



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



## **Standard Prequalification Document**

**for**

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Procurement of Works

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TANZANIA

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## Preface

Procurement for Works under public financed projects is carried out in accordance with policies and procedures laid down in the Public Procurement Act Cap. 410, and the Public Procurement Regulations, 2013.

This Standard Pre-qualification Document (SPD) for Works has been prepared by the Public Procurement Regulatory Authority (PPRA) and other professional bodies, primarily for use by Procuring Entities (PEs) in the pre-qualification for procurement of works through National and International Tendering (NCT & ICT) and other procedures as appropriate.

The purpose of this document is to assist PEs in the preparation of Pre-qualification Documents for implementation of works projects.

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

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

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**List of Abbreviations**

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

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

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

The revised SPD for Procurement of Works differs with the structure of the old document in the sense that, the revised document has a dedicated section (Section IV) for the Qualification Criteria and Requirements which is no longer included in the Tender Data Sheet. The forms have also been separated into Tendering Forms (Section V) and Contract Forms (Section X) to avoid confusion as to whom (the PE or the Contractor) should complete which forms.

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

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

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

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

### **PART 1 – PREQUALIFICATION PROCEDURES**

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

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

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

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

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

This Section includes provisions that are specific to each prequalification and supplement Section II, Instructions to Applicants. Amendments, if any, to the **ITA** should be made through the PDS. If duplication of a subject is inevitable in the different sections of the document, care must be exercised to avoid contradiction between clauses dealing with the same matter. All italicized spaces in the PDS should be filled out by the PE prior to issuance of the Pre-qualification documents. **No entry should be made in the PDS if it is not cross referenced in the ITA.**

**Section IV - Qualification Criteria and Requirements**

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

**Section V - Application Forms**

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

**Section VI - Eligible Countries**

This Section contains information regarding eligible countries.

**PART 2 – PROCURING ENTITY’S REQUIREMENTS****Section VII - Scope of Works**

This Section includes a summary description, delivery and completion schedules, Site and other Data of the Works subject of this Prequalification. The Scope of Works may also include a summary of the Environmental and Social (ES) requirements (including requirements relating to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)) which are to be satisfied by the Contractor in executing the Works.

## Section I - Invitation for Pre-qualification

[Insert: name of project]

Brief Description of Works

[Insert]

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

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

## SECTION II: INSTRUCTIONS TO APPLICANTS

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<b>A: GENERAL</b>		
<b>1. Scope of Works</b>	1.1	The Procuring Entity (PE), as indicated in the <b>PDS</b> , issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to Tender for the Works described in Section VII (Scope of Works). In case the Works are to be Tendered as individual contracts (i.e., the slice and package procedure), these are listed in the <b>PDS</b> .
	1.2	If so indicated in the <b>PDS</b> , the total Works to be constructed have been divided into a number of similar Lots (slices) and tenders will be invited concurrently for the combinations of lots (packages). Applicants can tender for individual lot only or for a combination of lots within their pre-qualified capacity as assessed by the Procuring Entity.
	1.3	It is expected that pre-qualified applicants will be invited to submit tenders during the date, month and year indicated in the <b>PDS</b>
	1.4	The Tendering Documents, type of contract, and method of payment, whether prices are fixed or adjustable, and the time for completion are indicated in the <b>PDS</b>
	1.5	General information on the climate, hydrology, topography, geology, access to site, transportation and communications facilities, medical facilities, project layout, expected construction period, facilities, services provided by the Procuring Entity, and other relevant data is attached as an Annex to the <b>PDS</b> .
<b>2. Source of Funds</b>	2.1	The Government of Tanzania has set aside funds for the operations of the PE named in the <b>PDS</b> during the Financial Year indicated in the <b>PDS</b> . It is intended that part of the proceeds of the funds will be applied to cover eligible payments under the contract for the works as described in the <b>PDS</b> .  <b>or</b> The Government of Tanzania through the PE named in the <b>PDS</b> has applied for/received/ intends to apply for a [loan/credit/grant] from the financing institution named in the <b>PDS</b> towards the cost of the Project named in the <b>PDS</b> . The Government of Tanzania intends to apply a part of the proceeds of this [loan/credit/grant] to payments under the Contract described in the <b>PDS</b> .
	2.2	Payments will be made directly by the PE (or by financing institution specified in the <b>PDS</b> upon request by the PE to so pay) and will be subject in all respects to the terms and conditions of the resulting contract placed by the PE.
<b>3. Fraud, and Corruption, Coercive, Collusive</b>	3.1	The Government of Tanzania requires that PEs (including beneficiaries of Government funded projects and procurement) as well as Tenderers under Government

<p><b>and Obstructive Practices</b></p>		<p>financed contracts, observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, the following shall apply.</p> <p>(a) for the purposes of this provision, the terms set forth below are defined as follows:</p> <p>(i) “corrupt practice” means the offering, giving receiving or soliciting of anything of value to influence the action of a public officer in the procurement process or contract execution;</p> <p>(ii) “coercive practice” means impairing or harming, or threatening to impair or harm directly or indirectly, any party or the property of the party for the purpose of influencing improperly the action of that party in connection with public procurement or in furtherance of corrupt practice or fraudulent practice;</p> <p>(iii) “fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Government or a public body and includes collusive practices among Applicants, prior to or after submission designed to establish tender prices at artificial non-competitive levels and to deprive the Government of the benefits of free and open competition;</p> <p>(iv) “obstructive practice” means acts intended to materially impede access to required information in exercising a duty under this Act;</p> <p>(b) PE will not accept award if it determines that the applicant recommended for prequalification has engaged in corrupt, fraudulent, coercive, collusive or obstructive practices in competing for the Contract in question; and</p> <p>(c) PPRA will declare a firm ineligible, for a period of ten years, to be awarded a public-financed contract if it at any time determines that the firm has engaged in corrupt, fraudulent, coercive collusive or obstructive practices in competing for, or in executing, a public-financed contract.</p>
	<p>3.2</p>	<p>The Government of Tanzania reserves the right, where the applicant has been found by a national or international entity to have engaged in corrupt, fraudulent, coercive, collusive or obstructive practices to declare that such applicant is ineligible, for a stated period of ten years to be awarded a public financed contract.</p>

