



**TURKANA COUNTY GOVERNMENT**  
**GERMAN FINANCIAL COOPERATION WITH GOVERNMENT OF THE**  
**REPUBLIC OF KENYA**

**PROJECT**  
**DROUGHT RESILIENCE PROGRAMME IN NORTHERN KENYA**  
**(DRPNK)**  
**BMZ No. 2012 67301**

**Request for Expression of Interest for**  
**Consultancy Services for Training of Trainers (TOTs) for**  
**Operation and Maintenance (O&M) for various Rural**  
**Infrastructure Projects**

**Employer: Turkana County Government**

**October 2024**

**TCG/MOAPEF/DRPNK/ 010/2024-2025**

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## **1: INTRODUCTION**

The Drought Resilience Programme in Northern Kenya (DRPNK) is a 6-year programme implemented in Marsabit and Turkana counties and partly funded by KfW (German Development Bank). The objective of the project is to strengthen the resilience of pastoral and agro-pastoral livelihoods in the target areas through investment in infrastructure.

The programme is jointly funded by the Government of Kenya, the county Governments of Turkana and Marsabit and the Federal Republic of Germany through KfW development bank.

As one of the Project Executing Agencies (PEA), Turkana County Government plans to construct a range of infrastructure as set out in the first Annual Investment Plan (AIP-1).

The Turkana County Government invites Expressions of Interests (EoIs) from eligible firms to offer consultancy services on Training of Trainers (TOT) for Operation and Maintenance (O&M) for various rural infrastructure.

## 2: NOTICE FOR REQUEST OF INTEREST FOR CONSULTANCY SERVICES

NAME OF PROCURING ENTITY: TURKANA COUNTY GOVERNMENT

BMZ-No.: 2012 67301

### Assignment or Contract Title:

Expression of Interest for Consultancy Services for Training of Trainers (TOT) for Operation and Maintenance (O&M) for various rural infrastructure.

Reference No. TCG/MOAPEF/DRPNK/010/2024-2025.

The Turkana County Government intends to shortlist consultants to provide consulting services through an expression of interest for Training of Trainers (TOT) for Operation and Maintenance (O&M) for various rural infrastructure as described in the Table below:

| <b>DROUGHT RESILIENCE PROGRAMME IN NORTHERN KENYA (DRPNK)</b> |   |                   |
|---|---|-------------------|
| <b>PROJECT NO.</b>  | <b>BMZ</b>  | <b>2012 67301</b> |
| <b>ASSIGNMENT TITLE</b>                                       | Capacity Building - Training of Trainers (ToT) on O&M for trainers covering;<br><br><ol style="list-style-type: none"><li>1. Construction of Borehole in Nakurio &amp; Reticulation in Nakurio dispensary,</li><li>2. Construction of Borehole at Chokchok in Lodwar/Water supply at Chokchok primary</li><li>3. Construction of Water Supply and installation of septic tanks for water supply and sanitation at Naotin dispensary in Kanamkemer ward</li><li>4. Construction of Drilling, equipping and development of borehole at Moru Abarait in Lopur ward</li><li>5. Construction of Water pan in Ngitirae (Kaloyaramuge) in Nanam ward</li><li>6. Construction of borehole, solarization, pipeline and storage tank at Kangacheria in Lobei / Kotaruk ward</li><li>7. Construction of Water reticulation at Lokwatubwa dispensary &amp; septic tanks for sanitation at Lokwatubwa dispensary in Loima ward</li><li>8. Construction of drilling, equipping and solarization of borehole in Lochor Aikeny and water supply to school and dispensary</li><li>9. Construction of Drilling and development of boreholes at Ngipidinga in Kaeris ward.</li></ol> |                   |
|   | Capacity Building - Training of Trainers (ToT) on O&M for trainers covering<br><br><ol style="list-style-type: none"><li>1. Rehabilitation of irrigation schemes at Lokipetot in Lodwar Township ward</li><li>2. Rehabilitation of Irrigation schemes at Napak in Turkwel including feed store</li></ol>  |                   |

