA 24.2 and 24.3<sup>6</sup></li> <li>- 132 kV or higher interconnection to the grid (The Employer permits specialized Subcontractors) as per ITA 24.2 and 24.3.<sup>7</sup></li> </ul>					

<sup>6</sup> The Contractor/Subcontractor shall be required to be a licensed Solar PV Contractor with Class C1 License and have in his employment a T3 License Technician as per *The Energy (Solar Photovoltaic Systems) Regulations, 2012* – Kenya, prior to commencement of execution of works

<sup>7</sup> The Contractor/Subcontractor must be a licensed Electrical Contractor with Class A-1 License and have in his employment Class A-1 license holder as per *Energy Act 2019* – Kenya, prior to commencement of execution of works

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
<b>4.2 (b) Specific Experience [BESS]</b>	<i>Two (2) Battery Energy Storage Systems (BESS) each of 3MWh or higher (The Employer permits specialized Subcontractors) for BESS as per ITA 24.2 and 24.3.<sup>10</sup></i>	Must meet requirement	Must meet requirement			Form EXP-4.2
<b>4.2 (C) Specific Experience [Quality of project references]</b>	<p>The Contracts/Project references provided by the Applicant must meet the following minimum quality requirement:</p> <ul style="list-style-type: none"> <li>- The final contract amount at project completion <math>\leq</math> 1.5 of Original Contract Price</li> <li>- The final project duration at completion <math>\leq</math> 1.5 of Original</li> </ul>	Must meet requirement	Must meet requirement			Form EXP-4.2

<sup>10</sup> The Contractor/Subcontractor must be a licensed Electrical Contractor with Class A-1 License prior to commencement of execution of works

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	planned duration for completion - Performance Ratio (PR) of the PV Plant $\geq 0.8$ at completion - No fatality on the construction site due to company responsibility/ No fatalities and/or no finding of responsibility against the Contractor.					

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
<b>5.1 ESHS Certification(s)</b>	<p>Availability of a valid ISO certification or internationally recognized equivalent (equivalency to be demonstrated by Applicant), and applicable to the worksite:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Quality management certificate ISO 9001</li> <li><input checked="" type="checkbox"/> Environmental management certificate ISO 14001</li> <li><input checked="" type="checkbox"/> Health and safety management certificate ISO 45001</li> </ul>	Must meet requirement	Must meet requirement	N/A	N/A	<p>Form CER</p> <p>Form CER</p> <p>Form CER</p>

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<input checked="" type="checkbox"/> ISO/IEC 27001 or equivalent					
<b>5.2 ESHS Documentation</b>	<p>Availability of in-house policies and procedures acceptable to the Employer for ESHS management:</p> <ol style="list-style-type: none"> <li>1. Existence of an Ethics Charter.</li> <li>2. Existence of a system for monitoring compliance with ESHS commitments for the Candidate's Subcontractors and all its partners.</li> <li>3. Existence of official company procedures for</li> </ol>	Must meet requirement	N/A	N/A	Leader must meet requirement	<ol style="list-style-type: none"> <li>1. The ESHS Ethics Charter of the company or equivalent must be provided.</li> <li>2. A procedure or information on how the Bidder ensures that all members of the Joint Venture, Subcontractors, suppliers and temporary labor (i)</li> </ol>

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<p>the management of the following relevant points:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> ESHS resources and facilities and ESHS monitoring organization;</li> <li><input type="checkbox"/> Project Areas management (base camps, quarries, borrow pits, storage areas);</li> <li><input checked="" type="checkbox"/> Health &amp; Safety on worksites;</li> <li><input type="checkbox"/> Local recruitment and ESHS trainings of local staff (capacity building), ESHS trainings of</li> </ul>					<p>are aware and (ii) meet ESHS requirements must be provided.</p> <p>3. Official internal procedure documents on the topics indicated must be provided.</p>



Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	subcontractors and local partners (transfer of knowledge); <input checked="" type="checkbox"/> Relations with stakeholders, information and consultation of local communities and authorities; <input type="checkbox"/> Traffic management; <input type="checkbox"/> Hazardous products; <input type="checkbox"/> Wastewater (effluents); <input type="checkbox"/> Protection of water resources; <input type="checkbox"/> Atmospheric emissions, noise and vibrations; <input type="checkbox"/> Waste management;					

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<input checked="" type="checkbox"/> Biodiversity: protection of fauna and flora; <input type="checkbox"/> Site rehabilitation and revegetation; <input type="checkbox"/> Erosion and sedimentation; <input checked="" type="checkbox"/> Control of infectious and communicable diseases (HIV/AIDS, malaria, etc.).					
<b>5.3 ESHS Experience</b>	Experience of (2) construction contracts over the last (10) years, where major ESHS measures were carried out or are on progress satisfactorily and in compliance with international standards.	Must meet requirement	N/A	N/A	Leader must meet requirement	Form EXP-ESHS with supporting documents <b>(the Applicant shall submit a piece of evidence supporting the ESHS)</b>

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
						implementation measures)
<b>5.4 Specific ESHS Knowledge Transfer Experience</b>	Experience of one (1) construction contract in developing/ emerging countries over the last five (5) years in which the ESHS knowledge transfer to a local partner or the ESHS capacity building of the Employer's country staff was carried out satisfactorily.	Must meet requirement	N/A	N/A	Leader must meet requirement	Form EXP-ESHS with supporting documents <b>(the Applicant shall submit a piece of evidence supporting the ESHS knowledge transfer or capacity building)</b>
<b>5.5 ESHS Dedicated Personnel</b>	Availability of in-house personnel dedicated to ESHS issues: Environmental and	Must meet requirement	N/A	N/A	Leader must meet requirement	Organizational chart evidencing filled ESHS position(s)

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	Social Manager, and/or Health and Safety Manager.					
<b>5.6 CSR Objectives &amp; Carbon Strategy</b>	Availability of CSR objectives and a carbon strategy	Must meet requirement	Must meet requirement	N/A	N/A	Evidence of third-party verification
<b>5.7 ESG Documentation</b>	1.Existence of a code of ethics/conduct applied by the applicant's supply chain 2. Existence of a system for monitoring compliance with ESG commitments for the Applicant's suppliers, Subcontractors and its partners.	Must meet requirement	Must meet requirement	N/A	N/A	<ol style="list-style-type: none"> <li>1. The ESG Code of Ethics/Conduct of the company or equivalent must be provided.</li> <li>2. A procedure or information on how the Bidder ensures that all members of the Joint Venture, Subcontractors, suppliers and temporary labor (i) are aware and (ii) meet ESG requirements must be provided.</li> </ol>

Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
						3. Official internal procedure documents on the topics indicated must be provided.