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

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

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

		with its Application all information or documentation as is required by the Prequalification Document.
<b>6. Clarification of Prequalification Document and Pre-Application Meeting</b>	6.1	An Applicant requiring any clarification of the Prequalification Document shall contact the PE through TANEPS. The PE will respond through TANEPS to any request for clarification provided that such request is received no later than Seven (7) days prior to the deadline for submission of the applications. The PE's response shall be posted through TANEPS to all prospective Applicants who have obtained the Prequalification Document from TANEPS, including a description of the inquiry but without identifying its source. Should the PE deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 7 [Amendment of Pre-qualification Document] and in accordance with the provisions of ITA 16.2 [Deadline of Submission of Applications].
	6.2	If indicated in the <b>PDS</b> , the Applicant's designated representative is invited, at the Applicant's cost, to attend a pre-Application meeting at the place, date and time mentioned in the <b>PDS</b> . During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Prequalification Document.
	6.3	Minutes of the pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any responses prepared after the meeting will be transmitted promptly through TANEPS to all prospective Applicants who have obtained the Prequalification Document. Any modification to the Prequalification Document that may become necessary as a result of the pre-Application meeting shall be made by the PE exclusively through the use of an Addendum pursuant to ITA 7 [Amendment of Pre-qualification Document]. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant.
<b>7. Amendment of Prequalification Document</b>	7.1	At any time prior to the deadline for submission of Applications, the PE may amend the Prequalification Document by issuing an Addendum.
	7.2	Any Addendum issued shall be part of the Prequalification Document and shall be promptly communicated through TANEPS to all Applicants.
	7.3	To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the PE may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 16.2 [Deadline of Submission of Applications].

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

		<p>(b) Value of single contract - Exchange rate prevailing on the date of the contract.</p> <p>Exchange rates shall be taken from the publicly available source identified <b>in the PDS</b>. Any error in determining the exchange rates in the Application may be corrected by the PE.</p>
<b>14. Format and Signing of the Application</b>	14.1	The Applicant shall prepare documents constituting the Application as described in <b>ITA 10</b> [Documents Constituting the Application].
	14.2	The Application shall be signed by a person or persons duly authorized to sign on behalf of the Applicant and the authorization documents shall be submitted together with the Application indicating the names and position of each signatory in accordance with the requirements of the TANEPS, as specified in the <b>PDS</b> .
<b>D. SUBMISSION OF APPLICATIONS</b>		
<b>15. Submission of Applications.</b>	15.1	Applications submitted through TANEPS shall be considered to be true and legal version, duly authorized and duly executed by the Applicant and intended to have binding legal effect. The Applicant shall properly name his soft copies of documents before submission through TANEPS.
	15.2	The Application shall bear e-signature or digital signatures for identity and authentication purposes and the identity of the Applicant may be verified with a follow-up due diligence process.
	15.3	Applications submitted through TANEPS shall be received in full prior to the closing time, and the Applicants shall receive an acknowledgement of receipt of Application or amendment through the system.
	15.4	Applicants must ensure the integrity, completeness and authenticity of their submission; and in case of electronic records entered online and files containing the Application being unreadable for any reason, the Application submitted shall not be considered.
<b>16. Deadline for Submission of Applications</b>	16.1	Applications shall be received by the PE through TANEPS in a manner specified under <b>ITA 15</b> [Submission of applications] no later than the date and time specified in the TANEPS.
	16.2	The PE may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Document in accordance with <b>ITA 7</b> [Amendment of Prequalification Document], in which case all rights and obligations of the PE and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
	16.3	An Applicant may modify or substitute or withdraw its Application after it has been submitted to the PE through

		TANePS, provided that such modification or substitution or withdraw is made prior to the deadline for submission of Application prescribed under ITA16.1. Applicants shall receive an acknowledgement of receipt of Application or any amendment of its submitted Application through the system.
<b>17. Late Applications</b>	<b>17.1</b>	TANePS does not allow an Applicant to submit its Applications after the deadline for submission of applications in accordance with ITA 16 [Deadline for Submission of Applications]
<b>18. Opening of Applications</b>	<b>18.1</b>	The opening shall be done by Tender Opening Committee. The application opening records shall be made available in the appropriate section of the TANePS. Late Applications shall be treated in accordance with ITA 17.1 [Late Applications].
	18.2	An Applicant or any other person with interest in the tender process can access Application opening records on the appropriate section of TANePS.
	18.3	The PE shall only open and evaluate Applications received on time through TANePS.
<b>E. PROCEDURES FOR EVALUATION OF APPLICATIONS</b>		
19. Confidentiality	<b>19.1</b>	Information relating to the Applications, their evaluation and results of the prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 27 [Notification of Pre-qualification Results]
	19.2	From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 27 [Notification of Pre-qualification Results], any Applicant that wishes to contact the PE on any matter related to the prequalification process may do so through TANePS.
	19.3	Any effort by the Applicant to influence the PE's processing of Applications or Pre-qualification decisions may result in the rejection of its Application.
20. Clarification of Applications	<b>20.1</b>	To assist in the evaluation of Applications, the PE 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 PE and all clarifications from the Applicant shall be through TANePS.
	20.2	If an Applicant does not provide clarifications and/or documents requested by the date and time set in the PE's request for clarification, its Application shall be evaluated based on the information and documents available at the