3. Construction of Spate irrigation at Namorkirionok Letea ward & Hay shed in Namorkirionok in Letea ward
4. Construction of Livestock market infrastructure, water supply and sanitation & a Fixed Iron-Crush at Kaakalel/ Katongun in Katilu Ward
5. Works on Grading and murraming rural road at Kakalel / Katongun in Katilu Ward
6. Construction of Rural market facilities, including water supply and sanitation at Naipa in Lobei / Kotaruk ward

Document for eligibility criteria, establishment of the short-list and the selection procedure can be found at the following websites: [www.tenders.go.ke](http://www.tenders.go.ke) and [www.turkana.go.ke](http://www.turkana.go.ke).

Interested consultants may obtain further information / queries before 7<sup>th</sup> November 2024 at the address below during office hours at 8.00 am to 4.00 pm on Mondays to Fridays except on Public Holidays or send an e-mail as per the e-mail address below.

Expressions of interest must be delivered in a written form to the tender box situated at the address below by 14<sup>th</sup> November, 2024 1000 hours local (Kenya) time (15 days after publication) and mention:

*Capacity Building – Training of Trainers (ToT) on O&M on various water infrastructure projects*

The address referred to above is:

Turkana County Government

Director Supply chain management services

Physical Address: Procurement office, Turkana County headquarters, Lodwar

Telephone number: +254713598351

Email Address: [supplychainoffice@turkana.go.ke](mailto:supplychainoffice@turkana.go.ke)

Copy to:

[info.drpnk@turkana.go.ke](mailto:info.drpnk@turkana.go.ke) ; [Kibet.Chepkwony@gopa.de](mailto:Kibet.Chepkwony@gopa.de); [Leone.Comin@gopa.de](mailto:Leone.Comin@gopa.de);  
[charles.ekeno@turkana.go.ke](mailto:charles.ekeno@turkana.go.ke)

Postal Address: 11-30500, Lodwar



### 3: INSTRUCTION TO BIDDERS

1. The Turkana County Government now **invites** eligible consulting firms (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. The shortlisting criteria on required qualifications and experience of the firm are:
  - i. Experience in the assignment, including technical and managerial capability of the firm;
  - ii. Number of years in business working on the area of the assignment;
  - iii. Reference to at least three assignments of similar nature and size carried out in the last 5 years. Include persons or institutions and contact addresses (phone, email) who can be contacted on the same.
2. The attention of interested Consultants is drawn to the following provisions that will be highlighted in the Request for Proposals to be issued to shortlisted firms.
  - i. The Consultant will be expected to have **no conflict of interest** with other assignments or its own corporate interests and acting without any consideration for future work;
  - ii. The consultant has **no personal** or **business relationship** with the Procuring Entity's senior management or professional staff;
  - iii. A firm or an individual in the firm has not been **sanctioned** by the Public Procurement Regulatory Authority (PPRA) or are under a suspension or a debarment imposed by any other entity of the Government of Kenya, or any international organization;
  - iv. Government-owned enterprises or institutions of Kenya Government, officials and civil servants and employees of public institutions may not eligible.
3. Consultants **shall not** associate with other firms to enhance their qualifications, in the form of a joint venture and/or a sub-consultancy.
4. Selection of the consultant will be based on Quality and Cost Based Selection method using the Tender Procedure National Competitive Bidding as provided for in the Public Procurement and Asset Disposal Act 2015 (PP&DA). The evaluation committee shall be appointed by the accounting officer according to section 46(1) of PP&DA 2015.
5. Bidders shall be required to provide all documents outlined in both the eligibility and qualification criteria, and the technical evaluation criteria. In addition, bidders fill out and submit all forms provided in this document i.e. PQ1 – PQ9
6. The bidders must submit an original and one additional copy. All pages must be serialized in this form: 1 of x, 2 of x ... (x being the total number of pages in the document).
7. The bidders may request clarifications of the documents Seven (7) days before the submission date deadline to the below address. The Employer shall promptly publish its response to the EoI at the websites [www.tenders.go.ke](http://www.tenders.go.ke) and [www.turkana.go.ke](http://www.turkana.go.ke)