**Table 2 – Rated Criteria**

The Employer may directly contact referees provided by the Applicant for purposes of undertaking a due diligence on the information provided.

Criteria							Scoring		Documentation														
Requirements							Maximum Score	Remark	Submission Requirements														
1 Contracts for Design and Build																							
<p><b>Number of Similar Contracts</b></p> <p>Number of satisfactorily<sup>11</sup> completed Design and Build contracts that exceed the number specified in Table I, criterion 4.2 (where this number is N) that are:</p> <p>a) similar to the Requirements <u>(Table I, criterion 4.2)</u>; and</p> <p>b) completed during the past 10 years.</p> <p><b>Scoring methodology:</b></p> <table><tr><td>Number of contracts</td><td>7</td><td>6</td><td>5</td><td>4</td><td>3</td><td>2</td></tr><tr><td>Weighting</td><td>80</td><td>64</td><td>48</td><td>32</td><td>16</td><td>0</td></tr></table>							Number of contracts	7	6	5	4	3	2	Weighting	80	64	48	32	16	0		In case of JV, all members combined will be evaluated.	Form EXP-4.2
Number of contracts	7	6	5	4	3	2																	
Weighting	80	64	48	32	16	0																	

<sup>11</sup> For satisfactorily completed projects, the Applicant shall attach a signed contract page and completion certificate as proof. The Applicant shall also submit the specific client references as part of the contracts completed by the applicant as per forms attached in Section IV.

Criteria	Scoring		Documentation
Requirements	Maximum Score	Remark	Submission Requirements
<u>NB:</u> The Applicant shall limit the number of submitted similar contract references to ten (10) in its Application.			
<b>TOTAL 1</b>	<b>80</b>		
<b>2 Contract Management Capability</b>			
	<b>Max. score: 20</b>	In case of JV, the capability of the lead member will be evaluated	Form CMC
a) Description of project management systems and how they will be applied (including status of accreditation with recognized international standards applicable to the industry)	5		
b) Understanding of Employer's Requirements (approach to the contract, preliminary timeline/delivery schedule, risk identification), and	10		
c) Use of value Engineering, innovation and continuous improvement.	5		
<b>TOTAL 2</b>	<b>20</b>		

Criteria	Scoring		Documentation
Requirements	Maximum Score	Remark	Submission Requirements
TOTAL 1 + 2 (Aggregate Maximum Score)	100		



## Section IV – Application Forms

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## I. Administrative Forms

### Application Submission Form

Date: \_\_\_\_\_ *[insert day, month, and year]*

IPC No. and Title: \_\_\_\_\_ *[insert IPC No. and title]*

To: \_\_\_\_\_ *[insert full name of Employer]*

We, the undersigned, apply to be initially selected for the referenced IPC No. and declare that:

- a) We have examined and have no reservations to the Initial Selection Documents, including Addendum(s) No(s). *[insert the number and issuing date of each addendum]*, issued in accordance with Instructions to Applicants (ITA 8);
- b) We have no conflict of interest in accordance with ITA 4.4;
- c) We have not been suspended nor declared ineligible by the Employer based on execution of a Bid Securing Declaration in the Employer's country in accordance with ITA 4.5;
- d) We understand that you reserve the right to annul the initial selection process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

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

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

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

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

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

*[insert full name of Applicant or the name of the JV]*

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

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

Dated on: \_\_\_\_\_ *[insert day number]* day of \_\_\_\_\_ *[insert month]*, \_\_\_\_\_  
*[insert year]*

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

**Statement of Integrity, Eligibility and Environmental and Social Responsibility**

Reference name of the Bid/Proposal/Contract signed<sup>1</sup> \_\_\_\_\_ (the “**Contract**”)

To: \_\_\_\_\_ (the “**Contracting Authority**”)

- I. We recognize and accept that Agence Française de Développement (“**AFD**”) only finances the projects of the Contracting Authority subject to its own conditions, as set out in the Financing Agreement that directly or indirectly binds it to the Contracting Authority. The Contracting Authority retains exclusive responsibility for the preparation and implementation of the procurement process and performance of the Contract. Consequently, no legal exists between AFD and our company, our joint venture, and our subcontractors. The Contracting Authority may also mean the Client, Employer or Purchaser, as the case may be, for the procurement of works, goods, plants, equipment, consulting services , or non-consulting services.
2. We hereby certify that neither we, nor any person acting on our behalf,<sup>2</sup> nor any of the members of our joint venture, nor any of our subcontractors, are in any of the following situations:
  - 2.1 Being bankrupt, wound up or ceasing our activities, having our activities administered by the courts, having entered into receivership, or being in any analogous situation arising from any similar procedure;
  - 2.2 Having been, within the past five years, subject to a final administrative sanction, a final conviction issued by a competent authority, or any other non-court resolution<sup>3</sup> having notably an extinctive effect on public action, either (i) in the country where we are constituted, (ii) in the country of performance of the Contract, (iii) in the context of the procurement or performance of an AFD-financed Contract, (iv) pronounced by a European Union institution, or (v) pronounced by a competent authority in France, for:

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<sup>1</sup> In the case of a Contract already signed to be refinanced.

<sup>2</sup> Directors, (including any person who is a member of the administrative management or supervisory body, or with powers of representation, decision or control), employees, or agents (be them declared or not).

<sup>3</sup> Including the Judicial Public Interest Agreement (CJIP), a decision following an Appearance on Prior Recognition of Guilt (CPRC), a negotiated resolution agreement, or any other similar form of transaction terminating criminal proceedings.

- a) Prohibited Practices, as defined in Article 6.1 below, or for any other offence committed in the context of the procurement or performance of a Contract (in the event of such sanction, conviction or non-court resolution, we may attach additional information to this Statement of Integrity, such as a compliance program, showing that we (or the person acting on our behalf, the member of our joint venture, or our subcontractor) consider that this sanction, judgement or non-court resolution is not relevant in the context of the Contract, where applicable);
  - b) Participation in a criminal organization, terrorist offences or offences related to terrorist activities, child labor, or other offences related to human trafficking;
  - c) Having created an entity in a different jurisdiction (i) with the the intention of avoiding tax or social obligations, or any other legal obligation applicable in the jurisdiction of its registered office, central administration or principal place of business, or (ii) for being an entity created with the intention of avoiding such obligations;
- 2.3 Having been subject within the past five years to a Contract termination fully settled against us for significant or persistent breach of our contractual obligations during the performance of the Contract, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
- 2.4 Having been declared ineligible by one of the multilateral development banks signatories to the Mutual Recognition Agreement of 9 April 2010<sup>4</sup> (in the event of such ineligibility, we may attach additional information to this Statement of Integrity showing that we consider that such ineligibility is not relevant in the context of the Contract, where applicable);
- 2.5 Not having fulfilled our fiscal obligations relating to the payments of our taxes or social contributions in accordance with the legal provisions of our country of incorporation or of the country of the Contracting Authority;
- 2.6 Having created falsified documents or committed misrepresentation when providing the information requested by the Contracting Authority in the context of the procurement and award process for this Contract.