		time of evaluation of the Application.
21. Responsiveness of Applications	<b>21.1</b>	The PE may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 20.1 [Clarifications of Applications], and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.
22. Margin of Preference	<b>22.1</b>	Unless otherwise specified in the <b>PDS</b> , a margin of preference for domestic Tenderers shall not apply in the Tendering process resulting from this prequalification.
23. Subcontractors	<b>23.1</b>	Unless otherwise stated in the <b>PDS</b> , the PE does not intend to execute any specific elements of the Works by sub-contractors selected in advance by the PE (so-called "Nominated Subcontractors").
	23.2	The Applicant shall not propose to subcontract the whole of the Works. The PE, in ITA 24.2 [Evaluation of Applications], may permit the Applicant to propose subcontractors for certain specialized parts of the work as indicated therein as ("Specialized Subcontractors"). Applicants planning to use such specialized Subcontractors shall specify, in the Application Submission Letter, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.
<b>F. EVALUATION OF APPLICATIONS AND PREQUALIFICATION OF APPLICANTS</b>		
<b>24. Evaluation of Applications</b>	<b>24.1</b>	The PE shall use the factors, methods, criteria, and requirements defined in Section IV, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The PE reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
	24.2	Subcontractors proposed by the Applicant shall be fully qualified for their parts of the Works. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works unless their parts of the Works were previously designated by the PE in the <b>PDS</b> as can be met by Specialized Subcontractors, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation.
	24.3	In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The PE shall prequalify each Applicant for the maximum combination of

		<p>contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements. The qualification criteria and requirements are specified in Section IV.</p>
	<p>24.4</p>	<p>However, with respect to the specific experience under item Section IV (Qualification Criteria and Requirements), 4.2 (a), the PE will select any one or more of the options as identified below:</p> <p><b>N</b> is the minimum number of contracts  <b>V</b> is the minimum value of a single contract.</p> <p><b>(a) Prequalification for one Contract:</b></p> <p style="padding-left: 40px;"><u>Option 1:</u>(i) N contracts, each of minimum value V;  <b>Or</b>  <u>Option 2:</u> (i) N contracts, each of minimum value V,  <b>Or</b></p> <p style="padding-left: 80px;">(ii) Less than or equal to N contracts, each of minimum value V, but with total value of all contracts equal or more than N x V</p> <p><b>(b) Prequalification for Multiple Contracts</b></p> <p style="padding-left: 40px;"><u>Option 1:</u> (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the Applicant has applied for as follows, and N1, N2, N3, etc. shall be different contracts:</p> <p style="padding-left: 80px;"><b>Lot 1:</b> N1 contracts, each of minimum value V1;  <b>Lot 2:</b> N2 contracts, each of minimum value V2;  <b>Lot 3:</b> N3 contracts, each of minimum value V3; --  --etc.</p> <p style="padding-left: 80px;"><b>Or</b></p> <p style="padding-left: 40px;"><u>Option 2:</u> (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the Applicant has applied for as follows, and N1, N2, N3, etc. shall be different contracts:</p> <p style="padding-left: 80px;"><b>Lot 1:</b> N1 contracts, each of minimum value V1;  <b>Lot 2:</b> N2 contracts, each of minimum value V2;  <b>Lot 3:</b> N3 contracts, each of minimum value V3; -  ---etc,</p> <p style="padding-left: 80px;"><b>Or</b></p> <p style="padding-left: 80px;">(ii) <b>Lot 1:</b> N1 contracts, each of minimum value V1; or number of contracts less than or equal to N1, each of minimum value V1, but with total value of all contracts equal or more than N1 x V1</p>

		<p><b>Lot 2:</b> N2 contracts, each of minimum value V2; or number of contracts less than or equal to N2, each of minimum value V2, but with total value of all contracts equal or more than N2 x V2</p> <p><b>Lot 3:</b> N3 contracts, each of minimum value V3; or number of contracts less than or equal to N3, each of minimum value V3, but with total value of all contracts equal or more than N3 x V3 ---etc.</p>
	24.5	Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 24.2 above) or any other firm(s) different from the Applicant shall not be considered.
<b>25. PE's Right to Accept or Reject Applications</b>	<b>25.1</b>	The PE reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.
<b>26. Prequalification of Applicants</b>	<b>26.1</b>	All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be prequalified by the PE.
	26.2	An Applicant may be "conditionally prequalified," that is, qualified subject to the Applicant submitting or correcting certain specified nonmaterial documents or deficiencies to the satisfaction of the PE.
	26.3	Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the PE before or at the time of submitting their Tenders.
<b>27. Notification of Prequalification Results</b>	<b>27.1</b>	The PE shall notify all Applicants through TANEPS of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.
	27.2	Applicants that have not been prequalified may write to the PE to request through TANEPS, the grounds on which they were disqualified.
<b>28. Request for Tenders</b>	<b>28.1</b>	Promptly after the notification of the results of the prequalification, the PE shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.
	28.2	Tenderers may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the PE in the form and an amount to be specified in the Tendering document.