Turkana County Government

Director Supply chain management services

Physical Address: Procurement office, Turkana County headquarters, Lodwar

Telephone number: +254713598351

Email Address: [supplychainoffice@turkana.go.ke](mailto:supplychainoffice@turkana.go.ke)

Copy to:

[drpnk.turkana@gmail.com](mailto:drpnk.turkana@gmail.com); [info.drpnk@turkana.go.ke](mailto:info.drpnk@turkana.go.ke); [Samuel.Muriuki@gopa.de](mailto:Samuel.Muriuki@gopa.de)

Postal Address: 11-30500, Lodwar

#### 4: PROCEDURE AND ELIGIBILITY CRITERIA

The qualified interested firms shall submit the information to enable the County Government of Turkana, Department of Agriculture and Land Reclamation, to evaluate their capability to undertake the assignment. For these consultancy services, it is required that the firms should provide the following: -

| Eligibility and Qualification Criteria |  |  | Compliance Requirements |                                      |             |            |
|--|--|--|-------------------------|--------------------------------------|-------------|------------|
| No.                                    | Subject  | Submission Requirement   | Single Entity           | Joint Venture (existing or intended) |             |            |
|  |  |  |                         | All Members Combined                 | Each Member | One Member |
| 1.                                     | Certificate of Incorporation                                 | Attach a certificate of incorporation  | Must meet requirement   | N/A                                  | N/A         | N/A        |
| 2.                                     | Tax compliance   | Attach a valid KRA tax compliance  | Must meet requirement   | N/A                                  | N/A         | N/A        |
| 3.                                     | Professional practicing licenses                             | Attach Professional practicing licenses for individuals or firms undertaking the assignment  | Must meet requirement   | N / A                                | N / A       | N / A      |
| 4.                                     | Certificates of completion for completed projects/ contracts | Attach certificates of completion from at least Three separate clients for the last 3 years. | Must meet requirement   | N / A                                | N / A       | N / A      |
| 5.                                     | Certified Audited financial statements                       | Attach Certified Audited financial statements for the last three years (2021, 2022, 2023)    | Must meet requirement   | N / A                                | N / A       | N / A      |
| 6.                                     | CR12 showing list of directors                               | Attach CR12 valid for the last 6 months from the date of tender opening                      | Must meet requirement   | N / A                                | N / A       | N / A      |
| 7.                                     | Single business permit from any County in Kenya              | Attach single business permit valid for the year 2024  | Must meet requirement   | N / A                                | N / A       | N / A      |
| 8.                                     | Confidential Business Questionnaire                          | Attach a duly filled, completed and signed confidential business questionnaire               | Must meet requirement   | N / A                                | N / A       | N / A      |
| 9.                                     | KfW Declaration of undertaking (Appendix I, PQ 9)            | Attach a duly filled and signed KfW declaration of undertaking                               | Must meet requirement   | N / A                                | N / A       | N / A      |