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<sup>4</sup> World Bank, Inter-American Development Bank, African Development Bank, Asian Development Bank, and European Bank for Reconstruction and Development.

3. We hereby certify that neither we, nor any party acting on our behalf<sup>5</sup>, nor any members of our joint venture, , , nor any of our subcontractors, nor any of our direct or indirect shareholders, nor any of our subsidiaries acting with our knowledge or consent:
- a. Are directly or indirectly subject to, controlled by a person or an entity subject to, or acting in the name or on behalf of a person or entity subject to **individual sanctions measures** adopted by the United Nations, the European Union and/or France;
  - b. Are directly or indirectly subject to, controlled by a person or an entity subject to, or acting in the name or on behalf of a person or entity subject to **sectoral sanctions measures** adopted by the United Nations, the European Union and/or France;
  - c. Are ineligible for the implementation of the Project owing to any other international sanctions measures pronounced by the United Nations, the European Union or France.
4. We hereby certify that neither we, nor any party acting on our behalf,<sup>2</sup> nor any of the members of our joint venture, nor any of our subcontractors, are [nor have been (*in the case of refinancing for a Contract already awarded*)] in any of the following situations of conflict of interest:
- 4.1 Being a shareholder controlling the Contracting Authority or a subsidiary controlled by the Contracting Authority, unless the resulting conflict of interest has been brought to the attention of AFD and resolved to its satisfaction.
  - 4.2 Having business or family relations with a member of the Contracting Authority's services involved in the procurement process or the supervision of the resulting Contract, unless the resulting conflict of interest has been brought to the attention of AFD and resolved to its satisfaction;
  - 4.3 Controlling or being controlled by another applicant, bidder or consultant, or being under common with another applicant, bidder or consultant, receiving subsidies from another applicant, bidder or consultant, or granting subsidies to another applicant, bidder or consultant, directly or indirectly, having the same legal representative as another applicant, bidder or consultant, maintaining direct or indirect contacts with

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<sup>5</sup> Directors, (including any person who is a member of the administrative management or supervisory body, or with powers of representation, decision or control), employees or agents (be them declared or not).

another applicant, bidder or consultant allowing us to (i) have given and/or give access to information contained in our respective applications, bids or proposals likely to distort competition (ii) influence them, or (iii) influence the decisions of the Contracting Authority;

- 4.4 Being engaged for a consulting services mission which, by its nature, is or may be in conflict with the mission envisaged for the Contracting Authority;
  - 4.5 Having prepared ourselves, being or having been associated with a natural or legal person who has prepared, specifications, terms of reference or other documents that have been used for the procurement process in question, and that contain provisions likely to favor an application, bid or proposal;
  - 4.6 Having or having had access to, having prepared ourselves, being or having been associated with a natural or legal person who has or has had access to or prepared, specifications, plans, calculations, studies, or other documents that have not been communicated to all the applicants, bidders or consultants in the context of the present procurement procedure, and which thereby confer us an unfair competitive advantage;
  - 4.7 In the case of a procurement procedure for works, plants, equipment or goods, having been selected ourselves or proposed to be selected (or any of our subsidiary companies having been or being proposed to be selected) to carry out supervision or inspection of the services in the context of this Contract.
5. If we are a state-owned entity or a public enterprise, to participate in a competitive procurement process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
  6. In the context of the procurement and performance of the Contract:
    - 6.1 Neither we, nor any party acting on our behalf,<sup>2</sup> nor any members of our joint venture, nor any of our subcontractors, have committed or shall commit a Prohibited Practice as defined in the document entitled “AFD Group’s Policy to Prevent and Combat Prohibited Practices” available on AFD’s Website.<sup>6</sup>

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<sup>6</sup> For informational purposes, this policy can be accessed via the following link: <https://www.afd.fr/en/combating-corruption>.

- 6.2 Neither we, nor or any party acting on our behalf,<sup>2</sup> nor any members of our joint venture, nor any of our subcontractors, shall acquire or provide [have acquired or provided (*in the case of refinancing for a Contract already awarded*)] in sectors subject to an embargo by the United Nations, the European Union or France.
7. We hereby undertake to, and we undertake to ensure that any party acting on our behalf,<sup>2</sup> any members of our joint venture, and any of our subcontractors undertake to:
- 7.1 Comply with the environmental standards recognized by the international community, including the international conventions for the protection of the environment and, in particular, take all reasonable steps to avoid or limit negative effects on vegetation, biodiversity, soils, groundwater and surface water, and on persons and property resulting from pollution, noise, vibration, traffic and other effects resulting from our activities, in accordance with the laws and regulations applicable in the country of performance of the Contract.
- 7.2 Implement measures to mitigate environmental and social risks when they are indicated in the environmental and social management plan provided by the Contracting Authority, and ensure that the emissions, surface discharge and effluents produced by our activities respect the limits, specifications or requirements applicable to the Contract.
- 7.3 Respect the rights of workers related to wages, working hours, rest periods and vacations, overtime, minimum age, regular payments, compensation and benefits, in accordance with the standards recognized by the international community, including the fundamental conventions of the International Labour Organization (ILO), in accordance with the laws and regulations applicable in the country of performance of the Contract; indicate these elements in a document annexed to the employment contracts of our employees and made available to the Contracting Authority; and respect and facilitate the rights of workers to organize themselves and set up a complaints management mechanism for direct or indirect workers.
- 7.4 Implement practices for non-discrimination and equal opportunities, and ensure the prohibition of child labor and forced labor.
- 7.5 Keep a record for each member of the local staff recording the hours worked by each person, the type of work, the wages paid and the training undertaken, and ensure that these records are available at all times to be inspected by the Contracting



Authority and the authorized representatives of the government, in accordance with the laws and regulations applicable to the protection of personal data in the country of performance of the Contract.