	28.3	The successful Tenderer shall be required to provide a Performance Security as specified in the Tendering document.
	28.4	If specified in the <b>PDS</b> , the successful Tenderer shall be required to provide a separate Environmental and Social (ES) Performance Security.
	28.5	Tenderers shall be required to provide a Code of Conduct which will apply to their and sub-contractors' personnel that includes the minimum requirements specified in the Tendering document.
	28.6	If specified in the <b>PDS</b> , Tenderers shall be required to submit management strategies and implementation plans that address key Environmental and Social (ES) risks [including Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)] requirements.
	28.7	Prior to Contract award, the PE will verify that the successful Tenderer (including each member of a JV) is not disqualified due to non-compliance with contractual SEA/SH prevention and response obligations. The PE will conduct the same verification for each subcontractor proposed by the successful Tenderer. If any proposed subcontractor does not meet the requirement, the PE will require the Tenderer to propose a replacement subcontractor
<b>29. Changes in Qualifications of Applicants</b>	29.1	Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 26 [Prequalification of Applicants] and invited to Tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the PE prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section IV (Qualification Criteria and Requirements); or (iii) in the opinion of the PE, the change may result in a substantial reduction in competition. Any such change should be submitted to the PE not later than fourteen (14) days after the date of the Request for Tenders.
<b>30. Procuring Entity's Rights</b>	30.6	The PE reserves the right to take the following actions, and shall not be liable for any such actions: <ul style="list-style-type: none"> <li>(a) amend the scope and cost of any contract to be tendered under this project, in which event tenders will be invited only from those applicants who meet the resulting amended prequalification requirements;</li> <li>(b) reject or accept any prequalification application;</li> </ul>

		(c) cancel the prequalification process and reject all applications.
<b>G: REVIEW OF APPLICATION DECISIONS</b>		
<b>31. Right to Review</b>	31.1	Applicant who claims to have suffered or that may suffer any loss or injury as a result of breach of a duty imposed on a Procuring Entity or an approving authority in the course of these procurement proceedings may seek a review in accordance with the procedure set out under this Section.
<b>32. Time Limit on Review</b>	32.1	The Applicant shall submit an application for review within seven (7) working days, of the Applicant becoming or the Applicant should have become aware of the circumstances giving rise to the complaint or dispute.
<b>33. Submission of Applications for Review</b>	33.1	Any application for administrative review shall be submitted in writing or in electronic forms that provide record of the content of communication to the Accounting Officer of a Procuring Entity and a copy shall be served to the Public Procurement Regulatory Authority (PPRA) at the address shown in the <b>PDS</b> .
	33.2	For PEs with delegated Tender Boards, applications for administrative review for tenders floated by the delegated PMUs shall be submitted through TANEPS to the delegated Accounting Officer with a copy served to the Public Procurement Regulatory Authority (PPRA). The delegated Accounting Officer shall promptly forward the same to the Accounting Officer of the PE.
	33.3	The application for administrative review shall include: <ul style="list-style-type: none"> <li>a) details of the procurement requirements to which the complaint relates;</li> <li>b) details of the provisions of the Act, Regulation or provision that has been breached or omitted;</li> <li>c) an explanation of how the provisions of the Act, Regulation or provision has been breached or omitted, including the dates and name of the responsible public officer, where known;</li> <li>d) documentary or other evidence supporting the complaint where available;</li> <li>e) Remedies sought; and</li> <li>f) any other information relevant to the complaint.</li> </ul>
	33.4	Upon receipt of a complaint, the Accounting Officer of a PE shall suspend the pre-qualification proceedings
<b>34. Decision by the Accounting Officer</b>	34.1	The Accounting Officer shall, within seven (7) working days after receipt of the complaint or dispute, deliver a written decision which shall indicate: <ul style="list-style-type: none"> <li>a) whether the application is upheld in whole, in part or</li> </ul>

		<p>rejected;</p> <p>b) the reasons for the decision; and</p> <p>c) any corrective measures to be taken.</p>
	34.2	<p>Where the Accounting Officer does not issue a decision within the time specified in ITA 34.1, the Applicant submitting the complaint or dispute or the Procuring Entity shall be entitled immediately thereafter to institute proceedings under ITA 35.1 and upon instituting such proceedings, the competence of the Accounting Officer to entertain the complaint or dispute shall cease.</p>
<b>35. Review by the Public Procurement Appeals Authority</b>	35.1	<p>Complaints or disputes which,</p> <p>a) are not settled within the specified period under ITA 34.1 [Decision by the Accounting Officer]; or</p> <p>b) the Applicant is not satisfied with the decision of the accounting officer.</p> <p>shall be referred to the Appeals Authority within seven (7) working days from the date when the Applicant received the decision of the accounting officer or, in case no decision is issued after the expiry of the time stipulated under ITA 34.1 [Decision by the Accounting Officer] .</p> <p>The Appeals Authority shall, within forty-five (45) days issue a written decision concerning the complaint or dispute stating the reasons for the decisions and the remedies granted if any.</p> <p>The decision of the Appeals Authority shall be binding to the parties on complaint or appeal and such decision may be enforced in any court of competent jurisdiction.</p>
	35.2	<p>PPAA may be contacted at the address shown in the <b>PDS</b>.</p>

## SECTION III - PREQUALIFICATION DATA SHEET (PDS)

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

Ser. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
<b>A. GENERAL</b>			
1.	Name of the PE	<b>ITA 1.1 &amp; ITA 2.1</b>	The PE is: <i>[insert the name of the PE]</i>
2.	Name of the project	<b>ITA 1.2 &amp; ITA 2.1</b>	Name of Project is: <i>[insert name and summary description of the works]</i>
3.	Lots	<b>ITA 1.1 &amp; ITA 1.2</b>	The list of contracts is: <i>[insert number, names and identification numbers. If the works has not been divided into contracts, add the name of the works]</i>
4.	Expected Date of Invitation to Tender	<b>ITA 1.3</b>	<u>Expected date of Invitation for Tenders</u> <i>[Insert the date and time; or alternatively, just the month and year if a precise date has not yet been decided]</i>
5.	Type of Contract	<b>ITA 1.4</b>	<b>Type of Contract</b> Tendering Documents: <i>[State whether: the Public Procurement Regulatory Authority's SBD for Works, Smaller Contracts, Supply and Installation of Goods, or other (e.g. Turnkey, Design and Build, etc.)]</i> <u>Method of Payment:</u> <u>Prices:</u> <i>[State whether: unit rate with BOQ, lump sum against completed activities, or other, and whether prices are fixed or adjustable.]</i> <u>Time for Completion:</u> <i>[State time in weeks; if variable times are to be invited, give the range of acceptable</i>