## 5: TECHNICAL EVALUATION CRITERIA

| S/NO. | CRITERIA   | Evaluation Documents  | KEY  | MAX SCORE |
|-------|--|---|--|-----------|
| 1     | Consultants general experience of not less than 3 (specify number of years) it has been in operational in that line business (Max Score = 15%) | Attach Completion certificates and<br><br>Local Service Order or Contract agreement<br><br>(calculated from the date of first LSO/Contract)<br><br>This sub-criterion is evaluated on the basis of the list submitted in accordance with the format provided in PQ4   | <3 - 0%<br>1-5 - 5%<br>6-8 - 10%<br>>8 - 15%   | 15        |
| 2     | Consultant's Specific Experience in the ASAL regions of Kenya under similar conditions to the Procuring Entity's area (Max Score = 25%) "      | Completion certificates<br><br>Local Service Order and/or<br><br>Contract agreement<br><br>(in ASAL regions of Kenya – Turkana, Marsabit, Wajir, Mandera, Isiolo, Samburu etc) Evaluated by No. of similar projects<br><br>This sub-criterion is evaluated on the basis of the list submitted in accordance with the format provided in PQ4 | <1 - 0%<br>1-3 - 10%<br>4-5 - 15%<br>>5 - 25%  | 25        |
| 3     | Qualifications and Experience of Proposed Key Personnel (Max Score = 60%)  | <b>Team Leader</b> (relevant qualification & experience)<br>Certificates and Curriculum Vitae (Max 20%)   | i. MSc. Community Project Management or any other relevant field ( <b>Bachelor degree=3%, MSc =5%</b> )<br>ii. 5 years post qualification in community project management ( <b>1-2=3%, 3-4 Yrs=7%, 5 or more Yrs=10%</b> )<br>iii. Minimum of 3 years' experience as a team leader in WASH related Assignments. ( <b>1-2Yrs=3%, 3 or more=5%</b> )   | 20        |
|       |  | <b>Water Engineer</b><br>(relevant qualification & experience)<br><br>Certificates and Curriculum Vitae (Max 15%)<br><br>This sub-criterion is evaluated on the basis of the list submitted in accordance with the format provided in PQ2   | i. Bachelor's degree in civil or Water Engineering or any other relevant field ( <b>Bachelor Degree=3%, Without Bachelor Degree=0</b> )<br>ii. 5 years post qualification ( <b>1-4=3%, 5 or more Yrs=3%</b> )<br>iii. Minimum relevant experience of Three (3) years; ( <b>&lt;3Yrs=0%, 3 or more=3%</b> )<br>iv. Experience in Operation and Maintenance ( <b>1=1%, 2=2%, &gt;2=3%</b> )<br>v. <b>MUST</b> be registered with EBK ( <b>3%</b> ) | 15        |

|  |                                 |  |  |            |
|--|---------------------------------|--|--|------------|
|  |                                 |  | Note: Sub criterion (iv) is Calculated from No. of assignments undertaken by the specialist in O&M.  |            |
|  |                                 | <p><b>Environmental, Social Health and Safety (ESHS) Specialist</b></p> <p>(relevant qualification &amp; experience)</p> <p>Certificates and Curriculum Vitae</p> <p>(Max 15%)</p> | <p>i. Bachelor's degree in Environmental Science, Natural Resources Management, Conservation or other related biophysical sciences (<b>Bachelor Degree=3%, Without Bachelor Degree=0</b>)</p> <p>ii. Minimum relevant experience of Five (5) years; (<b>&lt;2Yrs=0%, 2 or more=3%</b>)</p> <p>iii. Must be registered with NEMA as Either Associate or Lead EIA/EA Expert with valid practising License (<b>With License=3%, Without License=0%</b>)</p> <p>iv. Experience in execution of ESMPs (<b>3 or more assignments=3%</b>)</p> <p>v. Experience in same position (at least Three (3) assignments); (<b>3 or more assignments=3%</b>)</p> <p><b>Note:</b> Sub criteria (iv) and (v) are Calculated from No. of assignments undertaken by the specialist</p> | 15         |
|  |                                 | <p><b>Public Health &amp; Sanitation Expert</b></p> <p>(relevant qualification &amp; experience)</p> <p>Certificates and Curriculum Vitae</p> <p>(Max 10%)</p>                     | <p>i. BSc. Public Health or other related fields. (<b>BSc=3%</b>)</p> <p>ii. Minimal relevant experience of Three (3) years (<b>3 or more Yrs=4mks</b>)</p> <p>iii. Must have held a similar position for at least Three (3) projects (<b>3 or more assignments=3%</b>)</p> <p><b>Note:</b> Sub criterion (iii) is Calculated from No. of assignments undertaken by the specialist as Public Health &amp; Sanitation Expert.</p>   | 10         |
|  | <b>TOTAL SCORE (Out of 100)</b> |  |  | <b>100</b> |

Score of at least 70% must be met to secure prequalification.