8. We, any party acting on our behalf,<sup>2</sup> the members of our joint venture, our subcontractors, our direct or indirect shareholders, and our subsidiaries, authorize AFD to conduct investigations and, in particular, inspect the documents and accounting records relating to the procurement and performance of the Contract, including, but not limited to, our internal processes and rules related to the respect of international sanctions pronounced by the United Nations, the European Union and/or France, and to have them verified auditors appointed by AFD.
9. We declare that we have paid, or that we shall pay, the commissions, benefits, fees, gratuities or charges relating to the procurement procedure or the performance of the Contract to the following third party/parties (for example, an intermediary/agent)(\*):

<b>Name of beneficiary</b>	<b>Contact details</b>	<b>Purpose</b>	<b>Amount (indicate the currency)</b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(\*): If no amount has been paid or is to be paid, indicate “None”.

10. We undertake to promptly inform the Contracting Authority, which shall inform AFD, of any change of circumstance regarding the sections above, including in case of any sanctions or embargo measures adopted by the United Nations, the European Union and/or France, after we have signed the present Statement.

Name: \_\_\_\_\_ In the capacity of: \_\_\_\_\_

Duly empowered to sign in the name and on behalf of:<sup>7</sup> \_\_\_\_\_

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

Dated: \_\_\_\_\_

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<sup>7</sup> In the case of a joint venture, insert the name of the joint venture. The person signing the bid, proposal or application on behalf of the bidder, consultant or applicant, shall attach a power of attorney from such bidder, consultant or applicant.

**Form ELI–I.1:**  
**Applicant Information Form**

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

IPC No. and title: *[Insert IPC number and title]*

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

pages

Applicant's name: \_\_\_\_\_  
*[insert full name]*

In case of Joint Venture (JV), name of each member: \_\_\_\_\_  
*[insert full name of each member in JV]*

In case of a JV, Applicant's actual or intended country of Constitution: \_\_\_\_\_  
*[indicate country of Constitution]*

Applicant's actual or intended year of Constitution: \_\_\_\_\_  
*[indicate year of Constitution]*

Applicant's legal address (in country of Constitution): \_\_\_\_\_  
*[insert street / number / town or city / country]*

Applicant's authorized representative information:

Name: \_\_\_\_\_  
*[insert full name]*

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

Telephone/Fax numbers: \_\_\_\_\_  
*[insert telephone/fax numbers, including country and city codes]*

Email address: \_\_\_\_\_  
*[indicate email address]*

- I. Attached are copies of original documents of:
  - ☐ Articles of Constitution (or equivalent documents of association) of the legal entity named above;
  - ☐ In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 4.1;
  - ☐ In case of State-owned enterprise or institution, in accordance with ITA 4.3, documents establishing:
    - Legal and financial autonomy
    - Operation under commercial law
    - That the Applicant is not a dependent agency of the Employer
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

**Form ELI–I.2:**  
**Applicant's JV Information Form**

*[The following table shall be filled by each member of a Joint Venture and, if applicable, by any specialized subcontractor, and in that case substitute "Applicant's JV member" for "Specialized Subcontractor".]*

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

IPC No. and title: *[Insert IPC number and title]*

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

<p>Applicant name: _____ <i>[insert full name]</i></p>
<p>Applicant's JV member's name: _____ <i>[insert full name Applicant's JV Member]</i></p>
<p>Applicant's JV member's country of Constitution: _____ <i>[indicate country of Constitution]</i></p>
<p>Applicant's JV member's year of Constitution: _____ <i>[indicate year of Constitution]</i></p>
<p>Applicant's JV member's legal address (in country of Constitution): _____ <i>[insert street / number / town or city / country]</i></p>

Applicant's JV member's authorized representative information:

Name: \_\_\_\_\_

*[insert full name]*

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

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

Telephone/Fax numbers: \_\_\_\_\_

*[insert telephone/fax numbers, including country and city codes]*

Email address: \_\_\_\_\_

*[indicate email address]*

I. Attached are copies of original documents of:

- ☐ Articles of Constitution (or equivalent documents of association) of the legal entity named above;
- ☐ In case of a state-owned enterprise or institution, in accordance with ITA 4.3, documents establishing:
  - Legal and financial autonomy
  - Operation in accordance with commercial law
  - That the Applicant is not a dependent agency of the Employer

2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

## 2. Qualification Forms

### Form CON-2:

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

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

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

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

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

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

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

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

**Form FIN-3.1:**  
**Financial Situation and Performance**

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

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

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

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

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

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

**I. Financial data**

Type of Financial information in <i>[indicate currency]</i>	<b>Historic information for previous</b> <i>[insert number, in figure and in words]</i> <b>years</b> <b>(amount in <i>[indicate currency, exchange</i></b> <b>rate, US\$ equivalent])</b>		
	Year 1	Year 2	Year 3
<b>Statement of financial position (information from balance sheet)</b>			
Total assets (TA)			
Total financial liabilities <sup>8</sup>			
Total equity/Net worth (NW)			
Current assets			
Current liabilities			
Working capital (WC)			
<b>Information from income statement</b>			
Total revenue			

<sup>8</sup> Means any financial indebtedness for and in respect of:

- a) any monies borrowed on a short, medium or long-term basis;
- b) any bank overdraft;
- c) any amounts raised pursuant to any bills of exchange issued to a third party (or any dematerialised equivalent of such instrument);
- d) any amounts raised pursuant to any note purchase facility or the issue of bonds, notes, debentures, loan stock or any similar instruments;
- e) the amount of any liability in respect of any lease or hire purchase contract which would be treated as a finance or capital lease;
- f) receivables sold or discounted (other than any receivables to the extent they are sold on a non-recourse basis).

Earnings before interest, taxes, depreciation, and amortization (EBITDA) <sup>9</sup>			
Earnings before taxes (EBT)			
<b>Cash flow information</b>			
Cash flow from operating activities			

## 2. Financial documents

The Applicant and in case of a JV, each member shall provide copies of financial statements for 3 years pursuant Section III, Initial Selection Criteria, criterion 3.I. The financial statements shall:

- a) Reflect the financial situation of the Applicant or in case of a JV, each member, and not an affiliated entity (such as parent company or subsidiary);
  - b) Be independently audited or certified in accordance with local legislation;
  - c) Be complete, including all notes to the financial statements;
  - d) Correspond to accounting periods already completed and audited.
- ☐ Attached are copies of financial statements<sup>10</sup> for the 3 years required above and complying with the requirements

<sup>9</sup> Means, for any given year, the aggregate of:

(+) net income  
 (+) tax expense  
 (+/-) extraordinary income or expense  
 (+/-) financial result  
 (+/-) net foreign exchange losses or gains  
 (+) net depreciation and amortization allowances and provisions

<sup>10</sup> If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified.