Ser. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
			<i>times. With multiple slice and package contracting, additional time may be permitted for combinations of slices, and evaluated accordingly on the basis of benefits foregone for the longer times of completion.]</i>
6.	Site Information	ITA 1.5	<i>[provide details as described in ITA 1.5; additional Annexes should be provided for each contract in "slice and package" tendering – Attach as Annex ( if any)</i>
7.	Source of Funds – Financial year	ITA 2.1	Financial Year <i>[insert FY]</i>
8.	Source of Funds – Financing Institution	ITA 2.1& 2.2	Name of financing institution is: <i>[insert name if any]</i>
9.	Source of Funds The loan /credit number	ITA 2.1& 2.2	The loan/ credit number is: <i>[insert number if available]</i> and name of the financing Institution <i>[insert name of the financing institution]</i>
10.	JV Members	ITA 4.1	Maximum number of members in the JV shall be: <i>[insert a number or insert "not limited"]</i>
<b>B. Contents of the Prequalification Document</b>			
11.	Pre- Application Meeting	ITA 6.2	Pre-Application Meeting will be held: <i>[Yes/No]</i>  <i>[If Yes, please insert the address, date and time of the meeting]</i>
<b>C. Preparation of Applications</b>			
12.	Language of Application	ITA 9.1	This Prequalification document has been issued in the <i>[Insert the language]</i> language.
13.	Additional Document	ITA 10.1 (d)	The Applicant shall submit with its Application, the following additional

Ser. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
			documents: <i>[insert list of additional documents] (if any)</i>
14.	Source of Exchange Rate	ITA 13.2	The source for determining exchange rates is <i>[insert a publicly available source]</i>
15.	Power of Attorney	ITA 14.2	Written confirmation of authorization to sign on behalf of the Applicant is <i>[[Power of Attorney in the Format Provided in Section V: Application Forms]</i>  <i>Note: Power of Attorney by a foreign firm may be presented in any other acceptable format</i>
<b>E. Procedures for Evaluation of Applications</b>			
16.	Margin of Preference	ITA 22.1	A margin of domestic preference <i>[insert either "shall" or "shall not"]</i> apply
17.	Nominated Subcontractors	ITA 23.1	At this time the Employer <i>[insert "intends" or "does not intend"]</i> to execute certain specific parts of the Works by sub-contractors selected in advance.  <i>[If the above states "intends" list the specific parts of the works and the respective sub-contractors]</i>
18.	Specialized Subcontractors	ITA 24.2	<i>[Indicate N/A if there are no parts of the Works requiring Specialized Subcontractors]</i>  The parts of the Works for which the Employer permits Applicants to propose Specialized Subcontractors are designated as follows:  a. _____  b. _____  c. _____  For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the

Ser. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
			qualifications of the Applicant for the purpose of evaluation.
19	<b>Environmental and Social Performance Security</b>	<b>ITA 28.4</b>	<p>The Employer intends to require Tenderers to submit Environmental and Social (ES) Performance Security</p> <p>.</p> <p><i>[or]</i></p> <p>The Employer does not intend to require Tenderers to submit Environmental and Social (ES) Performance Security</p>
20.	<b>Sexual Exploitation and/or Sexual Harassment Declaration</b>	<b>ITA 28.6</b>	<p><b><i>[Choose one of the two options below:]</i></b></p> <p><i>[Choose Option 1 for contracts under Projects assessed as high risk for Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH); otherwise choose Option 2. It is indicated here as “intends” in case the risk level changes by the time of inviting tenders.]</i></p> <p>[The Employer intends to require Tenderers to submit Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH) Declaration.</p> <p><i>[or]</i></p> <p>The Employer does not intend to require Tenderers to submit Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment (SH) Declaration.]</p>

Ser. No	Required Information/Data	ITA Clause	Information/Data to be filled by the PE
<b>G: REVIEW OF PROCUREMENT DECISIONS</b>			
21.	Address to submit Copy of complaints	ITA 33.1	<p>The address to submit copies of complaints:</p> <p>The Chief Executive Officer, Public Procurement Regulatory Authority Kambarage Tower, 9<sup>th</sup> Floor, PSPF Road, P.O. Box 2865, 41104 Dodoma, TANZANIA. Tel: +255 26 2963854 E-mail: <a href="mailto:ceo@ppra.go.tz">ceo@ppra.go.tz</a> Web: <a href="http://www.ppra.go.tz">www.ppra.go.tz</a></p>
22.	Address to Submit an Appeal to PPAA	ITA 35.2	<p>The address for Appeal to PPAA:</p> <p>The Executive Secretary, Public Procurement Appeals Authority, Ministry of Finance and Planning, 1 Madaraka Street, P.O. Box 9310, 11468 Dar es Salaam. Telephone +255 22 2120451 Mobile:+255743505505 Fax + 255 022 2120460 Email: <a href="mailto:info@ppaa.go.tz">info@ppaa.go.tz</a> or <a href="mailto:es@ppaa.go.tz">es@ppaa.go.tz</a> Website <a href="http://www.ppaa.go.tz">www.ppaa.go.tz</a></p>

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

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

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No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
<b>1. Eligibility</b>							
1.1	Nationality	Nationality in accordance with ITA 4.1	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 4.5	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	Not declared Ineligible	Not having been declared, as described in ITA 4.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.4	Government Owned Entity	Applicant required to meet conditions of ITA 4.7	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2, with attachments
1.5	Anti-Bribery Policy	Submission of anti-bribery policy/code of conduct and Compliance Programme	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form-INTEG
<b>2. Historical Contract Non-Performance</b>							
2.1	History of Non-Performing Contracts	Non-performance of a contract <sup>1</sup> did not occur as a result of contractor’s default since 1 <sup>st</sup> January <i>[insert year]</i> .	Must meet requirement <sup>1</sup>	Must meet requirements	Must meet requirement <sup>2</sup>	N/A	Form CON-2
2.2	Debarment based on Execution of Tender Securing Declaration by the	Not under suspension based on execution of a Tender/Proposal Securing Declaration pursuant to ITA 4.6.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter

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

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

No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
	Authority						
2.3	Pending Litigation	Applicant’s financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2
2.4	Litigation History	No consistent history of court/arbitral award decisions against the Applicant <sup>3</sup> since 1 <sup>st</sup> January <i>[insert year]</i>	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2
2.5	Compliance with Statutory Requirements	No consistent history of failure to pay taxes and social security Contributions, and no failure to comply with environmental and health and safety requirements	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2
2.6	Declaration: Environmental, and Social (ES) past performance	Declare any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, or social (including Sexual Exploitation and Abuse) contractual obligations in the past five years <sup>4</sup> .	Must make the declaration. Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make the declaration	N/A	Each must make the declaration. Where there are Specialized Sub-contractor/s, the Specialized Sub-contractor/s must also make	N/A	Form CON-3 ES Performance Declaration

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

<sup>4</sup> The Employer may use this information to seek further information or clarifications during the tendering stage and the associated due diligence.

No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
					the declaration.		
2.7	SEA and/or SH Disqualification	<p>(a) ..... t the time of Contract Award, not subject to disqualification by the any Employer for non-compliance with SEA/ SH obligations</p> <p>(b) ..... f the Applicant had been subject to disqualification by any Employer for non-compliance with SEA/ SH obligations, the Applicant shall either (i) provide evidence of an arbitral award on the disqualification made in its favour; or (ii) demonstrate that it has adequate capacity and commitment to comply with SEA/SH prevention and response obligations; or (iii) provide evidence that it has already demonstrated such capacity and commitment for another public financed works contract</p>	<p>Must meet requirement (including each subcontractor)</p>	N/A	<p>Must meet requirement (including each subcontractor proposed by the Applicant)</p>	N/A	<p>Application Submission Letter, Form CON-4</p>
<b>3. Financial Situation and Performance</b>							
3.1	Financial Capabilities	<p>(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as TZS <i>[insert</i></p>	<p>Must meet requirement</p>	<p>Must meet requirement</p>	N/A	N/A	<p>Form FIN – 3.1, with attachments</p>



No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		future contract commitments.					
<b>4. Experience</b>							
4.1 (a)	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last <i>[insert number]</i> years, starting 1 <sup>st</sup> January _____ <i>[insert year]</i> .	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction & Contract Management Experience	(i) A minimum number of <i>[state the number]</i> similar contracts specified below that have been satisfactorily and substantially <sup>5</sup> completed as a prime contractor, joint venture member <sup>6</sup> , management contractor or subcontractor between 1st January <i>[insert year]</i> and Application submission deadline:  <i>(i) N contracts, each of minimum value V;</i>  <i>Or</i>  <i>(ii) Less than or equal to N contracts, each of minimum value V, but with total</i>	Must meet requirement	Must meet requirement <sup>7</sup>	N/A	Must meet the following requirements for the key activities listed below <i>[list key activities and the corresponding minimum requirements to be met by one member otherwise state: "N/A"]</i>	Form EXP 4.2(a)

<sup>5</sup>Substantial completion shall be based on 80% or more works completed under the contract.

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

<sup>7</sup> In the case of 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. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p><i>value of all contracts equal or more than N x V; [insert values of N &amp; V, delete (ii) above if not applicable].</i></p> <p><i>[In case the Works are to be tender as individual contracts under a slice and package (multiple contract) procedure, the minimum number of contracts required for purposes of evaluating qualification shall be selected from the options mentioned in ITA 24.4b]</i></p> <p>The similarity of the contracts shall be based on the following: <i>[Based on Section VII, Scope of Works, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by Specialized Subcontractors, if permitted in accordance with ITA 24.2]</i></p>					
4.2 (b)	Construction Experience in Key Activities	For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January [insert year] and Application submission deadline, a minimum construction experience in the following key activities successfully completed <sup>8</sup> : <i>[list key activities indicating volume,</i>	Must meet requirements <i>[Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 24.2]</i>	Must meet requirements <i>[Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance</i>	N/A	Must meet the following requirements for key activities listed below <i>[if applicable, out of the key activities in the first column of</i>	Form EXP – 4.2 (b)

<sup>8</sup> Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p><i>number or rate of production as applicable.</i></p> <p><i>Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12 month period in the specified period, f<sup>9</sup></i></p>		with ITA 24.2]		<p><i>this 4.2 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]</i></p>	
4.2 (c)	Specific Experience in managing ES aspects	<p>For the contracts in 4.2 (a) above and/or any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or Subcontractor between 1st January [insert year] and Application submission deadline, experience in managing ES risks and impacts in the following aspects: [Based on the ES assessment, specify, as appropriate, specific experience requirements to manage ES aspects.]</p>	Must meet requirements	Must meet requirement	Must meet the following requirements: [list key requirements to be met by each member otherwise state: "N/A"]	Must meet the following requirements: [list key requirements to be met by one member otherwise state: "N/A"]	Form EXP – 4.2 (c)

<sup>9</sup> The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

## SECTION V – APPLICATION FORMS

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

Form Name	Description	Check if Included with the Application	
		Yes	NO
	Application Submission Letter		
	Standard Power of Attorney		
Form INTEG	Undertaking by Applicant On Anti – Bribery Policy/Code Of Conduct And Compliance Programme		
Form ELI -1.1	Applicant Information Form		
Form ELI -1.2	Applicant's JV Information Form		
Form CON-2	Historical Contract Non-Performance, Pending Litigation and Litigation History and Conformance to Statutory Requirements		
Form CON – 4	ES Performance Declaration		
Form CON – 5	Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment Performance Declaration		
Form FIN – 3.1	Financial Situation and Performance		
Form FIN - 3.2	Average Annual construction Turnover		
Form FIN-3.3	Current Contract Commitments / Contracts in Progress		
Form- EXP-1	General Construction Experience		
Form EXP -4.2(a)	Specific Construction and Contract Management Experience		
Form EXP -4.2(b)	Construction Experience in Key Activities		
Form EXP - 4.2(c)	Specific Experience in Managing ES aspects		

## Application Submission Letter

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

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

To: *[insert full name of PE]*

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

We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with ITA 7: *[insert the number and issuing date of each addendum]*.

We declare that we have no conflict of interest in accordance with ITA 4; and We (and our subcontractors) meet the eligibility requirements as stated ITA 4, we have not been suspended by the PE based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 4.7;

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

We *[where JV, insert: "including any of our JV members"]*, and any of our subcontractors: *[select the appropriate option from (a) to (e) below and delete the others]*.

- a) [have not been subject to disqualification by any Employer for non-compliance with SEA/ SH obligations.]
- b) [are subject to disqualification by any Employer for non-compliance with SEA/ SH obligations.]
- c) [had been subject to disqualification by any Employer for non-compliance with SEA/ SH obligations. An arbitral award on the disqualification case has been made in our favor.]
- d) [had been subject to disqualification by any Employer for non-compliance with SEA/ SH obligations for a period of two years. We have subsequently provided and demonstrated that we have adequate capacity and commitment to comply with SEA and SH prevention and response obligations.]
- e) [had been subject to disqualification by any Employer for non-compliance with SEA/ SH obligations for a period of two years. We have attached documents demonstrating that we have adequate capacity and commitment to comply with SEA and SH prevention and response obligations.]

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

We, in accordance with ITA 24.2 and ITA 23.2, plan to subcontract the following key activities and/or parts of the works:

*[Insert any of the key activities identified in Section IV - 4.2(a) or (b) which the PE has permitted under the Prequalification Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*

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

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

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

We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 25.1.

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

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

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

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

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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]*

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

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

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

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

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

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

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

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

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

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

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

.....  
**DONOR**

**BEFORE ME:**

Name:.....

Address:.....

Qualification:.....

Signature:.....

**COMMISSIONER FOR OATHS**

**Acknowledgement**

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

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

.....  
**DONEE**

**BEFORE ME**

Name:.....

Address:.....

Qualification:.....

Signature:.....

**COMMISSIONER FOR OATHS**

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

Each Applicant must submit a statement, as part of the Application documents, in either of the two given formats which must be signed personally by the Chief Executive Officer or other appropriate senior corporate officer of the Applying company and, where relevant, of its subsidiary in the United Republic of Tanzania. If an Application is submitted by a subsidiary, a statement to this effect will also be required of the parent company, signed by its Chief Executive Officer or other appropriate senior corporate officer.

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

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

This company has an Anti-Bribery Policy/Code of Conduct and a Compliance Program which includes all reasonable steps necessary to assure that the No-bribery commitment given in this statement will be complied with by its managers and employees, as well as by all third parties working with this company on the public sector projects, or contract including agents, consultants, consortium partners, sub-contractors and suppliers. **Copies of our Anti-Bribery Policy/Code of Conduct and Compliance Program are attached.** <sup>2</sup>

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

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

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

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

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

**MEMORANDUM (Format 2)**

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

This company \_\_\_\_\_[name of company] has issued, for the purposes of this tender, a Compliance Program<sup>3</sup> copy attached -which includes all reasonable steps necessary to assure that the No-bribery commitment given in this statement will be complied with by its managers and employees, as well as by all third parties working with this company on the public sector projects or contract including agents, consultants, consortium partners, subcontractors and suppliers.

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

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

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

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

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

## Form ELI -1.1 Applicant Information Form

Date: *[insert day, month, year]*  
Pre-Qualification No. and title: *[insert number and title]*  
Page *[insert page number]* of *[insert total number]* pages

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

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

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

Date: *[insert day, month, year]*  
Pre-Qualification No. and title: *[insert number and title]*  
Page *[insert page number]* of *[insert total number]* pages

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, Income Tax Clearance and Business Licence in accordance with ITA 4.5. <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the PE, in accordance with ITA 4.8. 2. Included are the organizational chart, a list of Board of Directors.

## Form CON – 2

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

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

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

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

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Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), TZS Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert amount]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of PE: <i>[insert full name]</i> Address of PE: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "PE" or "Contractor"]</i> Status of dispute:	<i>[insert amount]</i>

Litigation History in accordance with Section IV, Qualification Criteria and Requirements

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

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

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

## Form CON – 34 ES Performance Declaration

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

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

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

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

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

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

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

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Performance Security called by an PE(s) for reasons related to ES performance		
Year	Contract Identification	Total Contract Amount (current value, currency, exchange rate and TZS equivalent)
<i>[insert year]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of PE: <i>[insert full name]</i> Address of PE: <i>[insert street/city/country]</i> Reason(s) for calling of performance security: <i>[indicate main reason(s) e.g. gender-based violence; sexual exploitation or sexual abuse breaches]</i>	<i>[insert amount]</i>