A maximum of ten (10) firms will be invited to submit a Technical and Financial Proposals for Consultancy service as described in this Expression of Interest.

## **APPENDICES**

**Appendix A      PQ1 – PREQUALIFICATION DATA FORM**

| 1.Name and address of firm             |                                  |  |
|--|----------------------------------|--|
|  | Legal name of firm               |  |
|  | Post office address              |  |
|  | Street and address               |  |
|  | City                             |  |
|  | Country                          |  |
|  | Mobile No                        |  |
|  | Email address                    |  |
|  | Person to contact                |  |
|  | Title                            |  |
| 2. Organization & Business Information |                                  |  |
|  | Management personnel             |  |
|  | Director                         |  |
|  | General Manager                  |  |
|  | Other                            |  |
|  | Partnership if applicable        |  |
|  | Name of partners                 |  |
|  | Business founded or incorporated |  |
|  | Under present management since   |  |
|  | Net worth equivalent (KES)       |  |

Enclose copy of the organization chart of the firm indicating the main fields of activities.

**Appendix B      PQ2 – KEY PERSONNEL FORM**

**KEY PERSONNEL**

**1. Access to Expertise Required for the Assignment**

Complete the list below to demonstrate the extent to which you have access (internally / externally) to expertise required for this assignment / for the project team profiles. Include home-office project management / administration and back-stopping personnel. Include freelance personnel and Sub-Consultant staff, if applicable). The Applicant shall not present a potential project team. The focus is on access and availability to project relevant expertise. It is understood that prequalified Applicants are not required to include staff named below into the Proposal.

| Name | Project team profile / areas of required expertise | Education/ Degree | Years of Professional Experience | Role in the firm/ Years within the Firm | Country/Regional Experience | Relevant Project References (Description of project-related experience) | Languages |
|------|--|-------------------|----------------------------------|---|-----------------------------|---|-----------|
|      |  |                   |                                  |   |                             |   |           |
|      |  |                   |                                  |   |                             |   |           |

## Appendix C      PQ3 – FINANCIAL POSITION FORM

Attach copies of Firm's certified and Audited financial statements for the last three years

| Financial data                                     | 2 years before last year <sup>1</sup><br>2020<br>KES | Year before last year<br>2021<br>KES | Last year<br>2022<br>KES | Average <sup>2</sup><br>KES |
|--|--|--------------------------------------|--------------------------|-----------------------------|
| Annual turnover <sup>3</sup>                       |  |                                      |                          |                             |
| Current assets <sup>4</sup>                        |  |                                      |                          |                             |
| Current liabilities <sup>5</sup>                   |  |                                      |                          |                             |
| Current ratio (current assets/current liabilities) |  |                                      |                          |                             |

If annual accounts are not yet available for the last year, please provide latest estimates or provisional figures. Figures in all columns must be calculated on the same basis to allow a direct, year-on-year comparison to be made (or, if the basis has changed, please provide an explanation of the change as a footnote to the table).

---

<sup>1</sup> Last year = last accounting year for which the entity's accounts have been closed.

<sup>2</sup> Amounts entered in the 'Average' column must be the mathematical average of the amounts entered in the three preceding columns of the same row.

<sup>3</sup> The gross inflow of economic benefits (cash, receivables, other assets) generated from the ordinary operating activities of the enterprise (such as sales of goods, sales of Services, interest, royalties, and dividends) during the year.

<sup>4</sup> A balance sheet account, that represents the value of all assets that are reasonably expected to be converted into cash within one year in the normal course of business. Current assets include cash, accounts receivable, inventory, marketable securities, prepaid expenses and other liquid assets that can be readily converted to cash.

<sup>5</sup> A company's debts or obligations that are due within one year. Current liabilities appear on the company's balance sheet and include short term debt, accounts payable, accrued liabilities and other debts.