**Form FIN-3.2:**  
**Annual Turnover**

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

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

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

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

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

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

Year	Annual turnover data		
	Amount and currency <sup>1</sup>	Exchange rate <sup>2</sup>	US\$ equivalent
<i>[Indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>	<i>[insert exchange rates used to calculate the US\$ equivalent]</i>	<i>[insert US\$ equivalent]</i>
		Average Annual Turnover <sup>3</sup>	

<sup>1</sup> The indicated turnover amounts must be identical as those appearing on the financial statements.

<sup>2</sup> Refer ITA 14 for date and source of exchange rate.

<sup>3</sup> Total US\$ equivalent for all years divided by the total number of years. See Section III, Table 1, Qualification Criteria, 3.2.



**Form FIN-3.3:**  
**Financial Resources**

*[The following table shall be filled in by the Applicant and all parties combined in case of a Joint Venture]*

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

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

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

Applicants and each member of 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, Telephone and 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 Experience**

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

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

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

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

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

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

*[Pursuant to Section III, Initial Selection Criteria, criterion 4.1, list contracts over the past [number] years, chronologically, according to their commencement (starting) dates.]*

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



<b>Sarting Year</b>	<b>Ending Year</b>	<b>Contract Identification</b>	<b>Role of Applicant</b>

**Form EXP-4.2:**  
**Specific Experience**

*[The following table shall be filled in for each individual contract performed by the Applicant and each member of a Joint Venture and specialized subcontractor if any].*

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

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

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

Subcontractor's Name<sup>1</sup> (as per ITA 24.3): *[insert full name]*

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

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

<b>Similar Contract No:</b> <i>[insert number] of [insert number of similar contracts required]</i>	<b>Information</b>
Contract Identification:	_____ <i>[Insert contract name and number, if applicable]</i>
Award Date:	_____ <i>[Insert day, month, year, i.e. 15 June, 2015]</i>
Planned Construction duration in days exclusive of defects notification period (A)	_____  _____
Completion Date:	_____ <i>[Insert day, month, year, i.e. 03 October, 2017]</i>

<sup>1</sup> If permitted by the Employer under "specialized activities" in Table 4.2 of Section III, Initial Selection Criteria.

<p>Actual Construction Duration in days exclusive of defects notification period (B)</p> <p>B/A = (insert value)</p>				
<p>Role in Contract: [check the appropriate box]</p>	<input type="checkbox"/> Prime Contractor	<input type="checkbox"/> Member in JV	<input type="checkbox"/> Management Contractor	<input type="checkbox"/> Subcontractor
<p>Total Contract Amount at contract signature (C):</p> <p>Revised Contract Amount at completion of the Project (D):</p> <p>D/C = (Insert value))</p>	<p>[Insert total contract amount in local currency]</p>		<p>US\$ [Insert Exchange rate and amount in US\$ equivalent]</p>	
<p>If member is a JV or subcontractor, specify participation in total Contract amount:</p>	<p>[Insert a percentage amount]</p>	<p>[Insert total contract amount in local currency]</p>	<p>[Insert exchange rate and total contract amount in US\$ equivalent]</p>	
<p>Plant Performance Ratio (PR)</p>	<p>Planned PR = (insert value)</p>			
	<p>Actual PR = (insert value)</p>			
<p>Site Safety:</p>	<p>Applicant to fill</p>			

No fatality on the construction site due to company responsibility/ No fatalities and/or no finding of responsibility against the Contractor	
Employer's Name:	<hr/> <i>[Insert full name]</i>
Address:	<hr/> <i>[Indicate street / number / town or city / country]</i>
Telephone number:	<hr/> <i>[Insert telephone including country and city area codes]</i>
Email:	<hr/> <i>[Insert email address]</i>
Extract of signed Contract	<i>[Insert extract of signed page of the Contract]</i>
Completion Certificate	<i>[Insert duly signed completion certificate]</i>

**Form EXP–4.2 (cont.):**  
**Specific Experience (cont.)**

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

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

<b>Similar Contract No:</b> <i>[insert number] of [insert number of similar contracts required]</i>	<b>Information</b>
<b>Description of the similarity in accordance with criterion 4.2 of Section III - Initial Selection Criteria</b>	
1. Amount	_____ <i>[insert amount in local currency, exchange rate, US\$ in letters and numbers]</i>
2. Physical size [Megawatt]	_____ <i>[Insert physical size of contract]</i>
3. Compliance with key minimum requirements	_____ <i>[Describe how the contract meets the key minimum requirements listed in Table I, criterion 4.2a,b,c]</i>
4. Other Characteristics	_____ <i>[Insert other characteristics, as described in Section VII, Scope of Employer's Requirements and include the performance ratio (%) and availability since commissioning of the Plant ]</i>

**Form CMC:**  
**Contract Management Capability**

*[The Applicant shall demonstrate Contract Management Capabilities in accordance with Table 2]*

- 1) Description of project management system/s and how they will be applied (including status of accreditation with recognized international standards applicable to the industry)<sup>(\*)</sup>
- 2) Understanding of Employer's Requirements<sup>(\*)</sup> (approach to the contract, preliminary timeline, risk identification), and
- 3) Use of value Engineering, innovation and continuous improvement<sup>(\*)</sup>.

(\*): The total number of pages submitted should not exceed five (5) pages.

**Form CER:**  
**Quality Management / Environmental, Social, Health and Safety (ESHS)**  
**Certification**

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

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

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

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

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

Certification *[Quality / Environmental / Health and Security]*

*[Delete as appropriate]*

DESCRIPTION	INFORMATIONS
Identification of the certificate:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert full name of the certificate]</i>
Date of Issue:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert day, month, year]</i>
Areas covered by the certificate	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert activities and locations]</i>
Expiry Date:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert day, month, year]</i>
Issuer's Name:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert full name]</i>
Address:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert street / number / town or city / country]</i>

Telephone/Fax numbers:	<hr/> <hr/> <i>[Insert phone/fax numbers, including country and city area codes]</i>
Email:	<hr/> <i>[Insert email address, if available]</i>
Compliance with international standards:	The certificate is <i>[ISO 9001, ISO 14001, ISO 45001]</i> <i>[select as appropriate]</i> <input type="checkbox"/> Yes / <input type="checkbox"/> No
If no, proof of conformity with ISO standards by the Applicant:	The applicant shall provide a conformity assessment of its certificate by an internationally recognized Accredited Certification Body.