## Form CON – 4 Sexual Exploitation and Abuse (SEA) and/or Sexual Harassment Performance Declaration

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

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

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

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

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

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

<b>SEA and/or SH Declaration in accordance with Section IV, Qualification Criteria, and Requirements</b>
<p>We:</p> <p><input type="checkbox"/> (a) have not been subject to disqualification by any Employer or Authority for non-compliance with SEA/ SH obligations</p> <p><input type="checkbox"/> (b) are subject to disqualification Employer or Authority for non-compliance with SEA/ SH obligations</p> <p><input type="checkbox"/> (c) had been subject to disqualification by Employer or Authority for non-compliance with SEA/ SH obligations An arbitral award on the disqualification case has been made in our favor.</p> <p><input type="checkbox"/> (d) had been subject to disqualification by Employer or Authority for non-compliance with SEA/ SH obligations for a period of two years. We have subsequently demonstrated that we have adequate capacity and commitment to comply with SEA/ SH obligations.</p> <p><input type="checkbox"/> (e) had been subject to disqualification by Employer or Authority for non-compliance with SEA/ SH obligations for a period of two years. We have attached evidence demonstrating that we have adequate capacity and commitment to comply with SEA/ SH obligations.</p>
<p><b><i>[If (c) above is applicable, attach evidence of an arbitral award reversing the findings on the issues underlying the disqualification.]</i></b></p>
<p><b><i>[If (d) or (e) above are applicable, provide the following information:]</i></b></p>
<p>Period of disqualification: From: _____ To: _____</p>
<p>If previously provided for another works contract, details of evidence that demonstrated adequate capacity and commitment to comply with SEA/ SH obligations (<b>as per (d) above</b>)</p> <p>Name of PE: _____</p> <p>Name of Project: _____</p> <p>Contract description: _____</p> <p>Brief summary of evidence provided: _____</p> <p>_____</p> <p>Contact Information: (Tel, email, name of contact person): _____</p> <p>_____</p>
<p>As an alternative to the evidence under (d), other evidence demonstrating adequate capacity and commitment to comply with SEA/ SH obligations (<b>as per (e) above</b>) <i>[attach details as appropriate]</i>.</p>

## Form FIN – 3.1 Financial Situation and Performance

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

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

### 1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>_[insert number] years,</i> <i>[insert in words]</i> (amount in currency, currency, exchange rate*, TZS equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

\* Refer ITA 13 for the exchange rate

## 2. Sources of Finance

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

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

No.	Source of finance	Amount (TZS equivalent)
1		
2		
3		

## 3. Financial documents

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

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

Attached are copies of financial statements<sup>4</sup> for the *[number]* years required above; and complying with the requirements

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<sup>4</sup>If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.

## Form FIN - 3.2 Average Annual Construction Turnover

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

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

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

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

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

**Form FIN – 3.3:**

**Current Contract Commitments / Works in Progress**

Tenderers and each member to a **JVCA** 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.

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

In accordance with Section IV, Qualifications Criteria and Requirements, Sub-factor 3.3, the Applicant shall provide evidence to substantiate the adequacy of sources of finance to meet the Applicant's cash flow requirements on the above contracts.

## Form EXP - 4.1 General Construction Experience

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

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

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

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and TZS 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 "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and TZS 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 "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and TZS 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 "Sub-contractor" or "Management Contractor"]</i>

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

## Form EXP - 4.2(a)

### Specific Construction and Contract Management Experience

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

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

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

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

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

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

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		TZS <i>[insert Exchange rate and total contract amount in TZS equivalent]*</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in TZS equivalent]*</i>	
	<b><i>[insert roles and responsibilities]</i></b>			
PE's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

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

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

<b>Similar Contract No.</b>	<b>Information</b>
<i>[insert number] of [insert number of similar contracts required]</i>	
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section IV:	
1. Amount	<i>[insert amount in local currency, exchange rate, TZS in words and in Figures]</i>
2. Physical size of required works items	<i>[insert physical size of items]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	<i>[insert rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VIII, Scope of Works]</i>

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

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

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

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

Sub-contractor's Name<sup>5</sup> (as per ITA 23.2 and 24.2): *[insert full name]*

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

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

All Sub-contractors for key activities must complete the information in this form as per ITA 23.2 and 24.2 and Section IV, Qualification Criteria and Requirements, 4.2.

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

Total Quantity of Activity under the contract: \_\_\_\_\_

Information				
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in currency(ies)]</i>		TZS <i>[insert exchange rate and total contract amount in TZS equivalent]</i>	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year  <i>[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]</i>	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				
Year 4				

<sup>5</sup> If applicable

Section V- Application Forms

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PE's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>

2. Activity No. Two

3. ....

	<b>Information</b>
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section IV:	
	<i>[insert response to inquiry indicated in left column]</i>

## Form EXP - 4.2(c) Specific Experience in Managing ES aspects

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

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

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

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

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

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

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

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

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

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

3. ...

## **SECTION VI: ELIGIBLE COUNTRIES**

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

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

A country shall not be eligible if:

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

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

## **SECTION VIII - SCOPE OF WORKS**

## **1. Description of the Works**

*The PE should in this section give a precise description what is the scope of the works to be executed, important milestones like sectional completion. In addition, if applicable it should give subcontracting requirements for portions of works. PE should also give the background to the assignment and estimated quantities of major works.*

## **2. Construction Period**

*The PE should in this section give a estimated construction period for the Works. If sectional completion is envisaged it should also be mentioned here, the expected construction period, including expected start and finish time, for each section should be given*

### **3. Site and Other Data**

*The PE should in this section should provide information about the site and other data on ground conditions, weather etc if available..*

## **4. Environmental and Social (ES) Requirement**

*[The PE's team preparing the ES requirements should include a suitably qualified Environmental and Social specialist/s.]*

*Based on the ES assessment, the PE shall provide key ES risks and impacts and expectations on contractors to manage the risks and impacts. This may include as appropriate, but not limited to a summary of: key expectations in addressing Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) risks and impacts, managing labor and working conditions, protection of the environment, security of the site, community health and safety, management of safety of hazardous materials, resource efficiency and pollution prevention and management, biodiversity conservation and sustainable management of living natural resources etc. Any summary (key) information provided here shall not be inconsistent with the more detailed requirements in the Tendering document.]*