**Appendix D      PQ4 – PAST EXPERIENCE FORM**

| Ref no:  | Project title   |                           |   |                                      |                                |   |                   |                            |
|--|-----------------|---------------------------|---|--------------------------------------|--------------------------------|---|-------------------|----------------------------|
| Name of legal entity (declaring Consultant)                                  | Project Country | Overall project value (*) | Proportion carried out by the legal entity (%)* | Provided staff input (person months) | Name of client/Address/contact | Origin of funding                                     | Dates (start/end) | Name of JV members, if any |
| ...  | ...             | ...                       | ...   | ...                                  | ...                            | ...   | ...               | ...                        |
| Detailed description of project (background, objectives and main activities) |                 |                           |   |                                      |                                | Services provided by the legal entity for the project |                   |                            |
| ...  |                 |                           |   |                                      |                                | ...   |                   |                            |

\* If the overall project value refers to overall project cost inclusive of Consulting Services please indicate the consulting fee separately. The portion carried out by the legal entity refers to that figure.

NOTE: The projects/contracts/services/works shall all be within the last Five years, for at least 5 clients. This should be filled for each Client.

## Appendix EPQ5 – SWORN STATEMENT

Having studied the pre-qualification information for the above Project we/I hereby state:

- a. The information furnished in our application is accurate to the best of our knowledge.
- b. That in case of being pre-qualified we acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation on the basis of provisions in the tender or quotation documents to follow.
- c. When the call for Tenders/Quotations is issued the legal technical or financial conditions or the contractual capacity of the firm changes we come ourselves to inform you and acknowledge your right to review the pre-qualification made.
- d. We enclose all the required documents and information required for the prequalification evaluation.
- e. The firm has not been debarred from participating in any public procurement by PPRA.
- f. No person related to the firm has any spouse or children working at the County Government of Turkana.
- g. The firm has not been engaged in any unethical, corrupt, collusive or fraudulent activities in public procurement matters.
- h. The firm has not been declared bankrupt/insolvent/under receivership.

Date.....

Applicant's Name.....

Address.....

Mobile No.....

Represented by.....

Signature.....

(Full name and designation of the person signing and stamp or seal).

## Appendix FPQ6 – CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particulars indicated in part 1 and either part 2 (a), 2 (b) or 2 (c) whichever applies in your type of business.

You are advised that it is a serious offence to give false information on this Form

### PART 1 GENERAL

Business

Name.....  
Location of Business premises.....  
Plot No.....Street/Road.....  
Postal Address.....Tel No.....Mobile No.....  
Nature of business.....  
Current Trade License No.....Expiring date.....  
Maximum value of business which you can handle at any one time Ksh.....  
Name of your bankers.....Branch.....  
Functioning e-mail address(es).....

### PART 2 (a) – Sole Proprietor

Your name in full.....Age.....  
Nationality.....Country of origin.....  
Citizenship details.....

### PART 2 (b) – Partnership

Name  
Nationality  
Citizenship Details  
Shares  
1. ....  
   ...  
2. ....  
   ...  
3. ....  
   .  
4. ....  
   .

### PART 2 (c) - Registered Company

Private or Public

State the nominal and issue capital of the company

Nominal Kshs.....  
Issued Kshs.....

Give details of all directors as follows:

| Name | Nationality | Citizenship Details | Shares |
|------|-------------|---------------------|--------|
| 1.   | .....       | .....               | .....  |
| 2.   | .....       | .....               | .....  |
| 3.   | .....       | .....               | .....  |
| 4.   | .....       | .....               | .....  |
| 5.   | .....       | .....               | .....  |

Date.....Signature & Stamp of

Tenderer.....

If Kenyan Citizen indicate under Citizenship Details whether by Birth, naturalization or Registration

**Appendix G      PQ7 – TENDER QUESTIONNAIRE**

Please fill in block letters

1.      Full names of Bidder

.....  
.....

2.      Full address of tenderer to which tender correspondence is to be sent  
(unless an agent has been appointed below)

.....