**The Applicant shall fill this Form for each Certification required under criterion 5.1 of Section III - Initial Selection Criteria**



**Form EXP–ESHS:**  
**Environmental, Social, Health and Safety (ESHS) Experience**

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

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

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

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

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

Similar Contract No. <i>[insert specific number]</i> of <i>[total number of contracts]</i> required	Information	
Contract Identification:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert contract name and number, if applicable]</i>	
Short Project Description (main scope and key values of project):	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert short project description]</i>	
Award Date:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert day, month, year]</i>	
Completion Date:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert day, month, year]</i>	
Role in contract: <i>[Check the appropriate box]</i>	<div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/>              Prime              Contractor           </div> <div style="text-align: center;"> <input type="checkbox"/>              Member in              JV           </div> <div style="text-align: center;"> <input type="checkbox"/>              Management              Contractor           </div> <div style="text-align: center;"> <input type="checkbox"/>              Subcontract              or              Contractor           </div> </div>	
Total Contract Amount:	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert total contract amount in local currency]</i>	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <i>[Insert total contract amount in US dollars]</i>

Similar Contract No. <i>[insert specific number]</i> of <i>[total number of contracts]</i> required	Information		
			<i>amount in US\$ equivalent]</i>
If party in a JV or Subcontractor, specify participation of Total Contract Amount	_____ % <i>[Insert a percentage amount]</i>	_____ <i>[Insert total contract amount in local currency]</i>	_____ <i>[Insert total contract amount in US\$ equivalent]</i>
Employer's Name	_____ <i>[Insert full name]</i>		
Address:	_____ _____ <i>[Insert street / number / town or city / country]</i>		
Telephone/Fax numbers:	_____ <i>[Insert telephone/fax numbers, including country and city area codes]</i>		

<b>Similar Contract No. <i>[insert specific number]</i> of <i>[total number of contracts]</i> required</b>	<b>Information</b>
Email:	<hr/> <i>[Insert email address, if available]</i>
Description of the ESHS challenges and measures implemented under the contract:  a) ESHS Challenge  b) ESHS Risk Assessment Level  c) ESHS implemented measures (as per criterion 5.3 of Section III - Initial Selection Criteria)  d) ESHS Knowhow Transfer or ESHS Local Staff Capacity Building (as per criterion 5.4, if any, of Section III - Initial Selection Criteria)	  <i>[Insert description]</i>  <i>[Insert classification of risk assessment as per development bank classification if applicable]</i>  <i>[Provide a document supporting the implementation of ESHS measures, acceptable to the Employer<sup>1</sup>]</i>  <i>[Provide evidence of successful<sup>2</sup>:</i> – <i>ESHS knowhow transfer to local partners or subcontractors; or</i> – <i>ESHS capacity building to local staff under the contract.]</i>

<sup>1</sup> For example ESHS activity reports, ESHS final reports, ESHS inspection reports, supervision Engineer's reports, etc. Only documents evidencing implementation of ESHS measures shall be accepted.

<sup>2</sup> For example ESHS activity reports presenting training activities, training materials with attendance sheets, etc. Only documents evidencing ESHS knowhow transfer or ESHS local staff capacity building shall be accepted.

## **Section V – Eligibility Criteria**

### **Eligibility in AFD-Financed Procurement**

- I. Financing allocated by AFD to a Contracting Authority has been entirely untied since 1<sup>st</sup> January 2002. To the exception of any equipment or any sector which is subject to an embargo by the United Nations, the European Union or France, all goods, works, plants, consulting services and non-consulting services are eligible for AFD financing regardless of the country of origin of the supplier, contractor, subcontractor, consultant or subconsultant inputs or resources used in the implementation processes.
2. A Person<sup>1</sup> may not be awarded an AFD-financed Contract if, on the date of submission of its Application, Bid, Proposal or Quotation, or at any time between this date and that of the corresponding Contract award, it or any of its subcontractors, Directors<sup>2</sup>, employees or agents (be it declared or not):
  - 2.1 Is bankrupt, being wound up or ceasing its activities, is having its activities administered by the courts, has entered into receivership, or is in any analogous situation arising from any similar procedure;
  - 2.2 Has, within the past five years, been subject to a final administrative sanction, a final conviction issued by a competent authority, or any other non-court resolution<sup>3</sup> having notably an extinctive effect on public action, either (i) in the country of constitution of the Person, (ii) in the country of performance of the Contract, (iii) in the context of the procurement or performance of an AFD-financed Contract, (iv) pronounced by a European Union institution or (v) pronounced by a competent authority in France, for:
    - a) Prohibited Practices<sup>4</sup>, or any other offence committed in the context of the procurement or performance of a Contract, subject to additional information, such as a compliance program, that such Person (or, respectively, their subcontractor, Director, employee or agent) may consider useful to provide

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<sup>1</sup> Means any natural or legal person, as well as any association or group of several such persons

<sup>2</sup> Means any natural person who is a member of the administrative, management or supervisory bodies of a legal entity, or who is vested with powers of representation, decision-making, or control over a legal entity.

<sup>3</sup> Including the Judicial Public Interest Agreement (CJIP), a decision following an Appearance on Prior Admission of Guilt (CRPC), a negotiated resolution agreement, or any other similar form of transaction ending the proceedings.

<sup>4</sup> As defined in Section VI – AFD Policy – Prohibited Practices – environmental and social responsibility

in the context of the Statement of Integrity, that would give grounds to consider that this sanction, conviction or other resolution is not relevant in the context of the present Contract;

- b) Participation in a criminal organization, terrorist offences or offences related to terrorist activities, child labor, or other offences related to human trafficking;
- c) Having created an entity in a different jurisdiction with the intention of avoiding tax or social obligations, or any other legal obligation applicable in the jurisdiction where it has its registered office, its central administration or its principal place of business, or for being an entity created with the intention of avoiding such obligations;

2.3 Has been subject to a termination fully settled against it within the past five years due to a significant or persistent breach of its contractual obligations during the performance of a Contract, unless (i) such termination was challenged and (ii) dispute resolution is still pending or has not confirmed a full settlement against it.;

2.4 Has been declared ineligible by one of the multilateral development banks signatories to the Mutual Recognition Agreement of 9 April 2010.<sup>5</sup> In the event of such ineligibility, the Person may attach additional information to the Statement of Integrity that would give grounds to consider that this ineligibility is not relevant in the context of this Contract;

2.5 Has not fulfilled their obligations relating to the payment of their taxes or social contributions, in accordance with the legal provisions of their country of incorporation, or those of the country of the Contracting Authority;

2.6 Has produced falsified documents or has been guilty of misrepresentation when providing the information requested by the Contracting Authority in the context of the procurement and award process for this Contract.

3. In addition, a Person may not be awarded an AFD-financed Contract if, on the date of submission of its Application, Bid, Proposal or Quotation, or at any time between this date and that of the corresponding Contract award, it or any of its subcontractors,

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<sup>5</sup> World Bank, Inter-American Development Bank, African Development Bank, Asian Development Bank and European Bank for Reconstruction and Development.

Directors, employees, agents (be it declared or not), direct or indirect shareholders, or subsidiaries, acting with its knowledge or consent:

- 3.1 Is directly or indirectly subject to, controlled by a person or an entity subject to, or acting in the name or on behalf of a person or entity subject to individual sanctions measures adopted by the United Nations, the European Union and/or France;
  - 3.2 Is directly or indirectly subject to, controlled by a person or an entity subject to, or acting in the name or on behalf of a person or entity subject to sectoral sanctions measures adopted by the United Nations, the European Union and/or France;
  - 3.3 Is ineligible for the implementation of the Project by way of any other international sanctions measures pronounced by the United Nations, the European Union or France.
4. State-owned entities may compete only if they can establish that they (i) are legally and financially autonomous, and (ii) operate under commercial law. To be eligible, a state-owned entity shall establish to AFD's satisfaction, through all relevant documents, including its Charter and other information AFD may request, that it: (i) is a legal entity separate from their state (ii) does not currently receive substantial subsidies or budget support; (iii) operates like any commercial enterprise, and, inter alia, is not obliged to pass on its surplus to their state, can acquire rights and liabilities, borrow funds and be liable for repayment of its debts, and can be declared bankrupt.

## **Section VI – AFD Policy - Corrupt and Fraudulent Practices – Environmental and Social Responsibility**

### **I. Prohibited Practices**

The Contracting Authority and the suppliers, contractors, subcontractors, consultants or subconsultants shall respect the highest ethical principles during the procurement and performance of Contracts.

For the purpose of this provision, AFD introduces the concept of Prohibited Practices, referring to acts as defined in the “General Policy to Prevent and Combat Prohibited Practices”<sup>6</sup> available on the AFD website and in the document titled “Procurement Guidelines for AFD-Financed Contracts in Foreign Countries”<sup>7</sup>.

By signing the Statement of Integrity the suppliers, contractors, subcontractors, consultants or subconsultants declare that they have not engaged, nor will they engage, in any Prohibited Practices during the procurement and execution of the Contract.

A Person<sup>8</sup> or any of its subcontractors, Directors<sup>9</sup>, employees or agents (be it declared or not), may not be awarded an AFD-financed Contract if on the date of submission of its Application, Bid, Proposal or Quotation, or at any time between this date and that of the corresponding Contract award, it has engaged in a Prohibited Practice, directly or by means of an agent (be it declared or not), for the purpose of being awarded this Contract.

Moreover, AFD requires including in the procurement documents and AFD-financed contracts a provision requiring that applicants, bidders, suppliers, contractors, subcontractors, consultants or subconsultants will permit AFD to investigate, including the inspection of their accounts and records relating to the procurement process and performance of the AFD-financed contract, and to have them audited by auditors appointed by AFD.

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<sup>6</sup> For more information, this Policy is available on the following link : <https://www.afd.fr/en/combating-corruption>

<sup>7</sup> For more information, the Procurement Guidelines are available on the following link : <https://www.afd.fr/en/bid-invitations-and-procurement>

<sup>8</sup> Means any natural or legal person, as well as any association or group of several such persons.

<sup>9</sup> Means any natural person who is a member of the administrative, management or supervisory bodies of a legal entity, or who is vested with powers of representation, decision-making, or control over a legal entity.

For the purpose of detecting and effectively combating Prohibited Practices, AFD has established a whistleblowing mechanism open to third parties: anyone can thereby directly report an allegation of a Prohibited Practice to AFD's Investigations Function, either:

- By e-mail, to the address [investigationsGroupeAFD@tutanota.com](mailto:investigationsGroupeAFD@tutanota.com), or
- By sending a letter to AFD's Compliance Department, 5 rue Roland Barthes, 75012 Paris.

## **2. Environmental, Social, Health and Safety (ESHS) Responsibility, and Security**

In order to promote sustainable development, AFD seeks to ensure that internationally recognized ESHS standards are complied with in the Contracts it finances. Consequently, the applicants, bidders, consultants and their subcontractors shall undertake, by signing the Statement of Integrity, to:

- a) Comply with the environmental standards recognized by the international community, including the international conventions for the protection of the environment and, in particular, take all reasonable steps to avoid or limit negative effects on vegetation, biodiversity, soils, groundwater and surface water, and on persons and property resulting from pollution, noise, vibration, traffic and other effects resulting from our activities, in accordance with the laws and regulations applicable in the country of performance of the Contract.
- b) Implement measures to mitigate environmental and social risks when they are indicated in the environmental and social management plan provided by the Contracting Authority, and ensure that the emissions, surface discharge and effluents produced by our activities respect the limits, specifications or requirements applicable to the Contract.
- c) Respect the rights of workers related to wages, working hours, rest periods and vacations, overtime, minimum age, regular payments, compensation and benefits, in accordance with the standards recognized by the international community, including the fundamental conventions of the International Labour Organization (ILO), in accordance with the laws and regulations applicable in the country of performance of the Contract; indicate these elements in a document annexed to the employment contracts of our employees and made available to the Contracting Authority; and respect and facilitate the rights of workers to organize themselves and set up a complaints management mechanism for direct or indirect workers.
- d) Implement practices for non-discrimination and equal opportunities, and ensure the prohibition of child labor and forced labor.



- e) Keep a record for each member of the local staff recording the hours worked by each person, the type of work, the wages paid and the training undertaken, and ensure that these records are available at all times to be inspected by the Contracting Authority and the authorized representatives of the government, in accordance with the laws and regulations applicable to the protection of personal data in the country of performance of the Contract.

## **PART 2 – Employer's Requirements**

## Section VII – Scope of Employer's Requirements

### I. Background

The Kenya Electricity Generating Company PLC (KenGen, herein called the Employer) is a public limited company, registered under the Companies Act of the Laws of Kenya. KenGen was incorporated in 1954 with its core business being development, management, and operation of power generation plants. It is owned 70% by the Government of Kenya and 30% by the public. KenGen's power generation expansion strategy focuses on clean technology with close to 80% of the energy generated from renewable sources namely Hydro, Geothermal and Wind.

The Employer plans to install a utility scale Solar Power Plant of a 42.5MWac Solar Photovoltaic (PV) Power Project including implementation of a Battery Energy Storage System (BESS) of 3MW/4.5MWh or higher, High Voltage (HV) Substation and Transmission Line and local works.

The project is located approximately 150Km Northeast of Nairobi, 3Km West of the Kamburu Dam, and 500m South of Mavuria village.

The Project will be structured into two (2) contracts:

No.	Type of Contract	Description
1.	Consultancy	Implementation Consultant and Technical Assistance (Design Review, Supervision and Management of the works contract)
2.	Works (Design Build)	Design, Supply, Construction, Installation, Testing and Commissioning of the PV Plant, Battery Energy Storage System (BESS), High Voltage (HV) Substation and Transmission Line and local works

## **2. Description of the Works (Design-Build) with performance requirements**

The scope of Works shall consist of the following components:

- i. Solar PV Power Plant minimum (47.5MWdc/42.5MWac)
- ii. Battery Energy Storage System (3MW/4.5MWh) or higher
- iii. 132kV Loop In Loop Out (LILO) Substation, Transmission Interconnection facilities and related works. Modification of the existing Masinga and Kamburu substations.
- iv. Civil works (Including but not limited to the perimeter wall, access roads, office blocks, staff housing)
- v. Other local works

## **3. Implementation Period**

The Implementation period is expected to take thirteen (13) months with a Defects Liability Period of Twenty-four (24) months.

## **4. Project data**

### **4.1. Site Data**

#### **4.1.1. Project Location**

The project is located approximately 150Km Northeast of Nairobi, 3Km West of the Kamburu Dam, and 500m South of Mavuria village. The project site is located on KenGen owned land (0°48'11.64"S, 37°40'0.57"E).

#### **4.1.2. Access to site**

The project site is well-connected through a network of tarmacked roads that provide smooth and efficient access from major highways and towns. It is easily accessible via the B7 tarmacked road (Embu – Sakiago road) located to its north. Additionally, a paved murram road encircles the site's boundaries.

#### 4.1.3. Transportation

There are two main modes of transportation available to the project site:

##### i. Road Transport

Tarmacked road to site and a murram road bordering the Northern part of the project site.

##### ii. Air Transport

The Seven Forks Airstrip located along the Kivaa-Gitaru Road.

#### 4.1.4. Project Layout

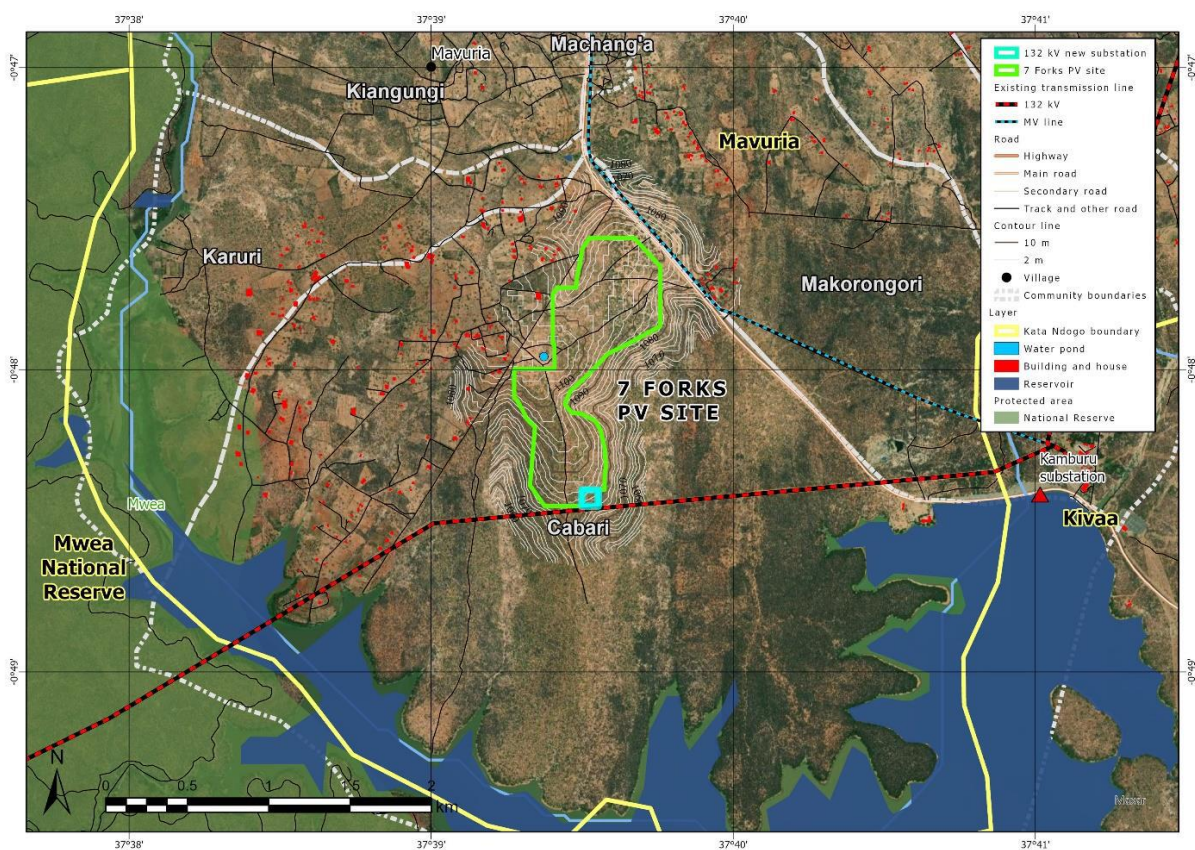


Figure I: Seven Forks PV Project Site Location

#### **4.1.5. Climate**

The project location area can be described as semi-humid to semi-arid climatic zone. This zone occupies more or less the elevation between 900 and 1800 meters above sea level. The area has lower rainfall of about 500-1000 mm. The presence of the reservoir has influence on the temperatures experienced in the area. The area is relatively hot during the day and cool during the night. These climatic conditions support the growth of acacia trees and shrubs in the area.

#### **4.1.6. Geology**

The local geology covering the study area is broadly classified as granitoid gneiss, further classified as;

- i. Biotite gneiss.
- ii. Hornblende Gneisses
- iii. Hornblende – Biotite gneisses

#### **4.1.7. Hydrology**

The Seven Forks PV Project Site will be located near the Kamburu reservoir, which is part of the Seven Forks cascade. The water catchment areas for this reservoir include Aberdare ranges and Mt. Kenya. The reservoir receives water from the Masinga power plant (Tana River) and the Thiba River. Both rivers are permanent rivers with good flows. The mean annual flow from Masinga is 72.66 m<sup>3</sup>/s, while the mean annual flow from Thiba River is 29.25 m<sup>3</sup>/s. The total annual inflow into the reservoir is 101.91 m<sup>3</sup>/s. The Kamburu reservoir experiences two seasons of high inflows and two seasons of low inflows. The high flow seasons include March to May and October to December while the low flow seasons include January to February and June to September. These hydrological characteristics follow the bi-modal rainfall pattern in the region.