3.      Mobile numbers

.....

4.      Official and working email address (es).

.....  
.....

5.      Name of tenderers representative to be contacted on matters of the tender  
during the tender period.

.....

6.      Details of tenderers nominated agent (if any) to receive tender notices. This  
is essential if the tenderer does not have his registered address in Kenya  
(name, address, mobile number(s) and email address(es))

.....

Signature and stamp/seal of tenderer

## Appendix H PQ8 – LITIGATION HISTORY

Consultants should provide information on any history litigation or arbitration resulting from contracts executed in the last five years or currently under execution.

| Year | Award for or against | Name of client cause of Litigation and matter in dispute | Disputed Amount (current value, Kshs. Equivalent) |
|------|----------------------|--|---|
|      |                      |  |   |
|      |                      |  |   |
|      |                      |  |   |
|      |                      |  |   |
|      |                      |  |   |

## Appendix I PQ9 – DECLARATION OF UNDERTAKING (KfW)

Reference name of the **Consultancy Services for Capacity Building - Application/Offer/Contract: Training of Trainers (ToT) on O&M**

("Contract"<sup>6</sup>)

**To: TURKANA COUNTY GOVERNMENT ("PROJECT EXECUTING AGENCY")**

1. We recognise and accept that KfW only finances projects of the Project Executing Agency ("PEA")<sup>7</sup> subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members under the Contract are in any of the following situations:
  - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;
  - 2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
  - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
  - 2.4) having been subject, within the past five years to a Contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
  - 2.5) not having fulfilled applicable fiscal obligations regarding payments of taxes either in the country where we are constituted or the PEA's country;
  - 2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other

<sup>6</sup> Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW's "Guidelines for the Procurement of Consulting Services, Works, Plant, Goods and Non-Consulting Services in Financial Cooperation with Partner Countries".

<sup>7</sup> The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services.

multilateral development bank (*in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*); or

2.7) being guilty of misrepresentation in supplying the information required as a condition of participation in the Tender.

3. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:

3.1) being an Affiliate controlled by the PEA or a shareholder controlling the PEA, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.2) having a business or family relationship with a PEA's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the PEA;

3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the PEA;

3.5) in the case of procurement of Works, Plant or Goods:

i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;

ii. having been recruited (or being proposed to be recruited) ourselves or any of our Affiliates, to carry out works supervision or inspection for this Contract;

4. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.

5. We undertake to bring to the attention of the PEA, which will inform KfW, any change in situation with regard to points 2 to 4 here above.

6. In the context of the Tender Process and performance of the corresponding Contract:

6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;

6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and

6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with KfW's Sustainability Guideline and with the Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation (Federal Ministry for Economic Cooperation and Development). KfW's Sustainability Guideline requires that all applicable national environmental, occupational health & safety and social laws and regulations as well as international law including conventions and treaties adopted by the host country (Tanzania) and applicable to the Project must be respected.

In addition to national legislation, projects financed by KfW must comply with the requirements of

- World Bank Environmental and Social Safeguard Standards/ESS 1- ESS 10
- ILO Core Labor Standards<sup>8</sup>
- IFC/WB General EHS Guidelines and Industry Sector specific EHS Guidelines as appropriate

In addition, the UN Basic Principles and Guidelines on Development Based Displacement and Evictions (namely §§ 41, 49, 52, 54 und § 60) (FAO 2012) known as the VGGT1 have to be respected.

In case there are gaps between national and international requirements, the respective higher standard has to be applied.

Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender based violence.

7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA and KfW or an agent appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on the spot checks and to ensure access to sites and the respective project.
8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with Applicable Law, but in any case for at least six years from the date of fulfilment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with Applicable Law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the Applicable Law by the PEA and KfW.

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

<sup>8</sup> In case ILO conventions have not been fully ratified or implemented by the Employer's country, the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) nondiscrimination.

Duly empowered to sign in the name and on behalf of: \_\_\_\_\_

Signature:

Dated: